

EXPOSURE DRAFT

2008

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

EXPOSURE DRAFT (16/05/2008)

Offshore Petroleum Amendment (Greenhouse Gas Storage) Bill 2008

No. , 2008

(Resources, Energy and Tourism)

A Bill for an Act to amend the *Offshore Petroleum Act 2006*, and for other purposes

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1 **A Bill for an Act to amend the *Offshore Petroleum***
2 ***Act 2006, and for other purposes***

3 The Parliament of Australia enacts:

4 **1 Short title**

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

7 **2 Commencement**

8 (1) Each provision of this Act specified in column 1 of the table
9 commences, or is taken to have commenced, in accordance with
10 column 2 of the table. Any other statement in column 2 has effect
11 according to its terms.
12

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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.	
2. Schedule 1	The later of: (a) the day after this Act receives the Royal Assent; and (b) immediately after the commencement of item 32 of Schedule 1 to the <i>Offshore Petroleum Amendment (Miscellaneous Measures) Act 2008</i> .	
3. Schedule 2, Part 1	Immediately after the commencement of Schedule 1 to this Act.	
4. Schedule 2, Part 2	Immediately after the commencement of Schedule 1 to this Act.	
5. Schedule 2, items 44A to 57	Immediately after the commencement of Schedule to this Act.	
6. Schedule 2, items 58 to 61	The later of: (a) the day after this Act receives the Royal Assent; and (b) immediately after the commencement of Schedule 2 to the <i>Offshore Petroleum (Repeals and Consequential Amendments) Act 2006</i> .	
7. Schedule 2, items 62 and 63	The later of: (a) the day after this Act receives the Royal Assent; and (b) immediately after the commencement of Schedule 1 to the <i>Offshore Petroleum Amendment (Greater Sunrise) Act 2007</i> .	
8. Schedule 2, items 64 and 65	The later of: (a) the day after this Act receives the Royal Assent; and (b) immediately after the commencement of Schedule 2 to the <i>Offshore Petroleum (Repeals and Consequential</i>	

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Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
	<i>Amendments) Act 2006.</i>	
9. Schedule 3, item 1	The later of: (a) the day after this Act receives the Royal Assent; and (b) immediately after the commencement of item 1 of Schedule 2 to the <i>Australian Energy Market Amendment (Gas Legislation) Act 2007</i> . However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.	
10. Schedule 3, item 2	The later of: (a) the day after this Act receives the Royal Assent; and (b) immediately after the commencement of Schedule 2 to the <i>Offshore Petroleum (Repeals and Consequential Amendments) Act 2006</i> .	
11. Schedule 3, items 3 to 11	The later of: (a) the day after this Act receives the Royal Assent; and (b) immediately after the commencement of Schedule 2 to the <i>Offshore Petroleum (Repeals and Consequential Amendments) Act 2006</i> .	
12. Schedule 3, items 12 and 13	The later of: (a) the day after this Act receives the Royal Assent; and (b) immediately after the commencement of Schedule 1 to the <i>Customs Tariff Amendment (Greater Sunrise) Act 2007</i> .	
13. Schedule 3, item 14	The later of: (a) the day after this Act receives the Royal Assent; and (b) immediately after the commencement of Schedule 2 to the <i>Offshore Petroleum (Repeals and Consequential</i>	

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Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
	<i>Amendments) Act 2006.</i>	
14. Schedule 3, items 14A to 14D	<p>The later of:</p> <p>(a) the day after this Act receives the Royal Assent; and</p> <p>(b) immediately after the commencement of Schedule 2 to the <i>Offshore Petroleum (Repeals and Consequential Amendments) Act 2006.</i></p> <p>However, if Schedule 1 to the <i>Australian Energy Market Amendment (Gas Legislation) Act 2007</i> commences before the commencement of Schedule 2 to the <i>Offshore Petroleum (Repeals and Consequential Amendments) Act 2006</i>, the provision(s) do not commence at all.</p>	
15. Schedule 3, items 15 to 31	<p>The later of:</p> <p>(a) the day after this Act receives the Royal Assent; and</p> <p>(b) immediately after the commencement of Schedule 2 to the <i>Offshore Petroleum (Repeals and Consequential Amendments) Act 2006.</i></p>	
16. Schedule 3, item 31AA	<p>The later of:</p> <p>(a) the day after this Act receives the Royal Assent; and</p> <p>(b) immediately after the commencement of Schedule 1 to the <i>Offshore Petroleum Amendment (Greater Sunrise) Act 2007.</i></p>	
17. Schedule 3, item 31AB	<p>The later of:</p> <p>(a) the day after this Act receives the Royal Assent; and</p> <p>(b) immediately after the commencement of Schedule 2 to the <i>Offshore Petroleum (Repeals and Consequential Amendments) Act 2006.</i></p>	
18. Schedule 3, items 31A to 31F	<p>The later of:</p> <p>(a) the day after this Act receives the Royal</p>	

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Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
	Assent; and (b) immediately after the commencement of section 3 of the <i>Offshore Petroleum (Royalty) Act 2006</i> .	
19. Schedule 3, items 32 to 39	The later of: (a) the day after this Act receives the Royal Assent; and (b) immediately after the commencement of Schedule 2 to the <i>Offshore Petroleum (Repeals and Consequential Amendments) Act 2006</i> .	
20. Schedule 3, items 39A and 39B	The later of: (a) the day after this Act receives the Royal Assent; and (b) immediately after the commencement of Schedule 1 to the <i>Offshore Petroleum Amendment (Greater Sunrise) Act 2007</i> .	
21. Schedule 3, item 40	The later of: (a) the day after this Act receives the Royal Assent; and (b) immediately after the commencement of Schedule 2 to the <i>Offshore Petroleum (Repeals and Consequential Amendments) Act 2006</i> .	
22. Schedule 3, item 41	The later of: (a) the day after this Act receives the Royal Assent; and (b) immediately after the commencement of item 3 of Schedule 3 to the <i>Petroleum Resource Rent Tax Assessment Amendment Act 2006</i> .	
23. Schedule 3, items 42 and 43	The later of: (a) the day after this Act receives the Royal Assent; and (b) immediately after the commencement of Schedule 2 to the <i>Offshore Petroleum (Repeals and Consequential</i>	

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Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
	<i>Amendments) Act 2006.</i>	
24. Schedule 3, items 44 and 45	The later of: (a) the day after this Act receives the Royal Assent; and (b) immediately after the commencement of Schedule 1 to the <i>Offshore Petroleum Amendment (Greater Sunrise) Act 2007</i> .	
25. Schedule 3, items 46 to 48	The later of: (a) the day after this Act receives the Royal Assent; and (b) immediately after the commencement of Schedule 2 to the <i>Offshore Petroleum (Repeals and Consequential Amendments) Act 2006</i> .	
26. Schedule 3, items 48A and 48B	The later of: (a) the day after this Act receives the Royal Assent; and (b) immediately after the commencement of Schedule 1 to the <i>Offshore Petroleum Amendment (Greater Sunrise) Act 2007</i> .	
27. Schedule 3, item 49	The later of: (a) the day after this Act receives the Royal Assent; and (b) immediately after the commencement of Schedule 2 to the <i>Offshore Petroleum (Repeals and Consequential Amendments) Act 2006</i> .	
28. Schedule 3, item 49A	The later of: (a) the day after this Act receives the Royal Assent; and (b) immediately after the commencement of Schedule 1 to the <i>Offshore Petroleum Amendment (Greater Sunrise) Act 2007</i> .	
29. Schedule 3, items 50 to 57	The later of: (a) the day after this Act receives the Royal Assent; and (b) immediately after the commencement of	

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Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
	Schedule 2 to the <i>Offshore Petroleum (Repeals and Consequential Amendments) Act 2006</i> .	
30. Schedule 3, items 57A and 57B	The later of: (a) the day after this Act receives the Royal Assent; and (b) immediately after the commencement of Schedule 1 to the <i>Offshore Petroleum Amendment (Greater Sunrise) Act 2007</i> .	
31. Schedule 3, items 58 to 60	The later of: (a) the day after this Act receives the Royal Assent; and (b) immediately after the commencement of Schedule 2 to the <i>Offshore Petroleum (Repeals and Consequential Amendments) Act 2006</i> .	
32. Schedule 4, Part 1	Immediately after the commencement of Part 1 of Schedule 2 to this Act.	
33. Schedule 4, item 1A	The day on which this Act receives the Royal Assent.	
34. Schedule 4, items 2 to 4	The later of: (a) the day after this Act receives the Royal Assent; and (b) immediately after the commencement of items 14A to 14D of Schedule 3. However, if Schedule 1 to the <i>Australian Energy Market Amendment (Gas Legislation) Act 2007</i> commences before the commencement of Schedule 2 to the <i>Offshore Petroleum (Repeals and Consequential Amendments) Act 2006</i> , the provision(s) do not commence at all.	
35. Schedule 4, item 5	Immediately after the commencement of item 31AB of Schedule 3 to this Act.	
36. Schedule 4, item 5A	Immediately after the commencement of item 31D of Schedule 3 to this Act.	
37. Schedule 4,	Immediately after the commencement of	

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

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

5 *[Note: The number shown in an italics note at the end of a proposed*
6 *provision is the number of the section of the Offshore Petroleum Act*
7 *2006 on which the proposed provision is based.]*

8 ***Offshore Petroleum Act 2006***

9 **1 Title**

10 Omit “**offshore petroleum**”, substitute “**petroleum exploration and**
11 **recovery, and the injection and storage of greenhouse gas**
12 **substances, in offshore areas**”.

13 **2 Section 1**

14 After “*Offshore Petroleum*”, insert “*and Greenhouse Gas Storage*”.

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

19 **3 Section 3**

20 Omit:

- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 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.

28 substitute:

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Schedule 1 Amendments relating to greenhouse gas storage etc.

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- 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.

14

4 Section 3

15

Omit:

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- 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:

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

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- 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).

15 **5 Section 3**

16 Before:

17
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19

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

20 insert:

21
22
23

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

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Schedule 1 Amendments relating to greenhouse gas storage etc.

1 **6 Section 6 (definition of *Annual Fees Act*)**

2 After “*Offshore Petroleum*”, insert “*and Greenhouse Gas Storage*”.

3 **7 Section 6 (definition of *approved*)**

4 Repeal the definition, substitute:

5 ***approved:***

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

7 (i) Chapter 2A;

8 (ii) Chapter 3A;

9 (iii) Chapter 5A;

10 (iv) section 441A;

11 means approved in writing by the responsible
12 Commonwealth Minister; or

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

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

16 **8 Section 6**

17 Insert:

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

20 Note: See section @249ND.

21 **9 Section 6 (at the end of the definition of *authority area*)**

22 Add:

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

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

29 **10 Section 6**

30 Insert:

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

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 **11 Section 6**

2 Insert:

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

5 **12 Section 6**

6 Insert:

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

9 **13 Section 6**

10 Insert:

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

13 **14 Section 6**

14 Insert:

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

16 **15 Section 6**

17 Insert:

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

20 (a) when added to:

21 (i) another substance; or

22 (ii) a mixture of other substances;

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

25 (b) is specified in the regulations.

26 **15A Section 6**

27 Insert:

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

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Schedule 1 Amendments relating to greenhouse gas storage etc.

1 **16 Section 6 (definition of *expiry date*)**

2 Repeal the definition, substitute:

3 *expiry date:*

- 4 (a) when used in relation to an exploration permit, retention
5 lease or production licence—has the meaning given by
6 subsection 9(1); or
7 (b) when used in relation to a greenhouse gas assessment permit
8 or a greenhouse gas holding lease (other than a special
9 greenhouse gas holding lease)—has the meaning given by
10 subsection 9(2).

11 **17 Section 6 (definition of *explore*)**

12 Repeal the definition, substitute:

13 *explore:*

- 14 (a) when used in relation to petroleum—has a meaning affected
15 by subsection 15(1); or
16 (b) when used in relation to a potential greenhouse gas storage
17 formation—has a meaning affected by subsections 15(2) and
18 (3); or
19 (c) when used in relation to a potential greenhouse gas injection
20 site—has a meaning affected by subsection 15(4).

21 **18 Section 6**

22 Insert:

23 *fundamental suitability determinants:*

- 24 (a) when used in relation to an eligible greenhouse gas storage
25 formation—has the meaning given by subsection 15B(8); or
26 (b) when used in relation to an identified greenhouse gas storage
27 formation—has the meaning given by subsection
28 @249AU(10).

29 **19 Section 6**

30 Insert:

31 *geological formation* includes:

- 32 (a) any seal or reservoir of a geological formation; and
33 (b) any associated geological attributes or features of a
34 geological formation.

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 **20 Section 6 (definition of *Greater Sunrise visiting inspector*)**

2 Before “project”, insert “petroleum”.

3 **21 Section 6**

4 Insert:

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

7 **22 Section 6**

8 Insert:

9 *greenhouse gas assessment permit area* means the permit area of a
10 greenhouse gas assessment permit.

11 **23 Section 6**

12 Insert:

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

15 **24 Section 6**

16 Insert:

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

- 19 (a) for conveying a greenhouse gas substance; and
20 (b) part of a declared greenhouse gas facility.

21 **25 Section 6**

22 Insert:

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

25 **26 Section 6**

26 Insert:

27 *greenhouse gas holding lease area* means the lease area of a
28 greenhouse gas holding lease.

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Schedule 1 Amendments relating to greenhouse gas storage etc.

1 **27 Section 6**

2 Insert:

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

5 **28 Section 6**

6 Insert:

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

- 9 (a) for conveying a greenhouse gas substance; and
10 (b) part of an infrastructure facility.

11 **29 Section 6**

12 Insert:

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

15 **30 Section 6**

16 Insert:

17 *greenhouse gas injection licence area* means the licence area of a
18 greenhouse gas injection licence.

19 **31 Section 6**

20 Insert:

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

23 **32 Section 6**

24 Insert:

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

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

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (b) conveying a greenhouse gas substance for storage prior to
2 being injected into an identified greenhouse gas storage
3 formation; or
4 (c) conveying a greenhouse gas substance for injection into an
5 identified greenhouse gas storage formation;
6 so long as the greenhouse gas substance does not pass through a
7 terminal point on the pipe, or system of pipes, as the case may be,
8 before it is injected into the identified greenhouse gas storage
9 formation.

10 **33 Section 6**

11 Insert:

12 *greenhouse gas pipeline* means:

- 13 (a) a pipe, or system of pipes, in an offshore area for conveying a
14 greenhouse gas substance, other than:
15 (i) a greenhouse gas injection line; or
16 (ii) a greenhouse gas infrastructure line; or
17 (iii) a greenhouse gas facility line; or
18 (iv) a pipe, or a system of pipes, that is specified in the
19 regulations; or
20 (b) a part of a pipe covered by paragraph (a); or
21 (c) a part of a system of pipes covered by paragraph (a).

22 **34 Section 6**

23 Insert:

24 *greenhouse gas project inspector* means a person appointed as a
25 greenhouse gas project inspector under section @316-318.

26 **35 Section 6**

27 Insert:

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

31 **36 Section 6**

32 Insert:

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Schedule 1 Amendments relating to greenhouse gas storage etc.

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

3 **37 Section 6**

4 Insert:

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

7 **38 Section 6**

8 Insert:

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

11 **39 Section 6**

12 Insert:

13 *greenhouse gas substance* means:

- 14 (a) carbon dioxide, whether in a gaseous or liquid state; or
15 (b) a prescribed greenhouse gas, whether in a gaseous or liquid
16 state; or

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

- 18 (i) carbon dioxide, whether in a gaseous or liquid state;
19 (ii) one or more prescribed greenhouse gases, whether in a
20 gaseous or liquid state;
21 (iii) one or more incidental greenhouse gas-related
22 substances, whether in a gaseous or liquid state, that
23 relate to either or both of the substances mentioned in
24 subparagraphs (i) and (ii);
25 (iv) a prescribed detection agent, whether in a gaseous or
26 liquid state;

27 so long as:

- 28 (v) the mixture consists overwhelmingly of either or both of
29 the substances mentioned in subparagraphs (i) and (ii);
30 and
31 (vi) if the mixture includes a prescribed detection agent—the
32 concentration of the prescribed detection agent in the
33 mixture is not more than the concentration prescribed in
34 relation to that detection agent.

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 **40 Section 6**

2 Insert:

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

6 **41 Section 6**

7 Insert:

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

11 **42 Section 6**

12 Insert:

13 *identified greenhouse gas storage formation* has the meaning
14 given by section @249AU.

15 **43 Section 6**

16 Insert:

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

19 **44 Section 6**

20 Insert:

21 *key greenhouse gas operation* means:

- 22 (a) an operation to make a well; or
23 (b) an operation to inject, on an appraisal basis, a greenhouse gas
24 substance into a part of a geological formation; or
25 (c) an operation to store, on an appraisal basis, a greenhouse gas
26 substance in a part of a geological formation; or
27 (d) an operation to inject, on an appraisal basis, air, petroleum or
28 water into a part of a geological formation; or
29 (e) an operation to store, on an appraisal basis, air, petroleum or
30 water in a part of a geological formation; or
31 (f) an operation to carry out a seismic survey or any other kind
32 of survey; or

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Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 (g) an operation to monitor the behaviour of:
2 (i) a greenhouse gas substance; or
3 (ii) air; or
4 (iii) petroleum; or
5 (iv) water;
6 stored in a part of a geological formation; or
7 (h) an operation to carry out baseline investigations relating to
8 the storage of a greenhouse gas substance in a part of the
9 geological formation; or
10 (i) an operation to take samples of the seabed or subsoil of an
11 offshore area; or
12 (j) an operation specified in the regulations.

13 45 Section 6

14 Insert:

15 *key petroleum operation* means:

- 16 (a) an operation to make a well; or
17 (b) an operation to inject a substance into a part of a geological
18 formation; or
19 (c) an operation to store a substance in a part of a geological
20 formation; or
21 (d) an operation to carry out a seismic survey or any other kind
22 of survey; or
23 (e) an operation to monitor the behaviour of a substance stored
24 in a part of a geological formation; or
25 (f) an operation to take samples of the seabed or subsoil of an
26 offshore area; or
27 (g) an operation specified in the regulations.

28 46 Section 6 (definition of *lease area*)

29 Repeal the definition, substitute:

30 *lease area*:

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

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

4 **47 Section 6 (definition of *lessee*)**

5 Repeal the definition, substitute:

6 *lessee*:

- 7 (a) when used in relation to a retention lease—means the
8 registered holder of the retention lease; or
9 (b) when used in relation to a greenhouse gas holding lease—
10 means the registered holder of the greenhouse gas holding
11 lease.

12 **48 Section 6 (at the end of the definition of *licence area*)** 13 **(before the note)**

14 Add:

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

18 **49 Section 6 (at the end of the definition of *licensee*)**

19 Add:

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

23 **50 Section 6**

24 Insert:

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

27 **51 Section 6 (definition of *partly surrendered*)**

28 Omit “or production licence”, substitute “, production licence or
29 greenhouse gas injection licence”.

30 **52 Section 6**

31 Insert:

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1 *part of a geological formation* includes a part of a combination of
2 geological formations.

3 **53 Section 6 (definition of *permit area*)**

4 Repeal the definition, substitute:

5 *permit area*:

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

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

12 **54 Section 6 (definition of *permittee*)**

13 Repeal the definition, substitute:

14 *permittee*:

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

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

20 **55 Section 6**

21 Insert:

22 *petroleum pipeline* means:

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

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

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

28 **56 Section 6**

29 Insert:

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

32 **57 Section 6**

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1 Insert:

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

5 **58 Section 6**

6 Insert:

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

10 **59 Section 6**

11 Insert:

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

15 **60 Section 6 (definition of *pipeline*)**

16 Repeal the definition, substitute:

17 *pipeline* means:
18 (a) a petroleum pipeline; or
19 (b) a greenhouse gas pipeline.

20 **61 Section 6 (definition of *pipeline provisions*)**

21 Repeal the definition, substitute:

22 *pipeline provisions* means the following:
23 (a) Part 2.6;
24 (b) the definition of *greenhouse gas pipeline* in this section;
25 (c) the definition of *greenhouse gas pumping station* in this
26 section;
27 (d) the definition of *greenhouse gas tank station* in this section;
28 (e) the definition of *greenhouse gas valve station* in this section;
29 (f) the definition of *petroleum pipeline* in this section;
30 (g) the definition of *petroleum pumping station* in this section;
31 (h) the definition of *petroleum tank station* in this section;

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- 1 (i) the definition of *petroleum valve station* in this section;
2 (j) the definition of *pipeline* in this section;
3 (k) item 3 of the table in subsection 301(1).

62 Section 6

4
5 Insert:

6 *post-commencement exploration permit* means:

- 7 (a) an original exploration permit that was granted after the
8 commencement of this section; or
9 (b) an exploration permit that was granted by way of renewal,
10 where the original exploration permit was granted after the
11 commencement of this section.

63 Section 6

12
13 Insert:

14 *post-commencement petroleum title* means:

- 15 (a) a post-commencement exploration permit; or
16 (b) a post-commencement retention lease; or
17 (c) a post-commencement production licence.

64 Section 6

18
19 Insert:

20 *post-commencement production licence* means:

- 21 (a) a production licence that was granted to the registered holder
22 of:
23 (i) a post-commencement exploration permit; or
24 (ii) a post-commencement retention lease;
25 that was in force over the block or blocks to which the
26 production licence relates; or
27 (b) a production licence granted under section 153; or
28 (c) a production licence granted under section 155, where the
29 initial production licence mentioned in section 154 was a
30 post-commencement production licence.

65 Section 6

31
32 Insert:

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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.

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1 **70 Section 6**

2 Insert:

3 *pre-commencement production licence* means a production
4 licence other than a post-commencement production licence.

5 **71 Section 6**

6 Insert:

7 *pre-commencement retention lease* means a retention lease other
8 than a post-commencement retention lease.

9 **72 Section 6 (definition of *project inspector*)**

10 Repeal the definition.

11 **73 Section 6 (definition of *pumping station*)**

12 Repeal the definition, substitute:

13 *pumping station* means:
14 (a) a greenhouse gas pumping station; or
15 (b) a petroleum pumping station.

16 **74 Section 6 (definition of *Register*)**

17 Repeal the definition, substitute:

18 *Register*:
19 (a) when used in Chapter 3—has the meaning given by
20 section 251; or
21 (b) when used in Chapter 3A—has the meaning given by section
22 @298-251.

23 **75 Section 6 (definition of *registered holder*)**

24 After “Register”, insert “kept under section 253 or @298-253”.

25 **76 Section 6 (definition of *registered holder*)**

26 Omit “or access authority”, substitute “, access authority, greenhouse
27 gas assessment permit, greenhouse gas holding lease, greenhouse gas
28 injection licence, greenhouse gas search authority or greenhouse gas
29 special authority”.

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1 **77 Section 6 (definition of *Registration Fees Act*)**

2 After “*Offshore Petroleum*”, insert “*and Greenhouse Gas Storage*”.

3 **78 Section 6 (definition of *regulated operation*)**

4 Repeal the definition, substitute:

5 *regulated operation* means:

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

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

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

11 **79 Section 6 (definition of *renewal*)**

12 Repeal the definition, substitute:

13 *renewal*:

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

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

19 **80 Section 6**

20 Insert:

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

23 **81 Section 6**

24 Insert:

25 *significant risk* has a meaning affected by section 15E.

26 **82 Section 6**

27 Insert:

28 *site closing certificate* means a certificate issued under section
29 @249CZGA.

30 **83 Section 6**

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Schedule 1 Amendments relating to greenhouse gas storage etc.

1 Insert:

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

4 **84 Section 6**

5 Insert:

6 *special greenhouse gas holding lease* means a greenhouse gas
7 holding lease granted under section @249BSC.

8 **85 Section 6 (definition of *tank station*)**

9 Repeal the definition, substitute:

10 *tank station* means:

- 11 (a) a greenhouse gas tank station; or
12 (b) a petroleum tank station.

13 **86 Section 6 (definition of *term*)**

14 Repeal the definition, substitute:

15 *term*:

- 16 (a) when used in relation to an exploration permit, retention
17 lease, production licence, infrastructure licence, pipeline
18 licence, special prospecting authority or access authority—
19 has the meaning given by subsection 9(1); or
20 (b) when used in relation to a greenhouse gas assessment permit,
21 greenhouse gas holding lease, greenhouse gas injection
22 licence, greenhouse gas search authority or greenhouse gas
23 special authority—has the meaning given by subsection 9(2).

24 **87 Section 6**

25 Insert:

26 *terminal point* has the meaning given by section 14A.

27 **88 Section 6 (after paragraph (e) of the definition of *title*)**

28 Insert:

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

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1 **89 Section 6 (paragraph (h) of the definition of *title*)**

2 Repeal the paragraph, substitute:

- 3 (h) when used in Chapter 3A—has the meaning given by section
4 @298-251; or
5 (i) when used in section @316-305—has the meaning given by
6 subsection @316-305(1).

7 **90 Section 6 (definition of *valve station*)**

8 Repeal the definition, substitute:

9 *valve station* means:

- 10 (a) a greenhouse gas valve station; or
11 (b) a petroleum valve station.

12 **91 Section 6 (at the end of the definition of *water line*)**

13 Add:

- 14 ; or (c) exploration for potential greenhouse gas storage formations;
15 or
16 (d) exploration for potential greenhouse gas injection sites; or
17 (e) the injection of a greenhouse gas substance into an identified
18 greenhouse gas storage formation; or
19 (f) the injection, on an appraisal basis, of a greenhouse gas
20 substance into a part of a geological formation; or
21 (g) the injection, on an appraisal basis, of air, petroleum or water
22 into a part of a geological formation.

23 **92 Section 6 (at the end of paragraph (b) of the definition of**
24 ***well*)**

25 Add “or”.

26 **93 Section 6 (after paragraph (b) of the definition of *well*)**

27 Insert:

- 28 (c) exploration for potential greenhouse gas storage formations;
29 or
30 (d) exploration for potential greenhouse gas injection sites; or
31 (e) the injection of a greenhouse gas substance into an identified
32 greenhouse gas storage formation; or

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Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 (f) the injection, on an appraisal basis, of a greenhouse gas
2 substance into a part of a geological formation; or
3 (g) the injection, on an appraisal basis, of air, petroleum or water
4 into a part of a geological formation;

94 Section 6

5 Insert:

6 *work-bid greenhouse gas assessment permit* means a greenhouse
7 gas assessment permit granted under Division 2 of Part 2A.2.
8

95 Section 9

9 Before “For”, insert “(1)”.

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

96 At the end of section 9

11 Add:

12 *Greenhouse gas titles*

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

14

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 (e) a greenhouse gas special authority;	the period during which the permit, lease, licence or authority remains in force.
2	a year of the term of: (a) a greenhouse gas assessment permit; or (b) a greenhouse gas holding lease; or	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.

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

Term of title etc.

Item	A reference in this Act to...	is a reference to...
	(c) a greenhouse gas injection licence;	
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.

1 **97 Section 10**

2 Before “For”, insert “(1)”.

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

4 **98 At the end of section 10**

5 Add:

6 *Greenhouse gas holding lease*

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

8

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.

9 **99 Section 11**

10 Before “If”, insert “(1)”.

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

12 **100 At the end of section 11**

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Schedule 1 Amendments relating to greenhouse gas storage etc.

1

Add:

2

Greenhouse gas titles

3

(2) If:

4

(a) a greenhouse gas assessment permit; or

5

(b) a greenhouse gas holding lease; or

6

(c) a greenhouse gas injection licence; or

7

(d) a greenhouse gas search authority; or

8

(e) a greenhouse gas special authority;

9

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

10

authority is a reference to the permit, lease, licence or authority as

11

varied.

12

101 Section 12 (at the end of the table)

13

Add:

11	a greenhouse gas assessment permit that has expired	the area constituted by the blocks over which the permit was in force.
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.

14

102 Subsection 13(1)

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1 After “(2)”, insert “or (3)”.

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

3 **103 At the end of section 13**

4 Add:

5 *Greenhouse gas activities*

6 (3) This subsection applies to the following activities:

- 7 (a) activities preparatory to injecting a greenhouse gas substance
8 into an identified greenhouse gas storage formation (for
9 example, controlling the flow of a greenhouse gas substance
10 into the relevant well);
- 11 (b) preparing a greenhouse gas substance for injection into an
12 identified greenhouse gas storage formation (for example,
13 pumping, processing or compressing);
- 14 (c) preparing a greenhouse gas substance for transport to another
15 place (for example, pumping or compressing);
- 16 (d) storing a greenhouse gas substance before it is:
- 17 (i) transported to another place; or
18 (ii) injected into an identified greenhouse gas storage
19 formation; or
- 20 (iii) subjected to any other activity at a facility, structure or
21 installation;
- 22 (e) monitoring the behaviour of a greenhouse gas substance
23 stored in an identified greenhouse gas storage formation;
- 24 (f) remote control of facilities, structures or installations used to:
- 25 (i) inject a greenhouse gas substance into an identified
26 greenhouse gas storage formation; or
- 27 (ii) store a greenhouse gas substance in an identified
28 greenhouse gas storage formation; or
- 29 (iii) do anything mentioned in any of the above paragraphs;
- 30 (g) activities related to any of the above.

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

34 **104 Paragraphs 14(1)(a), (b) and (c)**

35 After “specified”, insert “petroleum”.

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Schedule 1 Amendments relating to greenhouse gas storage etc.

1 **105 At the end of section 14**

2 Add:

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

5 **106 After section 14**

6 Insert:

7 **14A Terminal point**

- 8 (1) The responsible Commonwealth Minister may, by notice published
9 in the *Gazette*, declare that a specified point on a pipe, or system of
10 pipes, for conveying a greenhouse gas substance is a ***terminal***
11 ***point*** for the purposes of this Act.
- 12 (2) A declaration under subsection (1) has effect accordingly.
- 13 (3) To avoid doubt, a declaration may be made under subsection (1)
14 whether or not a person has applied for a pipeline licence.

15 **14B Declared greenhouse gas facility**

- 16 (1) The responsible Commonwealth Minister may, by notice published
17 in the *Gazette*, declare that a specified facility, structure or
18 installation in a greenhouse gas injection licence area is a ***declared***
19 ***greenhouse gas facility*** for the purposes of this Act.
- 20 (2) A declaration under subsection (1) has effect accordingly.

21 **107 Section 15**

22 Before “For”, insert “(1)”.

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

24 **108 At the end of section 15**

25 Add:

26 *Potential greenhouse gas storage formation*

- 27 (2) For the purposes of this Act, if:
28 (a) a person:

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- 1 (i) carries out a seismic survey, or any other kind of survey,
2 in an offshore area; or
3 (ii) takes samples of the seabed or subsoil of an offshore
4 area; and
5 (b) the person does so with the intention that the person or
6 another could use the survey data, or information derived
7 from the samples, as the case may be, for the purpose of
8 discovering one or more potential greenhouse gas storage
9 formations;
10 the person is taken to *explore* for those potential greenhouse gas
11 storage formations.

- 12 (3) For the purposes of this Act, if:
13 (a) a person has reasonable grounds to suspect that a part of a
14 geological formation could be an eligible greenhouse gas
15 storage formation; and
16 (b) the person carries out an activity for the purposes of
17 ascertaining either or both of the following:
18 (i) the spatial extent of the eligible greenhouse gas storage
19 formation;
20 (ii) any of the fundamental suitability determinants of the
21 eligible greenhouse gas storage formation;
22 the person is taken to *explore* for a potential greenhouse gas
23 formation.

24 *Potential greenhouse gas injection site*

- 25 (4) For the purposes of this Act, if:
26 (a) a person:
27 (i) carries out a seismic survey, or any other kind of survey,
28 in an offshore area; or
29 (ii) takes samples of the seabed or subsoil of an offshore
30 area; and
31 (b) the person does so with the intention that the person or
32 another could use the survey data, or information derived
33 from the samples, as the case may be, for the purpose of
34 discovering one or more potential greenhouse gas injection
35 sites;
36 the person is taken to *explore* for those potential greenhouse gas
37 injection sites.

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Schedule 1 Amendments relating to greenhouse gas storage etc.

1 **109 After section 15**

2 Insert:

3 **15A Potential greenhouse gas storage formation**

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

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

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

16 **15B Eligible greenhouse gas storage formation**

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

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

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

27 (2) An amount referred to in paragraph (1)(a) or (b) must be at least
28 100,000 tonnes.

29 *Spatial extent*

30 (3) For the purposes of this Act, the spatial extent of an eligible
31 greenhouse gas storage formation is to be determined by reference
32 to:

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- 1 (a) the expected migration pathway or pathways of the particular
2 amount of the particular greenhouse gas substance injected as
3 mentioned in whichever of paragraph (1)(a) or (b) is
4 applicable; and
5 (b) the fundamental suitability determinants; and
6 (c) such other matters as are relevant.
- 7 (4) The regulations may provide that the expected migration pathway
8 or pathways are to be ascertained on the basis of:
9 (a) one or more assumptions (if any) specified in the regulations;
10 and
11 (b) a level of probability specified in the regulations; and
12 (c) a methodology (if any) specified in the regulations.
- 13 (5) In determining the spatial extent of an eligible greenhouse gas
14 storage formation for the purposes of this Act, disregard anything
15 that will or could happen after the notional site closing certificate
16 time.
- 17 *Notional site closing certificate time*
- 18 (6) For the purposes of the application of subsection (5) to a part of a
19 geological formation covered by paragraph (1)(a), the ***notional site***
20 ***closing certificate time*** is worked out as follows:
21 (a) assume that the particular amount of the particular
22 greenhouse gas substance referred to in that paragraph was
23 injected at the particular point or points referred to in that
24 paragraph over the particular period referred to in that
25 paragraph;
26 (b) assume that, throughout that period, that part was an
27 identified greenhouse gas storage formation;
28 (c) assume that, throughout that period, operations for the
29 injection of the greenhouse gas substance into that part:
30 (i) were authorised by a greenhouse gas injection licence;
31 and
32 (ii) complied with the requirements of this Act and the
33 regulations;
34 (d) assume that, at the end of that period, operations for the
35 injection of the greenhouse gas substance into that part
36 ceased;

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- 1 (e) estimate the earliest time after the end of that period when the
2 responsible Commonwealth Minister would be in a position
3 to issue a site closing certificate in relation to the identified
4 greenhouse gas storage formation;
5 (f) that time is the *notional site closing certificate time*.
- 6 (7) For the purposes of the application of subsection (5) to a part of a
7 geological formation covered by paragraph (1)(b), the *notional site*
8 *closing certificate time* is worked out as follows:
9 (a) assume that the engineering enhancements referred to in that
10 paragraph had been made;
11 (b) assume that the particular amount of the particular
12 greenhouse gas substance referred to in that paragraph was
13 injected at the particular point or points referred to in that
14 paragraph over the particular period referred to in that
15 paragraph;
16 (c) assume that, throughout that period, that part was an
17 identified greenhouse gas storage formation;
18 (d) assume that, throughout that period, operations for the
19 injection of the greenhouse gas substance into that part:
20 (i) were authorised by a greenhouse gas injection licence;
21 and
22 (ii) complied with the requirements of this Act and the
23 regulations;
24 (e) assume that, at the end of that period, operations for the
25 injection of the greenhouse gas substance into that part
26 ceased;
27 (f) estimate the earliest time after the end of that period when the
28 responsible Commonwealth Minister would be in a position
29 to issue a site closing certificate in relation to the identified
30 greenhouse gas storage formation;
31 (g) that time is the *notional site closing certificate time*.

32 *Fundamental suitability determinants*

- 33 (8) For the purposes of this Act, the following are the *fundamental*
34 *suitability determinants* of an eligible greenhouse gas storage
35 formation:
36 (a) the particular amount referred to in whichever of
37 paragraph (1)(a) or (b) is applicable;

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- 1 (b) the particular greenhouse gas substance referred to in
- 2 whichever of paragraph (1)(a) or (b) is applicable;
- 3 (c) the particular point or points referred to in whichever of
- 4 paragraph (1)(a) or (b) is applicable;
- 5 (d) the particular period referred to in whichever of
- 6 paragraph (1)(a) or (b) is applicable;
- 7 (e) if paragraph (1)(b) is applicable—the engineering
- 8 enhancements referred to in that paragraph;
- 9 (f) the effective sealing feature, attribute or mechanism that
- 10 enables the permanent storage referred to in whichever of
- 11 paragraph (1)(a) or (b) is applicable.

12 **15C Potential greenhouse gas injection site**

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

- 15 (a) is a suitable place to make a well or wells to inject a
- 16 greenhouse gas substance into a part of a geological
- 17 formation; and
- 18 (b) is wholly situated in one or more offshore areas.

19 **15D Incidental greenhouse gas-related substance**

20 *Scope*

- 21 (1) This section applies if either or both of the following substances
- 22 (*primary greenhouse gas substances*) are captured from a
- 23 particular source material:
- 24 (a) carbon dioxide;
- 25 (b) one or more prescribed greenhouse gases.

26 *Incidental greenhouse gas-related substance*

- 27 (2) For the purposes of this Act, the following are *incidental*
- 28 *greenhouse gas-related substances* in relation to a primary
- 29 greenhouse gas substance:
- 30 (a) any substance that is incidentally derived from the source
- 31 material;
- 32 (b) any substance that is incidentally derived from the capture;
- 33 (c) if the primary greenhouse gas substance, whether in a pure
- 34 form or in a mixture with other substances, is transported—

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Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 any substance that is incidentally derived from the
2 transportation;
- 3 (d) if the primary greenhouse gas substance, whether in a pure
4 form or in a mixture with other substances, is injected into a
5 part of a geological formation—any substance that is
6 incidentally derived from the injection;
- 7 (e) if the primary greenhouse gas substance, whether in a pure
8 form or in a mixture with other substances, is stored in a part
9 of a geological formation—any substance that is incidentally
10 derived from the storage.

11 **15E Site plan—identified greenhouse gas storage formation**

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

- 14 (a) relates to the identified greenhouse gas storage formation;
15 and
- 16 (b) complies with such requirements as are specified in the
17 regulations; and
- 18 (c) is divided into the following parts:
- 19 (i) Part A, which sets out predictions for the behaviour of a
20 greenhouse gas substance stored in the identified
21 greenhouse gas storage formation;
- 22 (ii) Part B, which deals with other matters.

23 **15F Significant risk**

24 *Scope*

- 25 (1) This section applies if there is a risk that particular operations will
26 have a large adverse impact on other operations.

27 *Low probability*

- 28 (2) For the purposes of this Act, the risk is taken to be a *significant*
29 *risk* even if the probability is low.

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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.

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Schedule 1 Amendments relating to greenhouse gas storage etc.

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

2 **110 Subparagraph 55(1)(a)(i)**

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

4 **111 Subparagraph 55(1)(a)(ii)**

5 Before “the”, insert “section 4 of”.

6 **112 Subparagraph 55(1)(a)(iii)**

7 Before “the”, insert “section 5 or 6 of”.

8 **113 Section 57**

9 Omit:

- 10
- 11
- 12
- 13
- 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.

14 substitute:

- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 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.

22 **114 At the end of subsection 59(4)**

23 Add:

- 24 ; or (c) exploring the seabed or subsoil of the offshore area for a
- 25 potential greenhouse gas storage formation or a potential
- 26 greenhouse gas injection site; or
- 27 (d) the injection of a greenhouse gas substance into the seabed or
- 28 subsoil of the offshore area; or

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- 1 (e) the storage of a greenhouse gas substance in the seabed or
2 subsoil of the offshore area; or
3 (f) the conveyance of a greenhouse gas substance across the
4 offshore area.

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

6 Omit “and”, substitute “or”.

7 **116 At the end of paragraph 59(5)(a)**

8 Add:

- 9 (v) exploring the seabed or subsoil of the offshore area for a
10 potential greenhouse gas storage formation or a
11 potential greenhouse gas injection site; or
12 (vi) the injection of a greenhouse gas substance into the
13 seabed or subsoil of the offshore area; or
14 (vii) the storage of a greenhouse gas substance in the seabed
15 or subsoil of the offshore area; or
16 (viii) the conveyance of a greenhouse gas substance across
17 the offshore area; and

18 **117 Section 75**

19 Omit:

- 20 • An infrastructure licence authorises the licensee to construct
21 and operate an infrastructure facility in the licence area.
22 • A pipeline licence authorises the licensee to construct and
23 operate a pipeline.

24 substitute:

- 25 • An infrastructure licence authorises the licensee to construct
26 and operate an infrastructure facility in the licence area. An
27 infrastructure facility may relate to petroleum or a greenhouse
28 gas substance.
29 • A pipeline licence authorises the licensee to construct and
30 operate a pipeline. A pipeline may be used to convey
31 petroleum or a greenhouse gas substance.

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Schedule 1 Amendments relating to greenhouse gas storage etc.

1 **118 At the end of subsection 79(6)**

2 Add “or (10)”.

3 **119 At the end of section 79**

4 Add:

5 *Declared exploration permits—approval of key petroleum*
6 *operations*

- 7 (8) A declared exploration permit is subject to the condition that the
8 permittee will not carry on key petroleum operations under the
9 permit unless the responsible Commonwealth Minister has
10 approved the operations under section 79A.
- 11 (9) Despite subsection (2), the condition mentioned in subsection (8)
12 does not need to be specified in the permit.
- 13 (10) If, under section 79A, the responsible Commonwealth Minister
14 approves the carrying on of one or more key petroleum operations
15 under a declared exploration permit, the responsible
16 Commonwealth Minister may, by written notice given to the
17 permittee, vary the permit by imposing one or more conditions to
18 which the permit is subject.
- 19 (11) A variation of a declared exploration permit under subsection (10)
20 takes effect on the day on which notice of the variation is given to
21 the permittee.
- 22 (12) A condition imposed under subsection (10) may require the
23 permittee to ensure that:
24 (a) all wells; or
25 (b) one or more specified wells;
26 made in the permit area by any person engaged or concerned in
27 operations authorised by the permit are made in a manner, and to a
28 standard, that will facilitate the plugging or closing off of the wells
29 in a way that restores or maintains the suitability of a part of a
30 geological formation for the permanent storage of greenhouse gas
31 substances.
- 32 (13) Subsection (12) does not limit:
33 (a) subsection (10); or
34 (b) Part 4.2; or
-

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- 1 (c) Part 4.3.
- 2 (14) If:
- 3 (a) a declared exploration permit is subject to a condition; and
- 4 (b) the condition was imposed under subsection (10);
- 5 the responsible Commonwealth Minister may, by written notice
- 6 given to the permittee, vary or revoke the condition.
- 7 (15) A variation of a declared exploration permit under subsection (14)
- 8 takes effect on the day on which notice of the variation is given to
- 9 the permittee.
- 10 (16) Subsection (14) does not limit section 227.

11 **120 After section 79**

12 Insert:

13 **79A Declared exploration permit—approval by responsible**

14 **Commonwealth Minister of key petroleum operations**

- 15 (1) The registered holder of a declared exploration permit may apply
- 16 to the responsible Commonwealth Minister for approval to carry
- 17 on one or more key petroleum operations under the permit.
- 18 (2) If an application for approval is made under subsection (1), the
- 19 responsible Commonwealth Minister may:
- 20 (a) give the approval; or
- 21 (b) by written notice given to the applicant, refuse to give the
- 22 approval.
- 23 *Responsible Commonwealth Minister must have regard to certain*
- 24 *matters*
- 25 (3) In deciding whether to give the approval, the responsible
- 26 Commonwealth Minister must comply with subsections (4), (5),
- 27 (6) and (7).
- 28 (4) The responsible Commonwealth Minister must have regard to the
- 29 impact (if any) that any of those key petroleum operations could
- 30 have on:
- 31 (a) operations for the injection of a greenhouse gas substance; or
- 32 (b) operations for the storage of a greenhouse gas substance;

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Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 that are being, or could be, carried on under:
- 2 (c) an existing greenhouse gas assessment permit; or
- 3 (d) an existing greenhouse gas holding lease; or
- 4 (e) an existing greenhouse gas injection licence; or
- 5 (f) if a greenhouse gas assessment permit or a greenhouse gas
- 6 holding lease is in force over a block or blocks:
- 7 (i) a future greenhouse gas holding lease over the block or
- 8 any of the blocks; or
- 9 (ii) a future greenhouse gas injection licence over the block
- 10 or any of the blocks.
- 11 (5) If the responsible Commonwealth Minister is satisfied that there is
- 12 a significant risk that any of those key petroleum operations will
- 13 have a significant adverse impact on:
- 14 (a) operations for the injection of a greenhouse gas substance; or
- 15 (b) operations for the storage of a greenhouse gas substance;
- 16 that are being, or could be, carried on under:
- 17 (c) an existing greenhouse gas assessment permit held by a
- 18 person other than the applicant; or
- 19 (d) an existing greenhouse gas holding lease held by a person
- 20 other than the applicant; or
- 21 (e) an existing greenhouse gas injection licence held by a person
- 22 other than the applicant;
- 23 the responsible Commonwealth Minister must have regard to:
- 24 (f) whether the registered holder of the greenhouse gas
- 25 assessment permit, greenhouse gas holding lease or
- 26 greenhouse gas injection licence, as the case may be, has
- 27 agreed, in writing, to the applicant carrying on the key
- 28 petroleum operations in respect of which the responsible
- 29 Commonwealth Minister is so satisfied; and
- 30 (g) if so—the terms of that agreement.
- 31 (6) If:
- 32 (a) the responsible Commonwealth Minister is satisfied that
- 33 there is a significant risk that any of those key petroleum
- 34 operations will have a significant adverse impact on:
- 35 (i) operations for the injection of a greenhouse gas
- 36 substance; or
- 37 (ii) operations for the storage of a greenhouse gas
- 38 substance;
-

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 that could be carried on under:
- 2 (iii) a future greenhouse gas holding lease over a block or
3 blocks; or
- 4 (iv) a future greenhouse gas injection licence over a block or
5 blocks; and
- 6 (b) a greenhouse gas assessment permit, greenhouse gas holding
7 lease or greenhouse gas injection licence is in force over the
8 block or any of the blocks; and
- 9 (c) the greenhouse gas assessment permit, greenhouse gas
10 holding lease or greenhouse gas injection licence is held by a
11 person other than the applicant;
- 12 the responsible Commonwealth Minister must have regard to:
- 13 (d) whether the registered holder of the greenhouse gas
14 assessment permit, greenhouse gas holding lease or
15 greenhouse gas injection licence covered by paragraph (b)
16 has agreed, in writing, to the applicant carrying on the key
17 petroleum operations in respect of which the responsible
18 Commonwealth Minister is so satisfied; and
- 19 (e) if so—the terms of that agreement.
- 20 (7) The responsible Commonwealth Minister must have regard to the
21 public interest.
- 22 (8) Subsections (4), (5) and (6) do not limit subsection (7).
- 23 (9) Subsections (4), (5), (6) and (7) do not limit the matters to which
24 the responsible Commonwealth Minister may have regard.
- 25 *Responsible Commonwealth Minister must not give approval in*
26 *certain circumstances*
- 27 (10) If the responsible Commonwealth Minister is satisfied that there is
28 a significant risk that any of those key petroleum operations will
29 have a significant adverse impact on:
- 30 (a) operations for the injection of a greenhouse gas substance; or
31 (b) operations for the storage of a greenhouse gas substance;
32 that are being, or could be, carried on under an existing greenhouse
33 gas injection licence, the responsible Commonwealth Minister
34 must not give the approval unless the registered holder of the
35 greenhouse gas injection licence has agreed, in writing, to the

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Schedule 1 Amendments relating to greenhouse gas storage etc.

1 applicant carrying on the key petroleum operations in respect of
2 which the responsible Commonwealth Minister is so satisfied.

3 *No right to an approval*

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

7 *Suspension of rights*

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

10 **79B Declared exploration permits**

11 (1) If:

- 12 (a) a post-commencement exploration permit is in force; and
13 (b) the responsible Commonwealth Minister is satisfied that
14 there is a significant risk that any of the key petroleum
15 operations that could be carried on under the permit will have
16 a significant adverse impact on:
17 (i) operations for the injection of a greenhouse gas
18 substance; or
19 (ii) operations for the storage of a greenhouse gas
20 substance;
21 that are being, or could be, carried on under:
22 (iii) an existing greenhouse gas assessment permit; or
23 (iv) an existing greenhouse gas holding lease; or
24 (v) an existing greenhouse gas injection licence; or
25 (vi) a future greenhouse gas assessment permit; or
26 (vii) a future greenhouse gas holding lease; or
27 (viii) a future greenhouse gas injection licence;

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

32 (2) If:

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

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (b) the responsible Commonwealth Minister is not satisfied that
2 there is a significant risk that any of the key petroleum
3 operations that could be carried on under the permit will have
4 a significant adverse impact on:
5 (i) operations for the injection of a greenhouse gas
6 substance; or
7 (ii) operations for the storage of a greenhouse gas
8 substance;
9 that are being, or could be, carried on under:
10 (iii) an existing greenhouse gas assessment permit; or
11 (iv) an existing greenhouse gas holding lease; or
12 (v) an existing greenhouse gas injection licence; or
13 (vi) a future greenhouse gas assessment permit; or
14 (vii) a future greenhouse gas holding lease; or
15 (viii) a future greenhouse gas injection licence;
16 the responsible Commonwealth Minister must, by written notice
17 given to the exploration permittee, revoke the determination.

18 **121 At the end of subsection 114(10)**

19 Add “or (13)”.

20 **122 At the end of section 114**

21 Add:

22 *Declared retention leases—approval of key petroleum operations*

- 23 (11) A declared retention lease is subject to the condition that the lessee
24 will not carry on key petroleum operations under the lease unless
25 the responsible Commonwealth Minister has approved the
26 operations under section 114A.
- 27 (12) Despite subsection (2), the condition mentioned in subsection (11)
28 does not need to be specified in the lease.
- 29 (13) If, under section 114A, the responsible Commonwealth Minister
30 approves the carrying on of one or more key petroleum operations
31 under a declared retention lease, the responsible Commonwealth
32 Minister may, by written notice given to the lessee, vary the lease
33 by imposing one or more conditions to which the lease is subject.

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Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 (14) A variation of a declared retention lease under subsection (13)
2 takes effect on the day on which notice of the variation is given to
3 the lessee.
- 4 (15) A condition imposed under subsection (13) may require the lessee
5 to ensure that:
6 (a) all wells; or
7 (b) one or more specified wells;
8 made in the lease area by any person engaged or concerned in
9 operations authorised by the lease are made in a manner, and to a
10 standard, that will facilitate the plugging or closing off of the wells
11 in a way that restores or maintains the suitability of a part of a
12 geological formation for the permanent storage of greenhouse gas
13 substances.
- 14 (16) Subsection (15) does not limit:
15 (a) subsection (13); or
16 (b) Part 4.2; or
17 (c) Part 4.3.
- 18 (17) If:
19 (a) a declared retention lease is subject to a condition; and
20 (b) the condition was imposed under subsection (13);
21 the responsible Commonwealth Minister may, by written notice
22 given to the lessee, vary or revoke the condition.
- 23 (18) A variation of a declared retention lease under subsection (17)
24 takes effect on the day on which notice of the variation is given to
25 the lessee.
- 26 (19) Subsection (18) does not limit section 227.

123 After section 114

28 Insert:

29 **114A Declared retention lease—approval by responsible** 30 **Commonwealth Minister of key petroleum operations**

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

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (2) If an application for approval is made under subsection (1), the
2 responsible Commonwealth Minister may:
- 3 (a) give the approval; or
4 (b) by written notice given to the applicant, refuse to give the
5 approval.
- 6 *Responsible Commonwealth Minister must have regard to certain*
7 *matters*
- 8 (3) In deciding whether to give the approval, the responsible
9 Commonwealth Minister must comply with subsections (4), (5),
10 (6) and (7).
- 11 (4) The responsible Commonwealth Minister must have regard to the
12 impact (if any) that any of those key petroleum operations could
13 have on:
- 14 (a) operations for the injection of a greenhouse gas substance; or
15 (b) operations for the storage of a greenhouse gas substance;
16 that are being, or could be, carried on under:
- 17 (c) an existing greenhouse gas assessment permit; or
18 (d) an existing greenhouse gas holding lease; or
19 (e) an existing greenhouse gas injection licence; or
20 (f) if a greenhouse gas assessment permit or a greenhouse gas
21 holding lease is in force over a block or blocks:
- 22 (i) a future greenhouse gas holding lease over the block or
23 any of the blocks; or
24 (ii) a future greenhouse gas injection licence over the block
25 or any of the blocks.
- 26 (5) If the responsible Commonwealth Minister is satisfied that there is
27 a significant risk that any of those key petroleum operations will
28 have a significant adverse impact on:
- 29 (a) operations for the injection of a greenhouse gas substance; or
30 (b) operations for the storage of a greenhouse gas substance;
31 that are being, or could be, carried on under:
- 32 (c) an existing greenhouse gas assessment permit held by a
33 person other than the applicant; or
34 (d) an existing greenhouse gas holding lease held by a person
35 other than the applicant; or

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- 1 (e) an existing greenhouse gas injection licence held by a person
2 other than the applicant;
3 the responsible Commonwealth Minister must have regard to:
4 (f) whether the registered holder of the greenhouse gas
5 assessment permit, greenhouse gas holding lease or
6 greenhouse gas injection licence, as the case may be, has
7 agreed, in writing, to the applicant carrying on the key
8 petroleum operations in respect of which the responsible
9 Commonwealth Minister is so satisfied; and
10 (g) if so—the terms of that agreement.
- 11 (6) If:
12 (a) the responsible Commonwealth Minister is satisfied that
13 there is a significant risk that any of those key petroleum
14 operations will have a significant adverse impact on:
15 (i) operations for the injection of a greenhouse gas
16 substance; or
17 (ii) operations for the storage of a greenhouse gas
18 substance;
19 that could be carried on under:
20 (iii) a future greenhouse gas holding lease over a block or
21 blocks; or
22 (iv) a future greenhouse gas injection licence over a block or
23 blocks; and
24 (b) a greenhouse gas assessment permit, greenhouse gas holding
25 lease or greenhouse gas injection licence is in force over the
26 block or any of the blocks; and
27 (c) the greenhouse gas assessment permit, greenhouse gas
28 holding lease or greenhouse gas injection licence is held by a
29 person other than the applicant;
30 the responsible Commonwealth Minister must have regard to:
31 (d) whether the registered holder of the greenhouse gas
32 assessment permit, greenhouse gas holding lease or
33 greenhouse gas injection licence covered by paragraph (b)
34 has agreed, in writing, to the applicant carrying on the key
35 petroleum operations in respect of which the responsible
36 Commonwealth Minister is so satisfied; and
37 (e) if so—the terms of that agreement.

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

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

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

6 *Responsible Commonwealth Minister must not give approval in*
7 *certain circumstances*

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

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

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

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

19 *No right to an approval*

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

23 *Suspension of rights*

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

26 **114B Declared retention leases**

27 (1) If:

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

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

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1 (i) operations for the injection of a greenhouse gas
2 substance; or
3 (ii) operations for the storage of a greenhouse gas
4 substance;
5 that are being, or could be, carried on under:
6 (iii) an existing greenhouse gas assessment permit; or
7 (iv) an existing greenhouse gas holding lease; or
8 (v) an existing greenhouse gas injection licence; or
9 (vi) a future greenhouse gas assessment permit; or
10 (vii) a future greenhouse gas holding lease; or
11 (viii) a future greenhouse gas injection licence;
12 the responsible Commonwealth Minister must, by written notice
13 given to the retention lessee, determine that the retention lease is a
14 ***declared retention lease*** for the purposes of this Act.

15 (2) If:
16 (a) a determination is in force under subsection (1) in relation to
17 a post-commencement retention lease; and
18 (b) the responsible Commonwealth Minister is not satisfied that
19 there is a significant risk that any of the key petroleum
20 operations that could be carried on under the lease will have a
21 significant adverse impact on:
22 (i) operations for the injection of a greenhouse gas
23 substance; or
24 (ii) operations for the storage of a greenhouse gas
25 substance;
26 that are being, or could be, carried on under:
27 (iii) an existing greenhouse gas assessment permit; or
28 (iv) an existing greenhouse gas holding lease; or
29 (v) an existing greenhouse gas injection licence; or
30 (vi) a future greenhouse gas assessment permit; or
31 (vii) a future greenhouse gas holding lease; or
32 (viii) a future greenhouse gas injection licence;
33 the responsible Commonwealth Minister must, by written notice
34 given to the retention lessee, revoke the determination.

124 After paragraph 137(1)(c)

35 Insert:
36

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1 *[Note: It is intended that holders of petroleum production licences would*
2 *continue to have the ability that they currently have (subject to*
3 *obtaining normal regulatory approvals) to do whatever is necessary*
4 *in the licence area for the purpose of recovering petroleum in the*
5 *licence area, including:*

- 6 (a) *injecting methane and/or CO₂ in the licence*
7 *area for gas recycling or enhanced petroleum*
8 *recovery; and*
9 (b) *(subject to approval) injecting for disposal in the*
10 *licence area methane or CO₂ stripped from the*
11 *petroleum stream that is recovered in the licence*
12 *area.*

13 *Public comment is invited about the scope of the greenhouse gas*
14 *injection and storage activities of petroleum titleholders to be covered*
15 *by this item]*

16 **125 At the end of section 137**

17 Add:

- 18 (3) Paragraph (1)(d), in so far as that paragraph relates to a purpose
19 covered by paragraph (1)(a), (b) or (c), does not authorise the
20 licensee:
21 (a) to inject (whether on an appraisal basis or otherwise) a
22 substance into a part of a geological formation; or
23 (b) to store (whether on a permanent basis or otherwise) a
24 substance in a part of a geological formation.

25 **126 At the end of subsection 138(6)**

26 Add “or (12)”.

27 **127 At the end of section 138**

28 Add:

29 *Declared production licences—approval of key petroleum*
30 *operations*

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

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- 1 (11) Despite subsection (2), the condition mentioned in subsection (10)
2 does not need to be specified in the licence.
- 3 (12) If, under section 138A, the responsible Commonwealth Minister
4 approves the carrying on of one or more key petroleum operations
5 under a declared production licence, the responsible
6 Commonwealth Minister may, by written notice given to the
7 licensee, vary the licence by imposing one or more conditions to
8 which the licence is subject.
- 9 (13) A variation of a declared production licence under subsection (12)
10 takes effect on the day on which notice of the variation is given to
11 the licensee.
- 12 (14) A condition imposed under subsection (12) may require the
13 licensee to ensure that:
14 (a) all wells; or
15 (b) one or more specified wells;
16 made in the licence area by any person engaged or concerned in
17 operations authorised by the licence are made in a manner, and to a
18 standard, that will facilitate the plugging or closing off of the wells
19 in a way that restores or maintains the suitability of a part of a
20 geological formation for the permanent storage of greenhouse gas
21 substances.
- 22 (15) Subsection (14) does not limit:
23 (a) subsection (12); or
24 (b) Part 4.2; or
25 (c) Part 4.3.
- 26 (16) If:
27 (a) a declared production licence is subject to a condition; and
28 (b) the condition was imposed under subsection (12);
29 the responsible Commonwealth Minister may, by written notice
30 given to the licensee, vary or revoke the condition.
- 31 (17) A variation of a declared production licence under subsection (16)
32 takes effect on the day on which notice of the variation is given to
33 the licensee.
- 34 (18) Subsection (17) does not limit section 227.
-

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 **128 After section 138**

2 Insert:

3 **138A Declared production licence—approval by responsible**
4 **Commonwealth Minister of key petroleum operations**

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

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

10 (a) give the approval; or

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

13 *Responsible Commonwealth Minister must have regard to certain*
14 *matters*

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

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

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

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

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

24 (c) an existing greenhouse gas assessment permit; or

25 (d) an existing greenhouse gas holding lease; or

26 (e) an existing greenhouse gas injection licence; or

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

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

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

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Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 (5) If the responsible Commonwealth Minister is satisfied that there is
2 a significant risk that any of those key petroleum operations will
3 have a significant adverse impact on:
4 (a) operations for the injection of a greenhouse gas substance; or
5 (b) operations for the storage of a greenhouse gas substance;
6 that are being, or could be, carried on under:
7 (c) an existing greenhouse gas assessment permit held by a
8 person other than the applicant; or
9 (d) an existing greenhouse gas holding lease held by a person
10 other than the applicant; or
11 (e) an existing greenhouse gas injection licence held by a person
12 other than the applicant;
13 the responsible Commonwealth Minister must have regard to:
14 (f) whether the registered holder of the greenhouse gas
15 assessment permit, greenhouse gas holding lease or
16 greenhouse gas injection licence, as the case may be, has
17 agreed, in writing, to the applicant carrying on the key
18 petroleum operations in respect of which the responsible
19 Commonwealth Minister is so satisfied; and
20 (g) if so—the terms of that agreement.
- 21 (6) If:
22 (a) the responsible Commonwealth Minister is satisfied that
23 there is a significant risk that any of those key petroleum
24 operations will have a significant adverse impact on:
25 (i) operations for the injection of a greenhouse gas
26 substance; or
27 (ii) operations for the storage of a greenhouse gas
28 substance;
29 that could be carried on under:
30 (iii) a future greenhouse gas holding lease over a block or
31 blocks; or
32 (iv) a future greenhouse gas injection licence over a block or
33 blocks; and
34 (b) a greenhouse gas assessment permit, greenhouse gas holding
35 lease or greenhouse gas injection licence is in force over the
36 block or any of the blocks; and

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (c) the greenhouse gas assessment permit, greenhouse gas
2 holding lease or greenhouse gas injection licence is held by a
3 person other than the applicant;
4 the responsible Commonwealth Minister must have regard to:
5 (d) whether the registered holder of the greenhouse gas
6 assessment permit, greenhouse gas holding lease or
7 greenhouse gas injection licence covered by paragraph (b)
8 has agreed, in writing, to the applicant carrying on the key
9 petroleum operations in respect of which the responsible
10 Commonwealth Minister is so satisfied; and
11 (e) if so—the terms of that agreement.

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

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

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

17 *Responsible Commonwealth Minister must not give approval in*
18 *certain circumstances*

- 19 (10) If the responsible Commonwealth Minister is satisfied that there is
20 a significant risk that any of those key petroleum operations will
21 have a significant adverse impact on:
22 (a) operations for the injection of a greenhouse gas substance; or
23 (b) operations for the storage of a greenhouse gas substance;
24 that are being, or could be, carried on under an existing greenhouse
25 gas injection licence, the responsible Commonwealth Minister
26 must not give the approval unless the registered holder of the
27 greenhouse gas injection licence has agreed, in writing, to the
28 applicant carrying on the key petroleum operations in respect of
29 which the responsible Commonwealth Minister is so satisfied.

30 *No right to an approval*

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

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 that are being, or could be, carried on under:
2 (iii) an existing greenhouse gas assessment permit; or
3 (iv) an existing greenhouse gas holding lease; or
4 (v) an existing greenhouse gas injection licence; or
5 (vi) a future greenhouse gas assessment permit; or
6 (vii) a future greenhouse gas holding lease; or
7 (viii) a future greenhouse gas injection licence;
8 the responsible Commonwealth Minister must, by written notice
9 given to the production licensee, revoke the determination.

10 **128A Section 139 (note 8)**

11 Omit “249”, substitute “442D”.

12 **128B Subsection 140(4) (note)**

13 Omit “249”, substitute “442D”.

14 **129 Section 145**

15 Before “If:”, insert “(1)”.

16 **130 At the end of paragraph 145(c)**

17 Add “and”.

18 **131 After paragraph 145(c)**

19 Insert:

- 20 (d) in a case where (assuming that the applicant were granted a
21 production licence over the block or blocks as to which the
22 Joint Authority is satisfied as mentioned in paragraph (b)) the
23 production licence would be a post-commencement
24 production licence, and:
25 (i) the Joint Authority is satisfied that there is a significant
26 risk that any of the operations that could be carried on
27 under the production licence will have a significant
28 adverse impact on operations that are being, or could be,
29 carried on under a greenhouse gas assessment permit or
30 a greenhouse gas holding lease; or
31 (ii) if one or more identified greenhouse gas storage
32 formations are wholly situated in the permit area of a
33 greenhouse gas assessment permit or the lease area of a
34 greenhouse gas holding lease—the Joint Authority is

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Schedule 1 Amendments relating to greenhouse gas storage etc.

1 satisfied that there is a significant risk that any of the
2 operations that could be carried on under the production
3 licence will have a significant adverse impact on
4 operations that could be carried on under a future
5 greenhouse gas injection licence, where the identified
6 greenhouse gas storage formation, or any of the
7 identified greenhouse gas storage formations, is wholly
8 situated in the licence area of the future greenhouse gas
9 injection licence;

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

12 (e) in a case where:

- 13 (i) (assuming that the applicant were granted a production
14 licence over the block or blocks as to which the Joint
15 Authority is so satisfied as mentioned in paragraph (b))
16 the production licence would be a post-commencement
17 production licence; and
18 (ii) the Joint Authority is satisfied that there is a significant
19 risk that any of the operations that could be carried on
20 under the production licence will have a significant
21 adverse impact on operations that are being, or could be,
22 carried on under a greenhouse gas injection licence;

23 the Joint Authority is satisfied that:

- 24 (iii) the registered holder of the greenhouse gas injection
25 licence has agreed, in writing, to the grant of the
26 production licence; and
27 (iv) to the extent to which the agreement is a dealing to
28 which Part 3A.6 applies—the dealing has been
29 approved under section @298-275 or is reasonably
30 likely to be approved under that section; and
31 (v) to the extent to which the agreement is a dealing to
32 which Part 3.6 would apply if the production licence
33 were to come into existence—it is reasonably likely that
34 the dealing would, after the production licence comes
35 into existence, be approved under section 275;

36 **132 Section 145**

37 After “so satisfied”, insert “as mentioned in paragraph (b)”.

38 **133 At the end of section 145**

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 Add:

2 *Public interest*

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

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

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

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

13 *Deferral of decision*

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

15 **134 After subsection 146(4A)**

16 Insert:

17 *Impact on greenhouse gas titles*

18 (4B) If:

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

24 (b) either:

25 (i) the Joint Authority is satisfied that there is a significant
26 risk that any of the operations that could be carried on
27 under the production licence will have a significant
28 adverse impact on operations that are being, or could be,
29 carried on under a greenhouse gas assessment permit or
30 a greenhouse gas holding lease; or

31 (ii) if one or more identified greenhouse gas storage
32 formations are wholly situated in the permit area of a
33 greenhouse gas assessment permit or the lease area of a
34 greenhouse gas holding lease—the Joint Authority is

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Schedule 1 Amendments relating to greenhouse gas storage etc.

1 satisfied that there is a significant risk that any of the
2 operations that could be carried on under the production
3 licence will have a significant adverse impact on
4 operations that could be carried on under a future
5 greenhouse gas injection licence, where the identified
6 greenhouse gas storage formation, or any of the
7 identified greenhouse gas storage formations, is wholly
8 situated in the licence area of the future greenhouse gas
9 injection licence; and

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

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

15 (4C) If:

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

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

26 (c) the Joint Authority is not satisfied that:

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

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

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

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

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 **135 At the end of section 146**

2 Add:

3 *Public interest*

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

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

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

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

14 *Deferral of application*

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

16 **136 After section 146**

17 Insert:

18 **146A Joint Authority may defer taking action on application for**
19 **production licence if there is a pending application for a**
20 **greenhouse gas assessment permit**

21 *Scope*

22 (1) This section applies if:

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

25 (i) section 142 or 144; or

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

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

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Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 (c) when the application for the grant of the production licence
2 was made, an application for a greenhouse gas assessment
3 permit was being considered by the responsible
4 Commonwealth Minister; and
5 (d) the Joint Authority is satisfied that it would be in the public
6 interest to defer taking any action under section 145 or 146 in
7 relation to the application for the grant of the production
8 licence until the application for the greenhouse gas
9 assessment permit is finalised.

10 *Deferral*

- 11 (2) The Joint Authority must not take any action under section 145 or
12 146 in relation to the application for the grant of the production
13 licence until 24 hours after whichever of the following events
14 happens first:
15 (a) the responsible Commonwealth Minister grants a greenhouse
16 gas assessment permit to the applicant for the permit;
17 (b) the application for the greenhouse gas assessment permit
18 lapses;
19 (c) the responsible Commonwealth Minister refuses to grant a
20 greenhouse gas assessment permit to the applicant for the
21 permit.

22 **137 Section 147**

23 Omit “in section 145”, substitute “in paragraph 145(1)(b)”.

24 **138 Section 164**

25 Omit:

- 26

• An infrastructure licence authorises the licensee to construct 27 and operate an infrastructure facility in the licence area.
--

28 substitute:

- 29

• An infrastructure licence authorises the licensee to construct 30 and operate an infrastructure facility in the licence area. An 31 infrastructure facility may relate to petroleum or a greenhouse 32 gas substance.
--

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

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”.

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Schedule 1 Amendments relating to greenhouse gas storage etc.

1 **139 Section 171 (note 3)**

2 Omit “section 174”, substitute “sections 174 and 174A”.

3 Note: The heading to section 174 is altered by inserting “with petroleum titleholders” after
4 “Consultation”.

5 **140 At the end of Division 2 of Part 2.5**

6 Add:

7 **174A Consultation with greenhouse gas titleholders—grant of**
8 **infrastructure licence**

9 *Scope*

10 (1) This section applies if:

- 11 (a) an application for an infrastructure licence (the *proposed*
12 *infrastructure licence*) has been made under section 170 in
13 relation to a place in a block; and
14 (b) the block:
15 (i) is the subject of a greenhouse gas assessment permit,
16 greenhouse gas holding lease or greenhouse gas
17 injection licence; or
18 (ii) is the subject of a greenhouse gas search authority or
19 greenhouse gas special authority; and
20 (c) the applicant is not the registered holder of the greenhouse
21 gas assessment permit, greenhouse gas holding lease,
22 greenhouse gas injection licence, greenhouse gas search
23 authority or greenhouse gas special authority; and
24 (d) if subparagraph (b)(i) applies—the registered holder of the
25 greenhouse gas assessment permit, greenhouse gas holding
26 lease or greenhouse gas injection licence has not given
27 written consent to the grant of the proposed infrastructure
28 licence; and
29 (e) if subparagraph (b)(ii) applies:
30 (i) the registered holder of the greenhouse gas search
31 authority or greenhouse gas special authority has not
32 given written consent to the grant of the proposed
33 infrastructure licence; or
34 (ii) the greenhouse gas search authority or greenhouse gas
35 special authority will not expire before any construction

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1 or operation of infrastructure facilities under the
2 proposed infrastructure licence would occur.

3 *Consultation*

- 4 (2) Before the Joint Authority gives the applicant an offer document
5 under section 171, the Joint Authority must:
- 6 (a) by written notice given to the registered holder of the
7 greenhouse gas assessment permit, greenhouse gas holding
8 lease, greenhouse gas injection licence, greenhouse gas
9 search authority or greenhouse gas special authority, give at
10 least 30 days notice of the Joint Authority's proposal to give
11 the applicant the offer document; and
 - 12 (b) give a copy of the notice to such other persons (if any) as the
13 Joint Authority thinks fit.
- 14 (3) The notice must:
- 15 (a) set out details of the proposed infrastructure licence; and
 - 16 (b) invite a person to whom the notice, or a copy of the notice,
17 has been given to make a written submission to the Joint
18 Authority about the proposal; and
 - 19 (c) specify a time limit for the making of that submission.

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

- 22 (4) In deciding:
- 23 (a) whether to give the applicant the offer document; and
 - 24 (b) the conditions (if any) to which the proposed infrastructure
25 licence should be subject;
- 26 the Joint Authority must take into account any submissions made
27 in accordance with the notice.

28 **141 Subsection 176(1) (note)**

29 Omit “section 177”, substitute “sections 177 and 177A”.

30 Note: The heading to section 177 is altered by inserting “with petroleum titleholders” after
31 “Consultation”.

32 **142 At the end of Division 3 of Part 2.5**

33 Add:

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1 **177A Consultation with greenhouse gas titleholders—variation of**
2 **infrastructure licence**

3 *Scope*

- 4 (1) This section applies if:
- 5 (a) an infrastructure licence (the *first infrastructure licence*)
6 relates to a place in a block; and
 - 7 (b) an application for variation of the first infrastructure licence
8 is made under section 175; and
 - 9 (c) the block:
 - 10 (i) is the subject of a greenhouse gas assessment permit,
11 greenhouse gas holding lease or greenhouse gas
12 injection licence; or
 - 13 (ii) is the subject of a greenhouse gas search authority or
14 greenhouse gas special authority; and
 - 15 (d) the applicant is not the registered holder of the greenhouse
16 gas assessment permit, greenhouse gas holding lease,
17 greenhouse gas injection licence, greenhouse gas search
18 authority or greenhouse gas special authority; and
 - 19 (e) if subparagraph (c)(i) applies—the registered holder of the
20 greenhouse gas assessment permit, greenhouse gas holding
21 lease or greenhouse gas injection licence has not given
22 written consent to the variation of the first infrastructure
23 licence; and
 - 24 (f) if subparagraph (c)(ii) applies:
 - 25 (i) the registered holder of the greenhouse gas search
26 authority or greenhouse gas special authority has not
27 given written consent to the variation of the first
28 infrastructure licence; or
 - 29 (ii) the greenhouse gas search authority or greenhouse gas
30 special authority will not expire before any construction
31 or operation of infrastructure facilities under the first
32 infrastructure licence, as proposed to be varied, would
33 occur.

34 *Consultation*

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

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (a) by written notice given to the registered holder of the
2 greenhouse gas assessment permit, greenhouse gas holding
3 lease, greenhouse gas injection licence, greenhouse gas
4 search authority or greenhouse gas special authority, give at
5 least 30 days notice that the Joint Authority is considering the
6 application; and
7 (b) give a copy of the notice to such other persons (if any) as the
8 Joint Authority thinks fit.
- 9 (3) The notice must:
10 (a) set out details of the proposed variation; and
11 (b) invite a person to whom the notice, or a copy of the notice,
12 has been given to make a written submission to the Joint
13 Authority about the proposal; and
14 (c) specify a time limit for the making of that submission.
- 15 Note: All communications to the Joint Authority are to be made through the
16 Designated Authority—see section 45.
- 17 (4) In deciding whether to vary the first infrastructure licence, the Joint
18 Authority must take into account any submissions made in
19 accordance with the notice.

20 **143 At the end of Part 2.5**

21 Add:

22 **Division 4—Directions by responsible Commonwealth** 23 **Minister**

24 **177B Directions by responsible Commonwealth Minister**

- 25 (1) The responsible Commonwealth Minister may, by written notice
26 given to the Joint Authority, give the Joint Authority a direction in
27 relation to the exercise by the Joint Authority of a power conferred
28 on the Joint Authority by this Part in relation to:
29 (a) a specified application for an infrastructure licence, where
30 any of the infrastructure facilities to which the licence relates
31 is an infrastructure facility as a result of subsection 13(3); or
32 (b) a specified infrastructure licence, where any of the
33 infrastructure facilities to which the licence relates is an
34 infrastructure facility as a result of subsection 13(3).

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Schedule 1 Amendments relating to greenhouse gas storage etc.

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

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

4 **144 Section 178**

5 Omit:

6

- A pipeline licence authorises the licensee to construct and
7 operate a pipeline.

8 substitute:

9

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

12 **145 At the end of section 181**

13 Add:

14 *Approval of greenhouse gas substance*

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

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

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

22 *Access regime*

23 (8) A pipeline licence is subject to the condition that, if:
24 (a) regulations are made for the purposes of subsection (9); and
25 (b) those regulations impose requirements on the licensee;
26 the licensee will comply with those requirements.

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

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

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

4 **146 After section 181**

5 Insert:

6 **181A Approval by Joint Authority of greenhouse gas substance to be** 7 **conveyed in a pipeline**

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

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

13 (a) give the approval, with or without conditions to which the
14 approval is subject; or

15 (b) refuse to give the approval.

16 (3) In deciding whether to give an approval, the Joint Authority must
17 have regard to:

18 (a) in a case where it is proposed to inject the greenhouse gas
19 substance into an identified greenhouse gas storage
20 formation:

21 (i) whether the greenhouse gas substance is suitable for
22 injection into the identified greenhouse gas storage
23 formation; and

24 (ii) whether the greenhouse gas substance is suitable for
25 permanent storage in the identified greenhouse gas
26 storage formation; and

27 (b) in a case where it is proposed to inject the greenhouse gas
28 substance, on an appraisal basis, into a potential greenhouse
29 gas storage formation (other than an identified greenhouse
30 gas storage formation):

31 (i) whether the greenhouse gas substance is suitable for
32 injection, on an appraisal basis, into the potential
33 greenhouse gas storage formation; and

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- 1 (ii) whether the greenhouse gas substance is suitable for
2 storage, on an appraisal basis, in the potential
3 greenhouse gas storage formation; and
4 (c) such other matters (if any) as the Joint Authority considers
5 relevant.
- 6 (4) To avoid doubt, section 180 does not imply that a pipeline licensee
7 who applies for approval under subsection (1) of this section is
8 entitled to be given the approval.
- 9 (5) The responsible Commonwealth Minister may, by written notice
10 given to the Joint Authority, give the Joint Authority a direction in
11 relation to the exercise by the Joint Authority of the power
12 conferred on the Joint Authority by subsection (2) in relation to a
13 specified application.
- 14 (6) The Joint Authority must comply with a direction under
15 subsection (5).
- 16 (7) A direction under subsection (5) is not a legislative instrument.

17 **146A Subsection 183(4) (note)**

18 Omit “249”, substitute “442D”.

19 **147 After subsection 183(4)**

20 Insert:

- 21 (4A) For the purposes of subsection (3), the failure to obtain a
22 greenhouse gas substance for conveyance in the pipeline, or a part
23 of the pipeline, is not a circumstance beyond the licensee’s control.

24 **148 Paragraph 185(2)(g)**

25 After “petroleum”, insert “or greenhouse gas substances”.

26 **149 At the end of subsection 185(3) (before the notes)**

27 Add:

- 28 ; and (d) the location of any point that the applicant wants to be
29 declared under section 14A to be a terminal point in
30 connection with the pipeline.

31 **150 Paragraph 186(1)(a)**

32 After “of a”, insert “petroleum”.

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1 Note: The heading to section 186 is altered by inserting “**petroleum-related**” before
2 “**pipeline**”.

3 **151 After section 186**

4 Insert:

5 **186A Rights of production licensees following application for** 6 **greenhouse gas-related pipeline licences by other persons**

7 *Application by production licensee*

8 (1) If:

- 9 (a) a person applies for a pipeline licence in relation to the
10 construction, in an offshore area, of a greenhouse gas
11 pipeline for:
- 12 (i) the conveyance of a greenhouse gas substance within a
13 production licence area in that offshore area; or
 - 14 (ii) the conveyance of a greenhouse gas substance from a
15 place outside a production licence area to a place in the
16 production licence area; and
- 17 (b) either:
- 18 (i) if subparagraph (a)(i) applies—the greenhouse gas
19 substance is a by-product of petroleum recovery
20 operations carried on under the production licence; or
 - 21 (ii) if subparagraph (a)(ii) applies—the greenhouse gas
22 substance is to be injected into the seabed or subsoil for
23 the purpose of enhancing petroleum recovery operations
24 carried on under the production licence; and
- 25 (c) the person is not the production licensee;
26 the production licensee may, within:
- 27 (d) 90 days after the publication in the *Gazette* of notice of the
28 application; or
 - 29 (e) such longer period, not more than 180 days, as the Joint
30 Authority allows;

31 apply under section 185 for such a pipeline licence and, in the
32 application, request that the application mentioned in the *Gazette*
33 notice be rejected.

34 Note: For publication in the *Gazette* of notice of the application, see
35 section 418.

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Schedule 1 Amendments relating to greenhouse gas storage etc.

1 *Rejection of application by other person*

2 (2) If a pipeline licence is granted to the production licensee as a result
3 of an application covered by subsection (1), the Joint Authority
4 must, by written notice given to the person mentioned in
5 paragraph (1)(a), reject the application mentioned in
6 paragraph (1)(d).

7 *Extension of time*

8 (3) The Joint Authority may allow a longer period under
9 paragraph (1)(e) only on written application made by the
10 production licensee within the period of 90 days mentioned in
11 paragraph (1)(d).

12 [186]

13 **186B Rights of greenhouse gas injection licensees following**
14 **application for greenhouse gas-related pipeline licences**
15 **by other persons**

16 *Application by greenhouse gas injection licensee*

17 (1) If:

- 18 (a) a person applies for a pipeline licence in relation to the
19 construction, in an offshore area, of a greenhouse gas
20 pipeline for:
21 (i) the conveyance of a greenhouse gas substance within a
22 greenhouse gas injection licence area in that offshore
23 area; or
24 (ii) the conveyance of a greenhouse gas substance from a
25 place outside a greenhouse gas injection area to a place
26 in the greenhouse gas injection licence area; and
27 (b) the greenhouse gas substance is to be injected into an
28 identified greenhouse gas storage formation that is wholly
29 situated in the greenhouse gas injection licence area; and
30 (c) the person is not the greenhouse gas injection licensee;
31 the greenhouse gas injection licensee may, within:
32 (d) 90 days after the publication in the *Gazette* of notice of the
33 application; or

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 (e) such longer period, not more than 180 days, as the Joint
2 Authority allows;
3 apply under section 185 for such a pipeline licence and, in the
4 application, request that the application mentioned in the *Gazette*
5 notice be rejected.

6 Note: For publication in the *Gazette* of notice of the application, see
7 section 418.

8 *Rejection of application by other person*

9 (2) If a pipeline licence is granted to the greenhouse gas injection
10 licensee as a result of an application covered by subsection (1), the
11 Joint Authority must, by written notice given to the person
12 mentioned in paragraph (1)(a), reject the application mentioned in
13 paragraph (1)(d).

14 *Extension of time*

15 (3) The Joint Authority may allow a longer period under
16 paragraph (1)(e) only on written application made by the
17 greenhouse gas injection licensee within the period of 90 days
18 mentioned in paragraph (1)(d).

19 [186]

20 **152 Paragraph 187(2)(a)**

21 After “of a”, insert “petroleum”.

22 Note: The heading to section 187 is altered by inserting “**petroleum-related**” before
23 “pipeline”.

24 **153 Paragraph 187(3)(a)**

25 After “of a”, insert “petroleum”.

26 **154 Paragraph 187(4)(a)**

27 After “of a”, insert “petroleum”.

28 **155 Subsection 187(5)**

29 After “of a”, insert “petroleum”.

30 **156 Subsection 187(6)**

31 After “by the”, insert “petroleum”.

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Schedule 1 Amendments relating to greenhouse gas storage etc.

1 **157 After section 187**

2 Insert:

3 **187A Grant of greenhouse gas-related pipeline licence—offer**
4 **document**

5 *Scope*

6 (1) This section applies if an application for a pipeline licence has
7 been made under section 185.

8 *Offer document—grant of pipeline licence to a person other than*
9 *production licensee*

10 (2) If:

11 (a) the application is for a pipeline licence in relation to the
12 construction, in an offshore area, of a greenhouse gas
13 pipeline for:

14 (i) the conveyance of a greenhouse gas substance within a
15 production licence area in that offshore area; or

16 (ii) the conveyance of a greenhouse gas substance from a
17 place outside a production licence area to a place in the
18 production licence area; and

19 (b) either:

20 (i) if subparagraph (a)(i) applies—the greenhouse gas
21 substance is a by-product of petroleum recovery
22 operations carried on under the production licence; or

23 (ii) if subparagraph (a)(ii) applies—the greenhouse gas
24 substance is to be injected into the seabed or subsoil for
25 the purpose of enhancing petroleum recovery operations
26 carried on under the production licence; and

27 (c) the applicant is not the production licensee; and

28 (d) the application has not been rejected under subsection
29 186A(2);

30 the Joint Authority may give the applicant a written notice (called
31 an *offer document*) telling the applicant that the Joint Authority is
32 prepared to grant the applicant the pipeline licence.

33 *Offer document—grant of pipeline licence to production licensee*

34 (3) If:

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (a) the application is for a pipeline licence in relation to the
2 construction, in an offshore area, of a greenhouse gas
3 pipeline for:
4 (i) the conveyance of a greenhouse gas substance within a
5 production licence area in that offshore area; or
6 (ii) the conveyance of a greenhouse gas substance from a
7 place outside a production licence area to a place in the
8 production licence area; and
9 (b) either:
10 (i) if subparagraph (a)(i) applies—the greenhouse gas
11 substance is a by-product of petroleum recovery
12 operations carried on under the production licence; or
13 (ii) if subparagraph (a)(ii) applies—the greenhouse gas
14 substance is to be injected into the seabed or subsoil for
15 the purpose of enhancing petroleum recovery operations
16 carried on under the production licence; and
17 (c) the applicant is the production licensee; and
18 (d) each of the following has been complied with:
19 (i) the conditions to which the production licence is, or has
20 from time to time been, subject;
21 (ii) the provisions of this Chapter, Chapter 3, Chapter 4 and
22 Part 5.1;
23 (iii) the regulations;
24 the Joint Authority must give the applicant a written notice (called
25 an *offer document*) telling the applicant that the Joint Authority is
26 prepared to grant the applicant the pipeline licence.
- 27 (4) If:
28 (a) the application is for a pipeline licence in relation to the
29 construction, in an offshore area, of a greenhouse gas
30 pipeline for:
31 (i) the conveyance of a greenhouse gas substance within a
32 production licence area in that offshore area; or
33 (ii) the conveyance of a greenhouse gas substance from a
34 place outside a production licence area to a place in the
35 production licence area; and
36 (b) either:
37 (i) if subparagraph (a)(i) applies—the greenhouse gas
38 substance is a by-product of petroleum recovery
39 operations carried on under the production licence; or
-

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Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 (ii) if subparagraph (a)(ii) applies—the greenhouse gas
2 substance is to be injected into the seabed or subsoil for
3 the purpose of enhancing petroleum recovery operations
4 carried on under the production licence; and
5 (c) the applicant is the production licensee; and
6 (d) any of:
7 (i) the conditions to which the production licence is, or has
8 from time to time been, subject; or
9 (ii) the provisions of this Chapter, Chapter 3, Chapter 4 and
10 Part 5.1; or
11 (iii) the provisions of the regulations;
12 have not been complied with; and
13 (e) the Joint Authority is satisfied that there are sufficient
14 grounds to warrant the granting of the pipeline licence;
15 the Joint Authority may give the applicant a written notice (called
16 an *offer document*) telling the applicant that the Joint Authority is
17 prepared to grant the applicant the pipeline licence.

18 *Offer document—grant of pipeline licence to a person other than*
19 *greenhouse gas injection licensee*

- 20 (5) If:
21 (a) the application is for a pipeline licence in relation to the
22 construction, in an offshore area, of a greenhouse gas
23 pipeline for:
24 (i) the conveyance of a greenhouse gas substance within a
25 greenhouse gas injection licence area in that offshore
26 area; or
27 (ii) the conveyance of a greenhouse gas substance from a
28 place outside a greenhouse gas injection area to a place
29 in the greenhouse gas injection licence area; and
30 (b) the greenhouse gas substance is to be injected into an
31 identified greenhouse gas storage formation that is wholly
32 situated in the greenhouse gas injection licence area; and
33 (c) the applicant is not the greenhouse gas injection licensee; and
34 (d) the application has not been rejected under subsection
35 186B(2);
36 the Joint Authority may give the applicant a written notice (called
37 an *offer document*) telling the applicant that the Joint Authority is
38 prepared to grant the applicant the pipeline licence.

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 *Offer document—grant of pipeline licence to greenhouse gas*
2 *injection licensee*

3 (6) If:

- 4 (a) the application is for a pipeline licence in relation to the
5 construction, in an offshore area, of a greenhouse gas
6 pipeline for:
- 7 (i) the conveyance of a greenhouse gas substance within a
8 greenhouse gas injection licence area in that offshore
9 area; or
- 10 (ii) the conveyance of a greenhouse gas substance from a
11 place outside a greenhouse gas injection area to a place
12 in the greenhouse gas injection licence area; and
- 13 (b) the greenhouse gas substance is to be injected into an
14 identified greenhouse gas storage formation that is wholly
15 situated in the greenhouse gas injection licence area; and
- 16 (c) the applicant is the greenhouse gas injection licensee; and
- 17 (d) each of the following has been complied with:
- 18 (i) the conditions to which the greenhouse gas injection
19 licence is, or has from time to time been, subject;
- 20 (ii) the provisions of this Chapter, Chapter 3A, Chapter 4
21 and Part 5A.1;
- 22 (iii) the regulations;

23 the Joint Authority must give the applicant a written notice (called
24 an *offer document*) telling the applicant that the Joint Authority is
25 prepared to grant the applicant the pipeline licence.

26 (7) If:

- 27 (a) the application is for a pipeline licence in relation to the
28 construction, in an offshore area, of a greenhouse gas
29 pipeline for:
- 30 (i) the conveyance of a greenhouse gas substance within a
31 greenhouse gas injection licence area in that offshore
32 area; or
- 33 (ii) the conveyance of a greenhouse gas substance from a
34 place outside a greenhouse gas injection area to a place
35 in the greenhouse gas injection licence area; and
- 36 (b) the greenhouse gas substance is to be injected into an
37 identified greenhouse gas storage formation that is wholly
38 situated in the greenhouse gas injection licence area; and

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Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 (c) the applicant is the greenhouse gas injection licensee; and
2 (d) any of:
3 (i) the conditions to which the greenhouse gas injection
4 licence is, or has from time to time been, subject; or
5 (ii) the provisions of this Chapter, Chapter 3A, Chapter 4
6 and Part 5A.1; or
7 (iii) the provisions of the regulations;
8 have not been complied with; and
9 (e) the Joint Authority is satisfied that there are sufficient
10 grounds to warrant the granting of the pipeline licence;
11 the Joint Authority may give the applicant a written notice (called
12 an *offer document*) telling the applicant that the Joint Authority is
13 prepared to grant the applicant the pipeline licence.

14 *Route to be followed by pipeline*

- 15 (8) An offer document under this section must specify the route to be
16 followed by the greenhouse gas pipeline, and that route must be:
17 (a) the route shown in the plan accompanying the application; or
18 (b) if the Joint Authority is of the opinion that, for any reason,
19 that route is not appropriate—a route that, in the opinion of
20 the Joint Authority, is appropriate.

21 Note 1: Section 223 sets out additional requirements for offer documents (for
22 example, a requirement that an offer document must contain a
23 summary of conditions).

24 Note 2: If the applicant breaches a requirement under section 222 to provide
25 further information, the Joint Authority may refuse to give the
26 applicant an offer document—see subsection 222(3).

27 **158 Paragraph 188(2)(a)**

28 After “of a”, insert “petroleum”.

29 Note: The heading to section 188 is altered by inserting “**petroleum-related**” before
30 “**pipeline**”.

31 **159 Paragraph 188(3)(a)**

32 After “of a”, insert “petroleum”.

33 **160 After section 188**

34 Insert:

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

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.

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1

Application by a person who is not a production licensee

2

(3) If:

3

(a) the application is for a pipeline licence in relation to the construction, in an offshore area, of a greenhouse gas pipeline for:

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6

(i) the conveyance of a greenhouse gas substance within a production licence area in that offshore area; or

7

8

(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

9

10

11

(b) either:

12

(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

13

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15

(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

16

17

18

19

(c) the applicant is not the production licensee;

20

the Joint Authority may, by written notice given to the applicant, refuse to grant the pipeline licence.

21

22

Application by licensee of greenhouse gas injection licence

23

(4) If:

24

(a) the application is for a pipeline licence in relation to the construction, in an offshore area, of a greenhouse gas pipeline for:

25

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(i) the conveyance of a greenhouse gas substance within a greenhouse gas injection licence area in that offshore area; or

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(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

31

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(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

34

35

36

(c) the applicant is the greenhouse gas injection licensee; and

37

(d) any of:

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (i) the conditions to which the greenhouse gas injection
2 licence is, or has from time to time been, subject; or
3 (ii) the provisions of this Chapter, Chapter 3A, Chapter 4
4 and Part 5A.1; or
5 (iii) the provisions of the regulations;
6 have not been complied with; and
7 (e) the Joint Authority is not satisfied that there are sufficient
8 grounds to warrant the granting of a pipeline licence;
9 the Joint Authority must, by written notice given to the applicant,
10 refuse to grant the pipeline licence.

11 Note: Consultation procedures apply—see section 226.

12 *Application by a person who is not a greenhouse gas injection*
13 *licensee*

- 14 (5) If:
15 (a) the application is for a pipeline licence in relation to the
16 construction, in an offshore area, of a greenhouse gas
17 pipeline for:
18 (i) the conveyance of a greenhouse gas substance within a
19 greenhouse gas injection licence area in that offshore
20 area; or
21 (ii) the conveyance of a greenhouse gas substance from a
22 place outside a greenhouse gas injection licence area to
23 a place in the greenhouse gas injection licence area; and
24 (b) the greenhouse gas substance is to be injected into an
25 identified greenhouse gas storage formation that is wholly
26 situated in the greenhouse gas injection licence area; and
27 (c) the applicant is not the greenhouse gas injection licensee;
28 the Joint Authority may, by written notice given to the applicant,
29 refuse to grant the pipeline licence.

30 **161 Paragraph 189(a)**

31 After “187”, insert “or 187A”.

32 **162 Section 194**

33 Omit:

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Schedule 1 Amendments relating to greenhouse gas storage etc.

1
2
3

- 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.

4

substitute:

5
6

- A special prospecting authority may be granted over a block so long as none of the following is in force over the block:

7

(a) an exploration permit;

8

(b) a retention lease;

9

(c) a production licence;

10

(d) a greenhouse gas assessment permit;

11

(e) a greenhouse gas holding lease;

12

(f) a greenhouse gas injection licence.

13

163 Subsection 199(1)

14

Repeal the subsection, substitute:

15

- (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:

16

17

18

19

(a) an exploration permit;

20

(b) a retention lease;

21

(c) a production licence;

22

(d) a greenhouse gas assessment permit;

23

(e) a greenhouse gas holding lease;

24

(f) a greenhouse gas injection licence.

25

164 At the end of Division 2 of Part 2.7

26

Add:

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 **201A Holders to be informed of the grant of greenhouse gas search**
2 **authority**

3 *Scope*

- 4 (1) This section applies if:
5 (a) a person (the *first person*) is the registered holder of a special
6 prospecting authority over a block; and
7 (b) a greenhouse gas search authority is granted to another
8 person (the *second person*) over the block.

9 *Holders to be informed*

- 10 (2) The responsible Commonwealth Minister must, by written notice
11 given to the first person, inform the first person of:
12 (a) the operations authorised by the greenhouse gas search
13 authority granted to the second person; and
14 (b) the conditions of the greenhouse gas search authority granted
15 to the second person.
- 16 (3) The Designated Authority must, by written notice given to the
17 second person, inform the second person of:
18 (a) the petroleum exploration operations authorised by the
19 special prospecting authority granted to the first person; and
20 (b) the conditions of the special prospecting authority granted to
21 the first person.

22 **165 Subsection 226(1) (table)**

23 At the end of the table, add:

24

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

25 **165A Subsection 229(1) (note)**

26 Omit “249”, substitute “442D”.

27 **166 Subsection 229(3)**

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Schedule 1 Amendments relating to greenhouse gas storage etc.

1 Omit “give”, substitute “given”.

2 **167 After subsection 247(3)**

3 Insert:

4 (3A) Subsections (2) and (3) do not apply if the petroleum is discovered
5 by:

6 (a) a greenhouse gas assessment permittee; or

7 (b) a greenhouse gas holding lessee; or

8 (c) a greenhouse gas injection licensee.

9 Note: The heading to section 247 is altered by adding at the end “**in exploration permit area**
10 **or retention lease area**”.

11 **168 Section 249**

12 Repeal the section.

13 **169 After Chapter 2**

14 Insert:

15 **Chapter 2A—Regulation of activities relating**
16 **to injection and storage of greenhouse**
17 **gas substances**

18 **Part 2A.1—Introduction**

19

20 **@249AA Simplified outline**

21 The following is a simplified outline of this Chapter:

- 22
- This Chapter provides for the grant of the following titles:
 - 23 (a) a greenhouse gas assessment permit (see
24 Part 2A.2);
 - 25 (b) a greenhouse gas holding lease (see Part 2A.3);
 - 26 (c) a greenhouse gas injection licence (see Part 2A.4);

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

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(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

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Schedule 1 Amendments relating to greenhouse gas storage etc.

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

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 Minister may declare that the formation is an identified
2 greenhouse gas storage formation.

3 [76]

4 **@249AC Prohibition of unauthorised exploration for potential**
5 **greenhouse gas storage formation, or potential**
6 **greenhouse gas injection site, in offshore area**

- 7 (1) A person commits an offence if:
8 (a) the person explores for:
9 (i) a potential greenhouse gas storage formation; or
10 (ii) a potential greenhouse gas injection site; and
11 (b) the exploration occurs in an offshore area.

12 Penalty: Imprisonment for 5 years.

- 13 (2) Subsection (1) does not apply to conduct that is:
14 (a) authorised by a greenhouse gas assessment permit; or
15 (b) otherwise authorised or required by or under this Act.

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

18 [77]

19 **@249AD Rights conferred by greenhouse gas assessment permit**

- 20 (1) A greenhouse gas assessment permit authorises the permittee, in
21 accordance with the conditions (if any) to which the permit is
22 subject:
23 (a) to explore in the permit area for a potential greenhouse gas
24 storage formation; and
25 (b) to explore in the permit area for a potential greenhouse gas
26 injection site; and
27 (c) to inject, on an appraisal basis, a greenhouse gas substance
28 into a part of a geological formation, so long as the relevant
29 well is situated in the permit area; and
30 (d) to store, on an appraisal basis, a greenhouse gas substance in
31 a part of a geological formation, so long as the injection of

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Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 the stored greenhouse gas substance takes place at a well
2 situated the permit area; and
- 3 (e) to inject, on an appraisal basis:
- 4 (i) air; or
5 (ii) petroleum; or
6 (iii) water;
- 7 into a part of a geological formation for purposes in
8 connection with the exploration authorised by paragraph (a)
9 or (b), so long as the relevant well is situated in the permit
10 area; and
- 11 (f) to store, on an appraisal basis:
- 12 (i) air; or
13 (ii) petroleum; or
14 (iii) water;
- 15 in a part of a geological formation for purposes in connection
16 with the exploration authorised by paragraph (a) or (b), so
17 long as the injection of the stored air, petroleum or water
18 takes place at a well situated in the permit area; and
- 19 (g) with the written consent of the responsible Commonwealth
20 Minister, to recover petroleum in the permit area for the sole
21 purpose of appraising a discovery of petroleum that was
22 made as an incidental consequence of:
- 23 (i) the exploration authorised by paragraph (a) or (b); or
24 (ii) the injection authorised by paragraph (c) or (e); and
- 25 (h) to carry on such operations, and execute such works, in the
26 permit area as are necessary for those purposes.
- 27 (2) The rights conferred on the permittee by subsection (1) are subject
28 to this Act and the regulations.
- 29 (3) If petroleum is recovered by the permittee in the permit area as
30 authorised by paragraph (1)(g), the petroleum does not become the
31 property of the permittee.
- 32 (4) A greenhouse gas storage permit does not authorise the permittee
33 to make a well outside the permit area.

34 [78]

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 **@249AE Conditions of greenhouse gas assessment permits**

2 (1) The responsible Commonwealth Minister may grant a greenhouse
3 gas assessment permit subject to whatever conditions the
4 responsible Commonwealth Minister thinks appropriate.

5 (2) The conditions (if any) must be specified in the permit.

6 *Approval of key greenhouse gas operations*

7 (3) A greenhouse gas assessment permit is subject to the condition that
8 the permittee will not carry on key greenhouse gas operations
9 under the permit unless:

10 (a) the responsible Commonwealth Minister has approved the
11 operations under section @249AF; and

12 (b) the permittee complies with the conditions (if any) to which
13 the approval is subject.

14 *Securities*

15 (4) A greenhouse gas assessment permit is subject to the condition
16 that, if the permittee is given a notice under section @249NCA, the
17 permittee will comply with the notice.

18 *Work-bid greenhouse gas assessment permits*

19 (5) Any or all of the following conditions may be specified in a
20 work-bid greenhouse gas assessment permit:

21 (a) conditions requiring the permittee to carry out work in, or in
22 relation to, the permit area (including conditions requiring the
23 permittee to carry out the work during a period of 12 months
24 or longer, or during periods each of which is 12 months or
25 longer);

26 (b) conditions relating to the amounts that the permittee must
27 spend in carrying out such work;

28 (c) conditions requiring the permittee to comply with directions
29 that:

30 (i) relate to the matters covered by paragraphs (a) and (b);
31 and

32 (ii) are given in accordance with the permit.

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Schedule 1 Amendments relating to greenhouse gas storage etc.

1 *Cash-bid greenhouse gas assessment permits*

- 2 (6) Despite subsection (1), a cash-bid greenhouse gas assessment
3 permit must not be granted subject to conditions requiring the
4 permittee to:
5 (a) carry out work in, or in relation to, the permit area; or
6 (b) spend particular amounts on the carrying out of work in, or in
7 relation to, the permit area.

8 *Other provisions*

- 9 (7) Despite subsection (2), the conditions mentioned in subsections (3)
10 and (4) do not need to be specified in the permit.
11 (8) Subsections (3), (4) and (5) do not limit subsection (1).

12 [79]

13 **@249AF Approval by responsible Commonwealth Minister of key**
14 **greenhouse gas operations**

- 15 (1) A greenhouse gas assessment permittee may apply to the
16 responsible Commonwealth Minister for approval to carry on one
17 or more key greenhouse gas operations under the permit.
18 (2) If an application for approval is made under subsection (1), the
19 responsible Commonwealth Minister may:
20 (a) give the approval, with or without conditions to which the
21 approval is subject; or
22 (b) by written notice given to the applicant, refuse to give the
23 approval.

24 *Responsible Commonwealth Minister must have regard to certain*
25 *matters*

- 26 (3) In deciding whether to give the approval, the responsible
27 Commonwealth Minister must comply with subsections (4), (5),
28 (6), (7) and (8).
29 (4) The responsible Commonwealth Minister must have regard to the
30 impact (if any) that any of those key greenhouse gas operations
31 could have on petroleum exploration operations, or petroleum
32 recovery operations, that are being, or could be, carried on under:

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- 1 (a) an existing exploration permit; or
2 (b) an existing retention lease; or
3 (c) an existing production licence; or
4 (d) a future exploration permit; or
5 (e) a future retention lease; or
6 (f) a future production licence.
- 7 (5) If the responsible Commonwealth Minister is satisfied that there is
8 a significant risk that any of those key greenhouse gas operations
9 will have a significant adverse impact on petroleum exploration
10 operations, or petroleum recovery operations, that are being, or
11 could be, carried on under:
12 (a) an existing exploration permit held by a person other than the
13 applicant; or
14 (b) an existing retention lease held by a person other than the
15 applicant; or
16 (c) an existing production licence held by a person other than the
17 applicant;
18 the responsible Commonwealth Minister must have regard to:
19 (d) whether the registered holder of the exploration permit,
20 retention lease or production licence, as the case may be, has
21 agreed, in writing, to the applicant carrying on the key
22 greenhouse gas operations in respect of which the responsible
23 Commonwealth Minister is so satisfied; and
24 (e) if so—the terms of that agreement.
- 25 (6) If:
26 (a) the responsible Commonwealth Minister is satisfied that
27 there is a significant risk that any of those key greenhouse
28 gas operations will have a significant adverse impact on
29 petroleum exploration operations, or petroleum recovery
30 operations, that could be carried on under:
31 (i) a future exploration permit over a block or blocks; or
32 (ii) a future retention lease over a block or blocks; or
33 (iii) a future production licence over a block or blocks; and
34 (b) an exploration permit, retention lease or production licence is
35 in force over the block or any of the blocks; and
36 (c) the exploration permit, retention lease or production licence
37 is held by a person other than the applicant;
38 the responsible Commonwealth Minister must have regard to:
-

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- 1 (d) whether the registered holder of the exploration permit,
2 retention lease or production licence covered by
3 paragraph (b) has agreed, in writing, to the applicant carrying
4 on the key greenhouse gas operations in respect of which the
5 responsible Commonwealth Minister is so satisfied; and
6 (e) if so—the terms of that agreement.
- 7 (7) If any of those key greenhouse gas operations is:
8 (a) an operation to inject, on an appraisal basis, a substance into
9 a part of a geological formation; or
10 (b) an operation to store, on an appraisal basis, a substance in a
11 part of a geological formation;
12 the responsible Commonwealth Minister must have regard to the
13 composition of the substance.
- 14 (8) The responsible Commonwealth Minister must have regard to the
15 public interest.
- 16 (9) Subsections (4), (5), (6) and (7) do not limit subsection (8).
- 17 (10) Subsections (4), (5), (6), (7) and (8) do not limit the matters to
18 which the responsible Commonwealth Minister may have regard.

Circumstances in which the approval must not be given

- 19
- 20 (11) If the responsible Commonwealth Minister is satisfied that there is
21 a significant risk that any of those key greenhouse gas operations
22 will have a significant adverse impact on petroleum exploration
23 operations, or petroleum recovery operations, that are being, or
24 could be, carried on under:
25 (a) an existing pre-commencement petroleum title held by a
26 person other than the applicant; or
27 (b) an existing post-commencement production licence held by a
28 person other than the applicant;
29 the responsible Commonwealth Minister must not give the
30 approval unless the registered holder of the pre-commencement
31 petroleum title, or the post-commencement production licence, as
32 the case may be, has agreed, in writing, to the applicant carrying on
33 the key greenhouse gas operations in respect of which the
34 responsible Commonwealth Minister is so satisfied.
- 35 (12) If:

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- 1 (a) the responsible Commonwealth Minister is satisfied that
2 there is a significant risk that any of those key greenhouse
3 gas operations will have a significant adverse impact on
4 petroleum exploration operations, or petroleum recovery
5 operations, that could be carried on under a future
6 pre-commencement petroleum title over a block or blocks;
7 and
8 (b) the existing pre-commencement petroleum title in force over
9 the block or any of the blocks is held by a person other than
10 the applicant;
11 the responsible Commonwealth Minister must not give the
12 approval unless the registered holder of the existing
13 pre-commencement petroleum title has agreed, in writing, to the
14 applicant carrying on the key greenhouse gas operations in respect
15 of which the responsible Commonwealth Minister is so satisfied.

16 *No right to an approval*

- 17 (13) To avoid doubt, section @249AD does not imply that a greenhouse
18 gas assessment permittee who applies for approval under
19 subsection (1) of this section is entitled to be given the approval.

20 *Suspension of rights*

- 21 (14) For the purposes of this section, disregard a suspension of rights
22 under section 229.

23 **@249AH Duration of greenhouse gas assessment permit**

- 24 (1) A greenhouse gas assessment permit remains in force for the
25 period of 6 years beginning on:
26 (a) the day on which the permit is granted; or
27 (b) if a later day is specified in the permit as the day on which
28 the permit is to come into force—that later day.
29 (2) Subsection (1) has effect subject to this Chapter.

30 Note 1: For a special rule about the extension of the duration of a greenhouse
31 gas assessment permit if the permittee applies for a declaration of an
32 identified greenhouse gas storage formation, see section @249AHA.

33 Note 2: For a special rule about the extension of the duration of a greenhouse
34 gas assessment permit if the permittee applies for a greenhouse gas
35 holding lease or greenhouse gas injection licence, see section
36 @249AI.

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- 1 Note 3: For special rules about when a greenhouse gas assessment permit
2 ceases to be in force following the grant of a greenhouse gas holding
3 lease or greenhouse gas injection licence, see sections @249BL and
4 @249CO.
- 5 Note 4: For special rules about the extension of the duration of a greenhouse
6 gas assessment permit following a suspension or exemption decision,
7 see sections @249KB and @249KD.
- 8 Note 5: For the surrender of a greenhouse gas assessment permit, see
9 Part 2A.10.
- 10 Note 6: For the cancellation of a greenhouse gas assessment permit, see
11 Part 2A.11.

12 [80]

13 **@249AHA Extension of greenhouse gas assessment permit if**
14 **permittee applies for a declaration of an identified**
15 **greenhouse gas storage formation**

- 16 (1) If:
- 17 (a) a greenhouse gas assessment permit is in force; and
- 18 (b) before the time when the permit would, apart from this
19 subsection, expire, the permittee applies to the responsible
20 Commonwealth Minister for a declaration of an identified
21 greenhouse gas storage formation; and
- 22 (c) if the declaration were made in accordance with the
23 application, the identified greenhouse gas storage formation
24 would be wholly situated in the permit area;
- 25 the permit continues in force until whichever is the latest of the
26 following times:
- 27 (d) if the responsible Commonwealth Minister makes a
28 declaration of an identified greenhouse gas storage formation
29 that is wholly situated in the permit area—the end of the
30 period of 12 months after the day on which the declaration is
31 made;
- 32 (e) if the responsible Commonwealth Minister refuses to make a
33 declaration of an identified greenhouse gas storage formation
34 that is wholly situated in the permit area—the time when
35 notice of the refusal is given to the permittee;
- 36 (f) the time when the permit would, apart from this subsection,
37 expire.

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1 (2) Subsection (1) has effect subject to this Chapter, but despite
2 section @249AH.

3 Note: See the notes at the end of section @249AH.

4 **@249AI Extension of greenhouse gas assessment permit if permittee**
5 **applies for a greenhouse gas holding lease or greenhouse**
6 **gas injection licence**

7 (1) If:

8 (a) a greenhouse gas assessment permit is in force over a block
9 or blocks; and

10 (b) before the time when the permit would, apart from this
11 subsection, expire, the permittee applies to the responsible
12 Commonwealth Minister for the grant of a greenhouse gas
13 holding lease or greenhouse gas injection licence over the
14 block or one or more of the blocks;

15 the table has effect:
16

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 end of the period of 90 days after the day on which the notice of the refusal was given to the permittee.

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Extension of permit

Item	In this case...	the permit continues in force over the block or blocks covered by the application until...
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the permittee on a ground covered by paragraph @249CI(1)(c), (d), (e), (f) or (g)

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.
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1 (2) Subsection (1) has effect subject to this Chapter but despite section
2 @249AH.

3 Note: See the notes at the end of section @249AH.

4 [81]

5 Division 2—Obtaining a work-bid greenhouse gas 6 assessment permit

7 @249AJ Application for work-bid greenhouse gas assessment 8 permit—advertising of blocks

9 *Invitation to apply for a greenhouse gas assessment permit*

10 (1) The responsible Commonwealth Minister may, by notice published
11 in the *Gazette*:

12 (a) invite applications for the grant of a greenhouse gas
13 assessment permit over the block, or any or all of the blocks,
14 specified in the notice; and

15 (b) specify a period within which applications may be made.

16 (2) If the responsible Commonwealth Minister has published a notice
17 under subsection @249AP(1) inviting applications for the grant of
18 a greenhouse gas assessment permit over a block, the block must
19 not be specified in a notice under subsection (1) of this section at

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 any time during the period specified in the subsection @249AP(1)
2 notice.

3 Note: Subsection @249AP(1) deals with cash-bid greenhouse gas
4 assessment permits.

5 *Application for greenhouse gas assessment permit*

- 6 (3) An application under this section must be accompanied by details
7 of:
- 8 (a) the applicant's proposals for work and expenditure in relation
9 to the block or blocks specified in the application; and
 - 10 (b) the technical qualifications of the applicant and of the
11 applicant's employees; and
 - 12 (c) the technical advice available to the applicant; and
 - 13 (d) the financial resources available to the applicant.

14 Note 1: Part 2A.8 contains additional provisions about application procedures.

15 Note 2: Section @249JB requires the application to be accompanied by an
16 application fee.

17 Note 3: Section @249JD enables the responsible Commonwealth Minister to
18 require the applicant to give further information.

19 *Attributes of blocks*

- 20 (4) The blocks specified in an application under this section must be
21 blocks that are constituted by graticular sections that:
- 22 (a) constitute a single area; and
 - 23 (b) are such that each graticular section in that area has a side in
24 common with at least one other graticular section in that area.
- 25 (5) Subsection (4) does not apply to applications if the responsible
26 Commonwealth Minister, for reasons that the responsible
27 Commonwealth Minister thinks sufficient, includes in the
28 subsection (1) notice a direction that subsection (4) does not apply
29 to those applications.

30 [82]

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Schedule 1 Amendments relating to greenhouse gas storage etc.

1 **@249AK Grant of work-bid greenhouse gas assessment permit—**
2 **offer document**

3 *Scope*

4 (1) This section applies if an application for the grant of a greenhouse
5 gas assessment permit has been made under section @249AJ.

6 *Offer document*

7 (2) The responsible Commonwealth Minister may:

8 (a) give the applicant a written notice (called an *offer document*)
9 telling the applicant that the responsible Commonwealth
10 Minister is prepared to grant the applicant a greenhouse gas
11 assessment permit over the block or blocks specified in the
12 offer document; or

13 (b) by written notice given to the applicant, refuse to grant a
14 greenhouse gas assessment permit to the applicant.

15 Note 1: Section @249JE sets out additional requirements for offer documents
16 (for example, a requirement that an offer document must contain a
17 summary of conditions).

18 Note 2: If the applicant breaches a requirement under section @249JD to
19 provide further information, the responsible Commonwealth Minister
20 may refuse to give the applicant an offer document—see subsection
21 @249JD(3).

22 [83]

23 **@249AL Ranking of multiple applicants for work-bid greenhouse**
24 **gas assessment permit**

25 *Scope*

26 (1) This section applies if:

27 (a) the responsible Commonwealth Minister publishes a notice
28 under subsection @249AJ(1) inviting applications for the
29 grant of a greenhouse gas assessment permit; and

30 (b) at the end of the period specified in the notice, 2 or more
31 applications have been made under section @249AJ for the
32 grant of a greenhouse gas assessment permit over the same
33 block or blocks.

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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.

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 details (the ***work/expenditure details***) of their proposals for additional work and expenditure in relation to the block or blocks concerned.
- (7) A notice under subsection (6) must:
 - (a) specify the kinds of work/expenditure details that the responsible Commonwealth Minister considers to be relevant

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- 1 in determining which of the applicants is most deserving of
2 the grant of the greenhouse gas assessment permit; and
3 (b) specify the period within which the work/expenditure details
4 must be given to the responsible Commonwealth Minister.
- 5 (8) If an applicant gives work/expenditure details to the responsible
6 Commonwealth Minister, and those details are:
7 (a) of a kind specified in the notice; and
8 (b) given within the period specified in the notice;
9 the responsible Commonwealth Minister must have regard to the
10 details in determining which of the applicants is most deserving of
11 the grant of the greenhouse gas assessment permit.

12 *Criteria*

- 13 (9) An instrument setting out criteria under subsection (3) is not a
14 legislative instrument.

15 Note: See also section @249AO, which deals with the effect of the
16 withdrawal or lapse of an application.

17 [84]

18 **@249AM Grant of work-bid greenhouse gas assessment permit**

19 If:

- 20 (a) an applicant has been given an offer document under section
21 @249AK; and
22 (b) the applicant has made a request under section @249JF in
23 relation to the offer document within the period applicable
24 under that section; and
25 (c) if the offer document specified the form and amount of a
26 security to be lodged by the applicant—the applicant has
27 lodged the security within the period applicable under section
28 @249JGAA;

29 the responsible Commonwealth Minister must grant the applicant a
30 greenhouse gas assessment permit over the block or blocks
31 specified in the offer document.

32 Note 1: If the applicant does not make a request under section @249JF within
33 the period applicable under that section, the application lapses at the
34 end of that period—see subsection @249JF(4).

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1 Note 2: If the applicant has not lodged the security within the period
2 applicable under section @249JGAA, the application lapses at the end
3 of that period—see section @249JGAA.

4 [85]

5 **@249AN Withdrawal of application**

6 *Scope*

7 (1) This section applies if the responsible Commonwealth Minister
8 publishes a notice under subsection @249AJ(1) inviting
9 applications for the grant of a greenhouse gas assessment permit.

10 *Withdrawal by single applicant*

11 (2) If a person has made an application, the person may, by written
12 notice given to the responsible Commonwealth Minister, withdraw
13 the application at any time before a greenhouse gas assessment
14 permit is granted as a result of the application.

15 *Withdrawal by all joint applicants*

16 (3) If 2 or more persons have made a joint application, all of those
17 persons may, by written notice given to the responsible
18 Commonwealth Minister, withdraw the application at any time
19 before a greenhouse gas assessment permit is granted as a result of
20 the application.

21 *Withdrawal by one or more, but not all, joint applicants*

22 (4) If:
23 (a) a joint application was made under section @249AJ for the
24 grant of a greenhouse gas assessment permit; and
25 (b) all of the joint applicants, by written notice given to the
26 responsible Commonwealth Minister, tell the responsible
27 Commonwealth Minister that one or more, but not all, of
28 them, as specified in the notice, withdraw from the
29 application;
30 then:
31 (c) the application continues in force as if it had been made by
32 the remaining applicant or applicants; and

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- 1 (d) if the responsible Commonwealth Minister had given the
2 joint applicants an offer document in relation to the
3 application—the responsible Commonwealth Minister is
4 taken not to have given the offer document to the joint
5 applicants.

6 [86]

7 **@249AO Effect of withdrawal or lapse of application**

8 *Scope*

- 9 (1) This section applies if:
10 (a) 2 or more applications have been made under section
11 @249AJ for the grant of a greenhouse gas assessment permit
12 over the same block or blocks; and
13 (b) one or more, but not all, of the applications are withdrawn or
14 have lapsed.

15 *Application is taken not to have been made*

- 16 (2) A withdrawn or lapsed application is taken not to have been made.

17 *Offer document is taken not to have been given*

- 18 (3) If the responsible Commonwealth Minister gave an offer document
19 in relation to a withdrawn or lapsed application, the responsible
20 Commonwealth Minister is taken not to have given an offer
21 document in relation to the withdrawn or lapsed application.

22 *Request to grant greenhouse gas assessment permit*

- 23 (4) If the applicant, or one of the applicants, whose application had
24 been withdrawn had requested the responsible Commonwealth
25 Minister under section @249JF to grant a greenhouse gas
26 assessment permit to the applicant concerned, the request is taken
27 not to have been made.

28 *Discharge of security*

- 29 (5) If:

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- 1 (a) the offer document in relation to a withdrawn application
2 specified the form and amount of a security to be lodged by
3 the applicant; and
4 (b) the applicant had lodged the security;
5 the security is discharged.

6 *Refusal to grant greenhouse gas assessment permit*

- 7 (6) If the following conditions are satisfied in relation to a remaining
8 applicant:
9 (a) the responsible Commonwealth Minister had refused to grant
10 a greenhouse gas assessment permit to the remaining
11 applicant;
12 (b) the responsible Commonwealth Minister did not exclude the
13 remaining applicant from the ranking under subsection
14 @249AL(5);
15 the refusal is taken not to have occurred.

16 [87]

17 **Division 3—Obtaining a cash-bid greenhouse gas**
18 **assessment permit**

19 **@249AP Application for cash-bid greenhouse gas assessment permit**

20 *Invitation to apply for a greenhouse gas assessment permit*

- 21 (1) The responsible Commonwealth Minister may, by notice published
22 in the *Gazette*:
23 (a) invite applications by way of cash bidding for the grant of a
24 greenhouse gas assessment permit over the block or blocks
25 specified in the notice; and
26 (b) specify a period within which applications may be made.
- 27 (2) If the responsible Commonwealth Minister has published a notice
28 under subsection @249AJ(1) inviting applications for the grant of
29 a greenhouse gas assessment permit over a block, the block must
30 not be specified in a notice under subsection (1) of this section at
31 any time during the period specified in the subsection @249AJ(1)
32 notice.

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 **@249AQ Grant of cash-bid greenhouse gas assessment permit—**
2 **only one application**

3 *Scope*

- 4 (1) This section applies if:
- 5 (a) the responsible Commonwealth Minister publishes a notice
6 under subsection @249AP(1) inviting applications for the
7 grant of a greenhouse gas assessment permit over a block or
8 blocks; and
- 9 (b) at the end of the period specified in the notice, only one
10 application has been made under section @249AP in relation
11 to the block or blocks.

12 *Offer document*

- 13 (2) The responsible Commonwealth Minister may:
- 14 (a) give the applicant a written notice (called an *offer document*)
15 telling the applicant that the responsible Commonwealth
16 Minister is prepared to grant the applicant a greenhouse gas
17 assessment permit over that block or those blocks; or
- 18 (b) by written notice given to the applicant, reject the
19 application.

20 Note 1: Section @249JE sets out additional requirements for offer documents
21 (for example, a requirement that an offer document must contain a
22 summary of conditions).

23 Note 2: If the applicant breaches a requirement under section @249JD to
24 provide further information, the responsible Commonwealth Minister
25 may refuse to give the applicant an offer document—see subsection
26 @249JD(3).

27 [89]

28 **@249AR Grant of cash-bid greenhouse gas assessment permit—2 or**
29 **more applications**

30 *Scope*

- 31 (1) This section applies if:
- 32 (a) the responsible Commonwealth Minister publishes a notice
33 under subsection @249AP(1) inviting applications for the

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- 1 grant of a greenhouse gas assessment permit over a block or
2 blocks; and
3 (b) at the end of the period specified in the notice, 2 or more
4 applications have been made under section @249AP in
5 relation to the block or blocks.

6 *Rejection of applications*

- 7 (2) The responsible Commonwealth Minister may reject any or all of
8 the applications.

9 *Unrejected applications*

- 10 (3) If the responsible Commonwealth Minister does not reject all of
11 the applications, the table has effect:
12

Unrejected applications		
Item	If...	the responsible Commonwealth Minister may give a written notice (called an <i>offer document</i>) 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 paragraph @249AP(6)(b) are equal	one of those applicants.
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	one of the applicants who specified the equal highest amount.

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Unrejected applications

Item	If...	the responsible Commonwealth Minister may give a written notice (called an <i>offer document</i>) to...
-------------	--------------	--

(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
-

1 (4) An offer document given to an applicant must tell the applicant
2 that the responsible Commonwealth Minister is prepared to grant
3 the applicant a greenhouse gas assessment permit over the block or
4 blocks.

5 Note 1: Section @249JE sets out additional requirements for offer documents
6 (for example, a requirement that an offer document must contain a
7 summary of conditions).

8 Note 2: If an applicant breaches a requirement under section @249JD to
9 provide further information, the responsible Commonwealth Minister
10 may refuse to give the applicant an offer document—see subsection
11 @249JD(3).

12 (5) If:

13 (a) an applicant is given an offer document under this section;
14 and

15 (b) the application lapses as provided by section @249JF,
16 @249JG or @249JGAA; and

17 (c) there are one or more remaining unrejected applications;
18 subsections (3) and (4) of this section apply in relation to the
19 remaining unrejected applications.

Unsuccessful applications

20
21 (6) If the responsible Commonwealth Minister does not give an offer
22 document to an applicant, the responsible Commonwealth Minister

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1 must, by written notice given to the applicant, inform the applicant
2 that the application was unsuccessful.

3 [90]

4 @249AS Grant of cash-bid greenhouse gas assessment permit

5 (1) If:

- 6 (a) an applicant has been given an offer document under section
7 @249AQ or @249AR; and
8 (b) the applicant has made a request under section @249JF in
9 relation to the offer document within the period applicable
10 under that section; and
11 (c) the applicant has paid the specified amount within the period
12 applicable under section @249JG; and
13 (d) if the offer document specified the form and amount of a
14 security to be lodged by the applicant—the applicant has
15 lodged the security within the period applicable under section
16 @249JGAA;

17 the responsible Commonwealth Minister must grant the applicant a
18 greenhouse gas assessment permit over the block or blocks
19 specified in the offer document.

20 Note 1: If the applicant does not make a request under section @249JF within
21 the period applicable under that section, the application lapses at the
22 end of that period—see subsection @249JF(4).

23 Note 2: If the applicant has not paid the specified amount within the period
24 applicable under section @249JG, the application lapses at the end of
25 that period—see section @249JG.

26 Note 3: If the applicant has not lodged the security within the period
27 applicable under section @249JGAA, the application lapses at the end
28 of that period—see section @249JGAA.

29 (2) For the purposes of this section, the *specified amount* is the
30 amount specified in the offer document as the amount that the
31 applicant must pay for the grant of the greenhouse gas assessment
32 permit.

33 [91]

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 **Division 4—Declaration of identified greenhouse gas**
2 **storage formation**

3 **@249AU Declaration of identified greenhouse gas storage formation**

4 *Scope*

- 5 (1) This section applies if:
- 6 (a) a greenhouse gas assessment permit, greenhouse gas holding
7 lease, greenhouse gas injection licence or production licence
8 is in force; and
- 9 (b) the permittee, lessee or licensee has reasonable grounds to
10 believe that:
- 11 (i) a part of a geological formation is an eligible
12 greenhouse gas storage formation; and
- 13 (ii) that part is wholly situated in the permit area, lease area
14 or licence area.

15 *Application for declaration of identified greenhouse gas storage*
16 *formation*

- 17 (2) The permittee, lessee or licensee may apply to the responsible
18 Commonwealth Minister for the declaration of the part referred to
19 in paragraph (1)(b) as an identified greenhouse gas storage
20 formation.
- 21 (3) An application under this section must set out:
- 22 (a) the applicant's reasons for believing that the part referred to
23 in paragraph (1)(b) is an eligible greenhouse gas storage
24 formation; and
- 25 (b) assuming that the part referred to in paragraph (1)(b) is an
26 eligible greenhouse gas storage formation:
- 27 (i) the fundamental suitability determinants of the eligible
28 greenhouse gas storage formation; and
- 29 (ii) an estimate of the spatial extent of the eligible
30 greenhouse gas storage formation; and
- 31 (c) such other information (if any) as is specified in the
32 regulations.

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Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 *Requirement to give further information or carry out further*
2 *analysis*
- 3 (4) The responsible Commonwealth Minister may, by written notice
4 given to the applicant, require the applicant:
5 (a) to give the responsible Commonwealth Minister, within the
6 period specified in the notice, further information in
7 connection with the application; or
8 (b) to:
9 (i) carry out such further analysis of relevant information
10 as is specified in the notice; and
11 (ii) give the responsible Commonwealth Minister, within
12 the period specified in the notice, a written report of the
13 results of that analysis.
- 14 (5) If the applicant breaches a requirement under subsection (4), the
15 responsible Commonwealth Minister may, by written notice given
16 to the applicant:
17 (a) refuse to consider the application; or
18 (b) refuse to take any action, or any further action, in relation to
19 the application.
- 20 *Variation of application*
- 21 (6) At any time before the responsible Commonwealth Minister makes
22 a decision on an application under this section, the applicant may,
23 by written notice given to the responsible Commonwealth
24 Minister, vary:
25 (a) any or all of the fundamental suitability determinants
26 specified in the application; or
27 (b) the spatial extent estimated in the application.
- 28 (7) A variation of an application must be made in the approved
29 manner.
- 30 (8) A variation of an application may be made:
31 (a) on the applicant's own initiative; or
32 (b) at the request of the responsible Commonwealth Minister.
- 33 (9) If an application under this section is varied, a reference in this Act
34 to the application is a reference to the application as varied.
-

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

1

Declaration

2

(10) If:

3

(a) an application is made under this section in relation to a part of a geological formation; and

4

5

(b) the responsible Commonwealth Minister is satisfied that, using the fundamental suitability determinants set out in the application:

6

7

8

(i) that part is an eligible greenhouse gas storage formation; and

9

10

(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;

11

12

13

the responsible Commonwealth Minister must, by writing:

14

(c) declare that part to be an ***identified greenhouse gas storage formation*** for the purposes of this Act; and

15

16

(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

17

18

19

(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.

20

21

22

23

(11) A declaration under paragraph (10)(d) must set out the estimate of the spatial extent specified in the application.

24

25

(12) A declaration under paragraph (10)(e) must set out the fundamental suitability determinants specified in the application.

26

27

(13) A copy of a declaration under subsection (10) must be published in the *Gazette*.

28

29

Refusal to make declaration

30

(14) If:

31

(a) an application is made under this section in relation to a part of a geological formation; and

32

33

(b) the responsible Commonwealth Minister is not required by subsection (10) to make declarations under that subsection in relation to that part;

34

35

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1 the responsible Commonwealth Minister must, by written notice
2 given to the applicant, refuse to declare that part to be an identified
3 greenhouse gas storage formation.

4 **@249AUA Variation of declaration of identified greenhouse gas**
5 **storage formation**

6 *Scope*

7 (1) This section applies if a declaration is in force under section
8 @249AU in relation to a part of a geological formation.

9 *Variation of declaration*

10 (2) The responsible Commonwealth Minister may, by writing, vary the
11 declaration.

12 (3) A variation of the declaration may be made:

13 (a) if the part is wholly situated in:

14 (i) the permit area of a greenhouse gas assessment permit;
15 or

16 (ii) the lease area of a greenhouse gas holding lease; or

17 (iii) the licence area of a greenhouse gas injection licence; or

18 (iv) the licence area of a production licence;

19 on the application of the registered holder of the permit, lease
20 or licence; or

21 (b) on the responsible Commonwealth Minister's own initiative.

22 *Application for variation*

23 (4) An application for a variation of the declaration must:

24 (a) set out the proposed variation; and

25 (b) specify the reasons for the proposed variation.

26 *Criteria*

27 (5) In deciding whether to vary the declaration, the responsible
28 Commonwealth Minister must have regard to:

29 (a) any new information; and

30 (b) any new analysis; and

31 (c) any relevant scientific or technological developments; and

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (d) such other matters (if any) as the responsible Commonwealth
2 Minister considers relevant.

3 *Consultation*

- 4 (6) Before varying a declaration under subsection (2) on the
5 responsible Commonwealth Minister's own initiative, the
6 responsible Commonwealth Minister must consult:
- 7 (a) if the part is wholly situated in the permit area of a
8 greenhouse gas assessment permit—the permittee; or
 - 9 (b) if the part is wholly situated in the lease area of a greenhouse
10 gas holding lease—the lessee; or
 - 11 (c) if the part is wholly situated in the licence area of a
12 greenhouse gas injection licence—the licensee; or
 - 13 (d) if the part is wholly situated in the licence area of a
14 production licence—the licensee.

15 *Publication*

- 16 (7) A copy of a variation under subsection (2) must be published in the
17 *Gazette*.

18 *Varied declarations*

- 19 (8) If a declaration in force under section @249AU is varied, a
20 reference in this Act to the declaration is a reference to the
21 declaration as varied.

22 **@249AUB Revocation of declaration of identified greenhouse gas**
23 **storage formation**

24 *Scope*

- 25 (1) This section applies if a declaration is in force under section
26 @249AU in relation to a part of a geological formation.

27 *Revocation of declaration*

- 28 (2) The responsible Commonwealth Minister may revoke the
29 declaration if the responsible Commonwealth Minister is satisfied
30 that, using any set of fundamental suitability determinants, the part
31 is not an eligible greenhouse gas storage formation.

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1 (3) A copy of a revocation under subsection (2) must be published in
2 the *Gazette*.

3 *Consultation*

4 (4) Before revoking a declaration under subsection (2), the responsible
5 Commonwealth Minister must consult:

- 6 (a) if the part is wholly situated in the permit area of a
7 greenhouse gas assessment permit—the permittee; or
8 (b) if the part is wholly situated in the lease area of a greenhouse
9 gas holding lease—the lessee; or
10 (c) if the part is wholly situated in the licence area of a
11 greenhouse gas injection licence—the licensee; or
12 (d) if the part is wholly situated in the licence area of a
13 production licence—the licensee.

14 *Responsible Commonwealth Minister must consider whether to*
15 *vary a declaration*

16 (5) If the responsible Commonwealth Minister proposes to revoke a
17 declaration under subsection (2), the responsible Commonwealth
18 Minister must consider whether the responsible Commonwealth
19 Minister should instead vary the declaration under section
20 @249AUA.

21 **@249AUBA Register of Identified Greenhouse Gas Storage**
22 **Formations**

23 (1) The responsible Commonwealth Minister is to maintain a register,
24 to be known as the Register of Identified Greenhouse Gas Storage
25 Formations, in which the responsible Commonwealth Minister
26 includes particulars of:

- 27 (a) declarations made under section @249AU; and
28 (b) variations of such declarations; and
29 (c) revocations of such declarations.

30 (2) The Register may be maintained by electronic means.

31 (3) The Register is to be made available for inspection on the Internet.

32 (4) The Register is not a legislative instrument.

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 **Division 5—Directions**

2 **@249AV Responsible Commonwealth Minister may give directions**
3 **to greenhouse gas assessment permittees**

4 (1) The responsible Commonwealth Minister may, by written notice
5 given to a greenhouse gas assessment permittee, give the permittee
6 a direction for the purpose of:

- 7 (a) eliminating; or
8 (b) mitigating; or
9 (c) managing;

10 the risk that operations carried on under the permit could have a
11 significant adverse impact on petroleum exploration operations, or
12 petroleum recovery operations, that are being, or could be, carried
13 on under:

- 14 (d) an existing exploration permit; or
15 (e) an existing retention lease; or
16 (f) an existing production licence; or
17 (g) a future exploration permit; or
18 (h) a future retention lease; or
19 (i) a future production licence.

20 (2) A direction under this section has effect, and must be complied
21 with, despite:

- 22 (a) any previous direction under this section; and
23 (b) anything in the regulations or the applied provisions.

24 (3) A direction under this section may make provision in relation to a
25 matter by applying, adopting or incorporating (with or without
26 modification) a code of practice or standard contained in an
27 instrument:

- 28 (a) as in force or existing at the time when the direction takes
29 effect; or
30 (b) as in force or existing from time to time;

31 so long as the code of practice or standard is relevant to that matter.

32 (4) To avoid doubt, subsection (3) applies to an instrument, whether
33 issued or made in Australia or outside Australia.

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Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 (5) A direction under this section may prohibit the doing of an act or
2 thing:
3 (a) unconditionally; or
4 (b) subject to conditions, including conditions requiring the
5 consent or approval of a person specified in the direction.
6 (6) A direction under this section is not a legislative instrument.

7 **@249AW Compliance with directions**

- 8 (1) A person commits an offence if:
9 (a) the person is given a direction under section @249AV; and
10 (b) the person engages in conduct; and
11 (c) the person's conduct breaches the direction.

12 Penalty: 100 penalty units.

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

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

15 **Part 2A.3—Greenhouse gas holding leases**

16 **Division 1—General provisions**

17 **@249BA Simplified outline**

18 The following is a simplified outline of this Part:

- 19 • This Part provides for the grant of greenhouse gas holding
20 leases over blocks in an offshore area.
21 • A greenhouse gas holding lease authorises the lessee to
22 explore in the lease area for potential greenhouse gas storage
23 formations and potential greenhouse gas injection sites.
24 • A greenhouse gas holding lease may be granted to:
25 (a) the holder of a greenhouse gas assessment permit;
26 or

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

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- (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.
- 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.

15 [112]

16 **@249BB Rights conferred by greenhouse gas holding lease**

- 17 (1) A greenhouse gas holding lease authorises the lessee, in
18 accordance with the conditions (if any) to which the lease is
19 subject:
- 20 (a) to explore in the lease area for a potential greenhouse gas
21 storage formation; and
 - 22 (b) to explore in the lease area for a potential greenhouse gas
23 injection site; and
 - 24 (c) to inject, on an appraisal basis, a greenhouse gas substance
25 into a part of a geological formation, so long as the relevant
26 well is situated in the lease area; and
 - 27 (d) to store, on an appraisal basis, a greenhouse gas substance in
28 a part of a geological formation, so long as the injection of
29 the stored greenhouse gas substance takes place at a well
30 situated in the lease area; and
 - 31 (e) to inject, on an appraisal basis:
 - 32 (i) air; or
 - 33 (ii) petroleum; or

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Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 (iii) water;
2 into a part of a geological formation for purposes in
3 connection with the exploration authorised by paragraph (a)
4 or (b), so long as the relevant well is situated in the lease
5 area; and
6 (f) to store, on an appraisal basis:
7 (i) air; or
8 (ii) petroleum; or
9 (iii) water;
10 in a part of a geological formation for purposes in connection
11 with the exploration authorised by paragraph (a) or (b), so
12 long as the injection of the stored air, petroleum or water
13 takes place at a well situated in the lease area; and
14 (g) with the written consent of the responsible Commonwealth
15 Minister, to recover petroleum in the lease area for the sole
16 purpose of appraising a discovery of petroleum that was
17 made as an incidental consequence of:
18 (i) the exploration authorised by paragraph (a) or (b); or
19 (ii) the injection authorised by paragraph (c) or (e); and
20 (h) to carry on such operations, and execute such works, in the
21 lease area as are necessary for those purposes.
- 22 (2) The rights conferred on the lessee by subsection (1) are subject to
23 this Act and the regulations.
- 24 (3) If petroleum is recovered by the lessee in the lease area as
25 authorised by paragraph (1)(g), the petroleum does not become the
26 property of the lessee.
- 27 (4) A greenhouse gas holding lease does not authorise the lessee to
28 make a well outside the lease area.

29 [113]

30 @249BC Conditions of greenhouse gas holding leases

- 31 (1) The responsible Commonwealth Minister may grant a greenhouse
32 gas holding lease subject to whatever conditions the responsible
33 Commonwealth Minister thinks appropriate.
- 34 (2) The conditions (if any) must be specified in the lease.

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 *Approval of key greenhouse gas operations*

- 2 (3) A greenhouse gas holding lease is subject to the condition that the
3 lessee will not carry on key greenhouse gas operations under the
4 lease unless:
5 (a) the responsible Commonwealth Minister has approved the
6 operations under section @249BD; and
7 (b) the lessee complies with the conditions (if any) to which the
8 approval is subject.

9 *Securities*

- 10 (4) A greenhouse gas holding lease is subject to the condition that, if
11 the lessee is given a notice under section @249NCA, the lessee
12 will comply with the notice.

13 *Work to be carried out by lessee*

- 14 (5) Any or all of the following conditions may be specified in a
15 greenhouse gas holding lease:
16 (a) conditions requiring the lessee to carry out work in, or in
17 relation to, the lease area;
18 (b) conditions about the amounts that the lessee must spend in
19 carrying out such work;
20 (c) conditions requiring the lessee to comply with directions that:
21 (i) relate to the matters covered by paragraphs (a) and (b);
22 and
23 (ii) are given in accordance with the lease.

24 *Other provisions*

- 25 (6) Despite subsection (2), the conditions mentioned in subsections (3)
26 and (4) do not need to be specified in the lease.
27 (7) Subsections (3), (4) and (5) do not limit subsection (1).

28 [114]

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Schedule 1 Amendments relating to greenhouse gas storage etc.

1 **@249BD Approval by responsible Commonwealth Minister of key**
2 **greenhouse gas operations**

- 3 (1) A greenhouse gas holding lessee may apply to the responsible
4 Commonwealth Minister for approval to carry on one or more key
5 greenhouse gas operations under the lease.
- 6 (2) If an application for approval is made under subsection (1), the
7 responsible Commonwealth Minister may:
- 8 (a) give the approval, with or without conditions to which the
9 approval is subject; or
- 10 (b) by written notice given to the applicant, refuse to give the
11 approval.

12 *Responsible Commonwealth Minister must have regard to certain*
13 *matters*

- 14 (3) In deciding whether to give the approval, the responsible
15 Commonwealth Minister must comply with subsections (4), (5),
16 (6), (7) and (8).
- 17 (4) The responsible Commonwealth Minister must have regard to the
18 impact (if any) that any of those key greenhouse gas operations
19 could have on petroleum exploration operations, or petroleum
20 recovery operations, that are being, or could be, carried on under:
- 21 (a) an existing exploration permit; or
22 (b) an existing retention lease; or
23 (c) an existing production licence; or
24 (d) a future exploration permit; or
25 (e) a future retention lease; or
26 (f) a future production licence.
- 27 (5) If the responsible Commonwealth Minister is satisfied that there is
28 a significant risk that any of those key greenhouse gas operations
29 will have a significant adverse impact on petroleum exploration
30 operations, or petroleum recovery operations, that are being, or
31 could be, carried on under:
- 32 (a) an existing exploration permit held by a person other than the
33 applicant; or
34 (b) an existing retention lease held by a person other than the
35 applicant; or

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (c) an existing production licence held by a person other than the
2 applicant;
3 the responsible Commonwealth Minister must have regard to:
4 (d) whether the registered holder of the exploration permit,
5 retention lease or production licence, as the case may be, has
6 agreed, in writing, to the applicant carrying on the key
7 greenhouse gas operations in respect of which the responsible
8 Commonwealth Minister is so satisfied; and
9 (e) if so—the terms of that agreement.
- 10 (6) If:
11 (a) the responsible Commonwealth Minister is satisfied that
12 there is a significant risk that any of those key greenhouse
13 gas operations will have a significant adverse impact on
14 petroleum exploration operations, or petroleum recovery
15 operations, that could be carried on under:
16 (i) a future exploration permit over a block or blocks; or
17 (ii) a future retention lease over a block or blocks; or
18 (iii) a future production licence over a block or blocks; and
19 (b) an exploration permit, retention lease or production licence is
20 in force over the block or any of the blocks; and
21 (c) the exploration permit, retention lease or production licence
22 is held by a person other than the applicant;
23 the responsible Commonwealth Minister must have regard to:
24 (d) whether the registered holder of the exploration permit,
25 retention lease or production licence covered by
26 paragraph (b) has agreed, in writing, to the applicant carrying
27 on the key greenhouse gas operations in respect of which the
28 responsible Commonwealth Minister is so satisfied; and
29 (e) if so—the terms of that agreement.
- 30 (7) If any of those key greenhouse gas operations is:
31 (a) an operation to inject, on an appraisal basis, a substance into
32 a part of a geological formation; or
33 (b) an operation to store, on an appraisal basis, a substance in a
34 part of a geological formation;
35 the responsible Commonwealth Minister must have regard to the
36 composition of the substance.

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1 (8) The responsible Commonwealth Minister must have regard to the
2 public interest.

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

4 (10) Subsections (4), (5), (6), (7) and (8) do not limit the matters to
5 which the responsible Commonwealth Minister may have regard.

6 *Circumstances in which the approval must not be given*

7 (11) If the responsible Commonwealth Minister is satisfied that there is
8 a significant risk that any of those key greenhouse gas operations
9 will have a significant adverse impact on petroleum exploration
10 operations, or petroleum recovery operations, that are being, or
11 could be, carried on under:

12 (a) an existing pre-commencement petroleum title held by a
13 person other than the applicant; or

14 (b) an existing post-commencement production licence held by a
15 person other than the applicant;

16 the responsible Commonwealth Minister must not give the
17 approval unless the registered holder of the pre-commencement
18 petroleum title, or the post-commencement production licence, as
19 the case may be, has agreed, in writing, to the applicant carrying on
20 the key greenhouse gas operations in respect of which the
21 responsible Commonwealth Minister is so satisfied.

22 (12) If:

23 (a) the responsible Commonwealth Minister is satisfied that
24 there is a significant risk that any of those key greenhouse
25 gas operations will have a significant adverse impact on
26 petroleum exploration operations, or petroleum recovery
27 operations, that could be carried on under a future
28 pre-commencement petroleum title over a block or blocks;
29 and

30 (b) the existing pre-commencement petroleum title in force over
31 the block or any of the blocks is held by a person other than
32 the applicant;

33 the responsible Commonwealth Minister must not give the
34 approval unless the registered holder of the existing
35 pre-commencement petroleum title has agreed, in writing, to the
36 applicant carrying on the key greenhouse gas operations in respect
37 of which the responsible Commonwealth Minister is so satisfied.

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 *No right to an approval*

2 (13) To avoid doubt, section @249BB does not imply that a greenhouse
3 gas holding lessee who applies for approval under subsection (1) of
4 this section is entitled to be given the approval.

5 *Suspension of rights*

6 (14) For the purposes of this section, disregard a suspension of rights
7 under section 229.

8 **@249BF Duration of greenhouse gas holding lease**

9 (1) A greenhouse gas holding lease (other than a special greenhouse
10 gas holding lease) remains in force for the period of 5 years
11 beginning on:

12 (a) the day on which the lease is granted; or

13 (b) if a later day is specified in the lease as the day on which the
14 lease is to come into force—that later day.

15 (2) A special greenhouse gas holding lease remains in force
16 indefinitely.

17 (3) Subsections (1) and (2) have effect subject to this Chapter.

18 Note 1: For a special rule about the extension of the duration of a greenhouse
19 gas holding lease if the lessee applies for a special greenhouse gas
20 holding lease or greenhouse gas injection licence, see section
21 @249BG.

22 Note 2: For a special rule about the cancellation of a special greenhouse gas
23 holding lease, see section @249BZB.

24 Note 3: For a special rule about the extension of the duration of a greenhouse
25 gas holding lease pending a decision on a renewal application, see
26 subsection @249BT(6).

27 Note 4: For special rules about the duration of a greenhouse gas holding lease
28 once a decision has been made refusing to renew the lease, see
29 subsections @249BV(4) and (5).

30 Note 5: For special rules about the extension of the duration of a greenhouse
31 gas holding lease following a suspension or exemption decision, see
32 sections @249KB and @249KD.

33 Note 6: For a special rule about when a greenhouse gas holding lease ceases to
34 be in force following the grant of a greenhouse gas injection licence,
35 see section @249CO.

36 Note 7: For the surrender of a greenhouse gas holding lease, see Part 2A.10.

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Schedule 1 Amendments relating to greenhouse gas storage etc.

1 Note 8: For the cancellation of a greenhouse gas holding lease, see Part 2A.11.

2 [115]

3 **@249BG Extension of greenhouse gas holding lease if lessee applies**
4 **for a special greenhouse gas holding lease or greenhouse**
5 **gas injection licence**

6 (1) If:

7 (a) a greenhouse gas holding lease (other than a special
8 greenhouse gas holding lease) is in force over a block or
9 blocks; and

10 (b) before the time when the lease would, apart from this
11 subsection, expire, the lessee applies to the responsible
12 Commonwealth Minister for the grant of a special
13 greenhouse gas holding lease or greenhouse gas injection
14 licence over the block or one or more of the blocks;

15 the table has effect:
16

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 injection licence over the block or one or more of the blocks	the special greenhouse gas holding lease or greenhouse gas injection licence is granted, the lessee withdraws the application or the application lapses.
---	---	--

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 end of the period of 90 days after the day on which the notice of the refusal was given to the lessee.
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Amendments relating to greenhouse gas storage etc. **Schedule 1**

Extension of lease

Item	In this case...	the lease continues in force over the block or blocks covered by the application until...
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the lessee on a ground covered by paragraph @249CI(2)(c), (d), (e), (f) or (g)

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.

[116]

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;
-

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Schedule 1 Amendments relating to greenhouse gas storage etc.

1 the permittee may, within the application period, apply to the
2 responsible Commonwealth Minister for the grant of a greenhouse
3 gas holding lease over the block or blocks to which the identified
4 greenhouse gas storage formation extends.

5 Note: For *application period*, see subsection (8).

6 *Multiple identified greenhouse gas storage formations*

7 (3) If:

8 (a) 2 or more identified greenhouse gas storage formations, when
9 considered together, extend to only one block in the permit
10 area; and

11 (b) a vertical line would not pass through a point in each of those
12 identified greenhouse gas storage formations;

13 the permittee may, within the application period, apply to the
14 responsible Commonwealth Minister for the grant of a greenhouse
15 gas holding lease over the block to which the identified greenhouse
16 gas storage formations, when considered together, extend.

17 Note: For *application period*, see subsection (8).

18 (4) If:

19 (a) 2 or more identified greenhouse gas storage formations, when
20 considered together, extend to:

21 (i) only one block in the permit area; or

22 (ii) 2 or more blocks in the permit area; and

23 (b) a vertical line would pass through a point in each of those
24 identified greenhouse gas storage formations;

25 the permittee may, within the application period, apply to the
26 responsible Commonwealth Minister for the grant of a greenhouse
27 gas holding lease over the block or blocks to which the identified
28 greenhouse gas storage formations, when considered together,
29 extend.

30 Note: For *application period*, see subsection (8).

31 (5) If:

32 (a) 2 or more identified greenhouse gas storage formations, when
33 considered together, extend to 2 or more blocks in the permit
34 area; and

35 (b) a vertical line would not pass through a point in each of those
36 identified greenhouse gas storage formations; and

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 (c) for each identified greenhouse gas storage formation, at least
2 one of the blocks to which the identified greenhouse gas
3 storage formation extends immediately adjoins a block to
4 which the other, or another, of those identified greenhouse
5 gas storage formations extends;

6 the permittee may, within the application period, apply to the
7 responsible Commonwealth Minister for the grant of a greenhouse
8 gas holding lease over the blocks to which the identified
9 greenhouse gas storage formations, when considered together,
10 extend.

11 Note: For *application period*, see subsection (8).

12 (6) For the purposes of subsection (5), a block immediately adjoins
13 another block if the graticular section that constitutes or includes
14 that block and the graticular section that constitutes or includes that
15 other block:

16 (a) have a side in common; or

17 (b) are joined together at one point only.

18 *Application*

19 (7) An application under this section must be accompanied by:

20 (a) details of the applicant's proposals for work and expenditure
21 in relation to:

22 (i) if there is a single identified greenhouse gas storage
23 formation—the block or blocks, as the case may be, to
24 which the identified greenhouse gas storage formation
25 extends; or

26 (ii) if there are 2 or more identified greenhouse gas storage
27 formations—the block or blocks, as the case may be, to
28 which the identified greenhouse gas storage formations,
29 when considered together, extend; and

30 (b) such other information (if any) as is specified in the
31 regulations.

32 Note 1: Part 2A.8 contains additional provisions about application procedures.

33 Note 2: Section @249JB requires the application to be accompanied by an
34 application fee.

35 Note 3: Section @249JD enables the responsible Commonwealth Minister to
36 require the applicant to give further information.

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Schedule 1 Amendments relating to greenhouse gas storage etc.

1

Application period

2

(8) The ***application period*** for an application under this section is:

3

(a) the period of 12 months after:

4

(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

5

6

7

8

(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

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(b) such longer period, not more than 180 days after that day, as the responsible Commonwealth Minister allows.

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(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).

19

Variation of application

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21

22

23

(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.

24

25

(11) A variation of an application must be made in the approved manner.

26

27

28

(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.

29

30

(13) A variation of an application may set out any additional matters that the applicant wishes to be considered.

31

32

(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.

33

[117]

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 **@249BI Grant of greenhouse gas holding lease—offer document**

2 *Single identified greenhouse gas storage formation*

3 (1) If:

- 4 (a) an application for a greenhouse gas holding lease has been
5 made under subsection @249BH(2); and
6 (b) the responsible Commonwealth Minister is satisfied that the
7 applicant is not, at the time of the application, in a position
8 to:
9 (i) inject a greenhouse gas substance into the identified
10 greenhouse gas storage formation concerned; and
11 (ii) permanently store the greenhouse gas substance in the
12 identified greenhouse gas storage formation concerned;
13 but is likely to be in such a position within 15 years;
14 the responsible Commonwealth Minister must give the applicant a
15 written notice (called an *offer document*) telling the applicant that
16 the responsible Commonwealth Minister is prepared to grant the
17 applicant a greenhouse gas holding lease over the block or blocks
18 specified in the application.

19 Note 1: Section @249JE sets out additional requirements for offer documents
20 (for example, a requirement that an offer document must contain a
21 summary of conditions).

22 Note 2: If the applicant breaches a requirement under section @249JD to
23 provide further information, the responsible Commonwealth Minister
24 may refuse to give the applicant an offer document—see subsection
25 @249JD(3).

26 *Multiple identified greenhouse gas storage formations*

27 (2) If:

- 28 (a) an application for a greenhouse gas holding lease has been
29 made under subsection @249BH(3), (4) or (5); and
30 (b) the responsible Commonwealth Minister is satisfied that the
31 applicant is not, at the time of the application, in a position
32 to:
33 (i) inject a greenhouse gas substance into each of the
34 identified greenhouse gas storage formations concerned;
35 and

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1 (ii) permanently store the greenhouse gas substance in each
2 of the identified greenhouse gas storage formations
3 concerned;

4 but is likely to be in such a position within 15 years;
5 the responsible Commonwealth Minister must give the applicant a
6 written notice (called an *offer document*) telling the applicant that
7 the responsible Commonwealth Minister is prepared to grant the
8 applicant a greenhouse gas holding lease over the block or blocks
9 specified in the application.

10 Note 1: Section @249JE sets out additional requirements for offer documents
11 (for example, a requirement that an offer document must contain a
12 summary of conditions).

13 Note 2: If the applicant breaches a requirement under section @249JD to
14 provide further information, the responsible Commonwealth Minister
15 may refuse to give the applicant an offer document—see subsection
16 @249JD(3).

17 [118]

18 @249BJ Refusal to grant greenhouse gas holding lease

19 *Scope*

20 (1) This section applies if an application for a greenhouse gas holding
21 lease has been made under section @249BH.

22 *Refusal notice*

23 (2) If the responsible Commonwealth Minister is not satisfied as to:

24 (a) in the case of an application made under subsection
25 @249BH(2)—a matter referred to in paragraph
26 @249BI(1)(b); or

27 (b) in the case of an application made under subsection
28 @249BH(3), (4) or (5)—a matter referred to in paragraph
29 @249BI(2)(b);

30 the responsible Commonwealth Minister must, by written notice
31 given to the applicant, refuse to grant a greenhouse gas holding
32 lease to the applicant.

33 [119]

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 **@249BK Grant of greenhouse gas holding lease**

2 If:

3 (a) an applicant has been given an offer document under section
4 @249BI; and

5 (b) the applicant has made a request under section @249JF in
6 relation to the offer document within the period applicable
7 under that section; and

8 (c) if the offer document specified the form and amount of a
9 security to be lodged by the applicant—the applicant has
10 lodged the security within the period applicable under section
11 @249JGAA;

12 the responsible Commonwealth Minister must grant the applicant a
13 greenhouse gas holding lease over the block or blocks specified in
14 the offer document.

15 Note 1: If the applicant does not make a request under section @249JF within
16 the period applicable under that section, the application lapses at the
17 end of that period—see subsection @249JF(4).

18 Note 2: If the applicant has not lodged the security within the period
19 applicable under section @249JGAA, the application lapses at the end
20 of that period—see section @249JGAA.

21 [120]

22 **@249BL Greenhouse gas assessment permit ceases to be in force**
23 **when greenhouse gas holding lease comes into force**

24 When a greenhouse gas holding lease under section @249BK
25 comes into force in relation to one or more blocks, a greenhouse
26 gas assessment permit ceases to be in force to the extent to which it
27 relates to those blocks.

28 [121]

29 **@249BM Greenhouse gas assessment permit transferred—**
30 **transferee to be treated as applicant**

31 *Scope*

32 (1) This section applies if a transfer of a greenhouse gas assessment
33 permit is registered under section @298-262:

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Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 (a) after an application has been made under section @249BH
2 for the grant of a greenhouse gas holding lease over a block
3 or blocks in relation to which the greenhouse gas assessment
4 permit is in force; and
5 (b) before any action has been taken by the responsible
6 Commonwealth Minister under section @249BI or @249BJ
7 in relation to the application.

8 *Transferee to be treated as applicant*

- 9 (2) After the transfer, sections @249BH to @249BK and Part 2A.8
10 have effect in relation to the application as if any reference in those
11 sections and that Part to the applicant were a reference to the
12 transferee.

13 [122]

14 **Subdivision B—Application for greenhouse gas holding lease by** 15 **the holder of a greenhouse gas injection licence**

16 **@249BN Application for greenhouse gas holding lease by the holder** 17 **of a greenhouse gas injection licence**

- 18 (1) If:
19 (a) a greenhouse gas injection licence is in force over a block or
20 blocks; and
21 (b) one or more identified greenhouse gas storage formations are
22 wholly situated in the licence area;
23 the licensee may, within the application period, apply to the
24 responsible Commonwealth Minister for the grant of a greenhouse
25 gas holding lease over the block or blocks.

26 Note: For *application period*, see subsection (3).

- 27 (2) An application under this section must be accompanied by details
28 of:
29 (a) the applicant's proposals for work and expenditure in relation
30 to the block or blocks specified in the application; and
31 (b) such other information (if any) as is specified in the
32 regulations.

33 Note 1: Part 2A.8 contains additional provisions about application procedures.

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 Note 2: Section @249JB requires the application to be accompanied by an
2 application fee.

3 Note 3: Section @249JD enables the responsible Commonwealth Minister to
4 require the applicant to give further information.

5 *Application period*

6 (3) The *application period* for an application under this section by a
7 licensee is the period of 5 years that began on the day on which the
8 licence was granted.

9 *Variation of application*

10 (4) At any time before an offer document, or a notice of refusal,
11 relating to the application is given to the applicant, the applicant
12 may, by written notice given to the responsible Commonwealth
13 Minister, vary the application.

14 (5) A variation of an application must be made in the approved
15 manner.

16 (6) A variation of an application may be made:
17 (a) on the applicant's own initiative; or
18 (b) at the request of the responsible Commonwealth Minister.

19 (7) A variation of an application may set out any additional matters
20 that the applicant wishes to be considered.

21 (8) If an application under this section is varied, a reference in this Act
22 to the application is a reference to the application as varied.

23 *[123]*

24 **@249BO Grant of greenhouse gas holding lease—offer document**

25 If:

26 (a) an application for a greenhouse gas holding lease has been
27 made under section @249BN; and

28 (b) the responsible Commonwealth Minister is satisfied that the
29 applicant is not, at the time of the application, in a position
30 to:

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Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 (i) inject a greenhouse gas substance into the identified
2 greenhouse gas storage formation or formations
3 concerned; and
4 (ii) store the greenhouse gas substance in the identified
5 greenhouse gas storage formation or formations
6 concerned;
7 but is likely to be in such a position within 15 years;
8 the responsible Commonwealth Minister must give the applicant a
9 written notice (called an *offer document*) telling the applicant that
10 the responsible Commonwealth Minister is prepared to grant the
11 applicant a greenhouse gas holding lease over the block or blocks
12 specified in the application.
- 13 Note 1: Section @249JE sets out additional requirements for offer documents
14 (for example, a requirement that an offer document must contain a
15 summary of conditions).
- 16 Note 2: If the applicant breaches a requirement under section @249JD to
17 provide further information, the responsible Commonwealth Minister
18 may refuse to give the applicant an offer document—see subsection
19 @249JD(3).

20 [124]

21 @249BP Refusal to grant greenhouse gas holding lease

- 22 If:
- 23 (a) an application for a greenhouse gas holding lease has been
24 made under section @249BN; and
25 (b) the responsible Commonwealth Minister is not satisfied as to
26 the matter referred to in paragraph @249BO(b) in relation to
27 the block or blocks specified in the application;
28 the responsible Commonwealth Minister must, by written notice
29 given to the applicant, refuse to grant a greenhouse gas holding
30 lease to the applicant.
- 31 Note: Consultation procedures apply—see section @249JH.

32 [125]

33 @249BQ Grant of greenhouse gas holding lease

34 If:

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (a) an applicant has been given an offer document under section
2 @249BO; and
- 3 (b) the applicant has made a request under section @249JF in
4 relation to the offer document within the period applicable
5 under that section; and
- 6 (c) if the offer document specified the form and amount of a
7 security to be lodged by the applicant—the applicant has
8 lodged the security within the period applicable under section
9 @249JGAA;
- 10 the responsible Commonwealth Minister must grant the applicant a
11 greenhouse gas holding lease over the block or blocks specified in
12 the offer document.
- 13 Note 1: If the applicant does not make a request under section @249JF within
14 the period applicable under that section, the application lapses at the
15 end of that period—see subsection @249JF(4).
- 16 Note 2: If the applicant has not lodged the security within the period
17 applicable under section @249JGAA, the application lapses at the end
18 of that period—see section @249JGAA.

19 [126]

20 **@249BR Greenhouse gas injection licence ceases to be in force when**
21 **greenhouse gas holding lease comes into force**

22 When a greenhouse gas holding lease under section @249BQ
23 comes into force in relation to one or more blocks, a greenhouse
24 gas injection licence ceases to be in force to the extent to which it
25 relates to those blocks.

26 [127]

27 **@249BS Greenhouse gas injection licence transferred—transferee**
28 **to be treated as applicant**

29 *Scope*

- 30 (1) This section applies if a transfer of a greenhouse gas injection
31 licence is registered under section @298-262:
- 32 (a) after an application has been made under section @249BN
33 for the grant of a greenhouse gas holding lease over the block
34 or blocks in relation to which the greenhouse gas injection
35 licence is in force; and
-

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Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 (b) before any action has been taken by the responsible
2 Commonwealth Minister under section @249BO or @249BP
3 in relation to the application.

4 *Transferee to be treated as applicant*

- 5 (2) After the transfer, sections @249BN to @249BQ and Part 2A.8
6 have effect in relation to the application as if any reference in those
7 sections and that Part to the applicant were a reference to the
8 transferee.

9 [128]

10 **Subdivision C—Application for special greenhouse gas holding**
11 **lease by an unsuccessful applicant for a greenhouse**
12 **gas injection licence**

13 **@249BSA Application for special greenhouse gas holding lease by**
14 **an unsuccessful applicant for a greenhouse gas injection**
15 **licence**

- 16 (1) If:
17 (a) either of the following is in force:
18 (i) a greenhouse gas assessment permit;
19 (ii) a greenhouse gas holding lease (other than a special
20 greenhouse gas holding lease); and
21 (b) one or more identified greenhouse gas storage formations are
22 wholly situated in the permit area or lease area; and
23 (c) the permittee or lessee makes an application under section
24 @249CH for the grant of a greenhouse gas injection licence
25 over the block or blocks in which the identified greenhouse
26 gas storage formation or formations are wholly situated; and
27 (d) if the applicant holds a greenhouse gas assessment permit—
28 the responsible Commonwealth Minister refuses to grant the
29 greenhouse gas injection licence on a ground covered by
30 paragraph @249CI(1)(c), (d), (e), (f) or (g); and
31 (e) if the applicant holds a greenhouse gas holding lease—the
32 responsible Commonwealth Minister refuses to grant the
33 greenhouse gas injection licence on a ground covered by
34 paragraph @249CI(2)(c), (d), (e), (f) or (g);

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 the permittee or lessee may, within the application period, apply to
2 the responsible Commonwealth Minister for the grant of a special
3 greenhouse gas holding lease over the block or blocks covered by
4 the unsuccessful application for the greenhouse gas injection
5 licence.

6 Note: For *application period*, see subsection (3).

7 (2) An application under this section must be accompanied by such
8 information (if any) as is specified in the regulations.

9 Note 1: Part 2A.8 contains additional provisions about application procedures.

10 Note 2: Section @249JB requires the application to be accompanied by an
11 application fee.

12 Note 3: Section @249JD enables the responsible Commonwealth Minister to
13 require the applicant to give further information.

14 *Application period*

15 (3) The *application period* for an application under this section by a
16 permittee or lessee is the period of 90 days that began on the day
17 on which the permittee or lessee was notified of the refusal to grant
18 the greenhouse gas injection licence.

19 *Variation of application*

20 (4) At any time before an offer document relating to the application is
21 given to the applicant, the applicant may, by written notice given to
22 the responsible Commonwealth Minister, vary the application.

23 (5) A variation of an application must be made in the approved
24 manner.

25 (6) A variation of an application may be made:
26 (a) on the applicant's own initiative; or
27 (b) at the request of the responsible Commonwealth Minister.

28 (7) A variation of an application may set out any additional matters
29 that the applicant wishes to be considered.

30 (8) If an application under this section is varied, a reference in this Act
31 to the application is a reference to the application as varied.

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Schedule 1 Amendments relating to greenhouse gas storage etc.

1 **@249BSB Grant of special greenhouse gas holding lease—offer**
2 **document**

3 *Scope*

4 (1) This section applies if an application for a special greenhouse gas
5 holding lease has been made under section @249BSA.

6 *Offer document*

7 (2) The responsible Commonwealth Minister must give the applicant a
8 written notice (called an *offer document*) telling the applicant that
9 the responsible Commonwealth Minister is prepared to grant the
10 applicant a special greenhouse gas holding lease over the block or
11 blocks covered by the application.

12 Note 1: Section @249JE sets out additional requirements for offer documents
13 (for example, a requirement that an offer document must contain a
14 summary of conditions).

15 Note 2: If the applicant breaches a requirement under section @249JD to
16 provide further information, the responsible Commonwealth Minister
17 may refuse to give the applicant an offer document—see subsection
18 @249JD(3).

19 [124]

20 **@249BSC Grant of special greenhouse gas holding lease**

21 (1) If:

22 (a) an applicant has been given an offer document under section
23 @249BSB; and

24 (b) the applicant has made a request under section @249JF in
25 relation to the offer document within the period applicable
26 under that section; and

27 (c) if the offer document specified the form and amount of a
28 security to be lodged by the applicant—the applicant has
29 lodged the security within the period applicable under section
30 @249JGAA;

31 the responsible Commonwealth Minister must grant the applicant a
32 greenhouse gas holding lease over the block or blocks specified in
33 the offer document.

34 Note 1: If the applicant does not make a request under section @249JF within
35 the period applicable under that section, the application lapses at the
36 end of that period—see subsection @249JF(4).

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 Note 2: If the applicant has not lodged the security within the period
2 applicable under section @249JGAA, the application lapses at the end
3 of that period—see section @249JGAA.

4 (2) A greenhouse gas holding lease granted under subsection (1) is to
5 be known as a *special greenhouse gas holding lease*.

6 [126]

7 **@249BSD Greenhouse gas assessment permit ceases to be in force**
8 **when special greenhouse gas holding lease comes into**
9 **force**

10 When a special greenhouse gas holding lease under section
11 @249BSC comes into force in relation to one or more blocks, a
12 greenhouse gas assessment permit ceases to be in force to the
13 extent to which it relates to those blocks.

14 [121]

15 **@249BSE Ordinary greenhouse gas holding lease ceases to be in**
16 **force when special greenhouse gas holding lease comes**
17 **into force**

18 When a special greenhouse gas holding lease under section
19 @249BSC comes into force in relation to one or more blocks, a
20 greenhouse gas holding lease (other than a special greenhouse gas
21 holding lease) ceases to be in force to the extent to which it relates
22 to those blocks.

23 [121]

24 **@249BSF Greenhouse gas assessment permit transfer—transferee**
25 **to be treated as applicant**

26 *Scope*

27 (1) This section applies if a transfer of a greenhouse gas assessment
28 permit is registered under section @298-262:
29 (a) after an application has been made under section @249BSA
30 for the grant of a special greenhouse gas holding lease over a

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Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 block or blocks in relation to which the greenhouse gas
2 assessment permit is in force; and
3 (b) before any action has been taken by the responsible
4 Commonwealth Minister under section @249BSB in relation
5 to the application.

6 *Transferee to be treated as applicant*

- 7 (2) After the transfer, sections @249BSB and @249BSC and
8 Part 2A.8 have effect in relation to the application as if any
9 reference in those sections and that Part to the applicant were a
10 reference to the transferee.

11 **@249BSFA Greenhouse gas holding lease transfer—transferee to be**
12 **treated as applicant**

13 *Scope*

- 14 (1) This section applies if a transfer of a greenhouse gas holding lease
15 is registered under section @298-262:
16 (a) after an application has been made under section @249BSA
17 for the grant of a special greenhouse gas holding lease over a
18 block or blocks in relation to which the first-mentioned
19 greenhouse gas holding lease is in force; and
20 (b) before any action has been taken by the responsible
21 Commonwealth Minister under section @249BSB in relation
22 to the application.

23 *Transferee to be treated as applicant*

- 24 (2) After the transfer, sections @249BSB and @249BSC and
25 Part 2A.8 have effect in relation to the application as if any
26 reference in those sections and that Part to the applicant were a
27 reference to the transferee.

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 **Division 3—Renewal of greenhouse gas holding leases**

2 **@249BT Application for renewal of greenhouse gas holding lease**

3 *Application for renewal*

4 (1) The registered holder of a greenhouse gas holding lease (other than
5 a special greenhouse gas holding lease) may apply to the
6 responsible Commonwealth Minister for the renewal by the
7 responsible Commonwealth Minister of the lease.

8 (2) A greenhouse gas holding lease cannot be renewed more than
9 once.

10 (3) An application to renew a greenhouse gas holding lease must be
11 made:

12 (a) not more than 12 months before the expiry date of the lease;
13 and

14 (b) at least 180 days before the expiry date of the lease.

15 (4) Despite subsection (3), the responsible Commonwealth Minister
16 may accept an application to renew a greenhouse gas holding lease
17 if the application is made:

18 (a) later than 180 days before the expiry date of the lease; and

19 (b) before the expiry date of the lease.

20 (5) An application to renew a greenhouse gas holding lease must be
21 accompanied by details of:

22 (a) the lessee's proposals for work and expenditure in relation to
23 the lease area; and

24 (b) such other information (if any) as is specified in the
25 regulations.

26 Note 1: Part 2A.8 contains additional provisions about application procedures.

27 Note 2: Section @249JB requires the application to be accompanied by an
28 application fee.

29 Note 3: Section @249JD enables the responsible Commonwealth Minister to
30 require the applicant to give further information.

31 *Extension of duration of greenhouse gas holding lease pending* 32 *decision on application*

33 (6) If:

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Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 (a) a greenhouse gas holding lessee makes an application to
2 renew the lease; and
3 (b) the lease would, apart from this subsection, expire:
4 (i) before the responsible Commonwealth Minister grants,
5 or refuses to grant, the renewal of the lease; or
6 (ii) before the application lapses as provided by section
7 @249JF;
8 the lease continues in force:
9 (c) until the responsible Commonwealth Minister grants, or
10 refuses to grant, the renewal of the lease; or
11 (d) until the application so lapses;
12 whichever happens first.
- 13 (7) Subsection (6) has effect subject to this Chapter but despite section
14 @249BF.
15 Note: See the notes at the end of section @249BF.

16 [129]

17 @249BU Renewal of greenhouse gas holding lease—offer document

18 *Scope*

- 19 (1) This section applies if an application to renew a greenhouse gas
20 holding lease has been made under section @249BT.

21 *Offer document—compliance with conditions etc.*

- 22 (2) If:
23 (a) each of the following has been complied with:
24 (i) the conditions to which the greenhouse gas holding
25 lease is, or has from time to time been, subject;
26 (ii) the provisions of this Chapter, Chapter 3A, Chapter 4
27 and Part 5A.1;
28 (iii) the regulations; and
29 (b) the responsible Commonwealth Minister is satisfied that the
30 applicant is not, at the time of the application, in a position
31 to:

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (i) inject a greenhouse gas substance into the identified
2 greenhouse gas storage formation or formations
3 concerned; and
4 (ii) permanently store the greenhouse gas substance in the
5 identified greenhouse gas storage formation or
6 formations concerned;
7 but is likely to be in such a position within 15 years;
8 the responsible Commonwealth Minister must give the applicant a
9 written notice (called an *offer document*) telling the applicant that
10 the responsible Commonwealth Minister is prepared to renew the
11 lease.

12 Note: Section @249JE sets out additional requirements for offer documents
13 (for example, a requirement that an offer document must contain a
14 summary of conditions).

15 *Offer document—non-compliance with conditions etc.*

- 16 (3) If:
17 (a) any of:
18 (i) the conditions to which the greenhouse gas holding
19 lease is, or has from time to time been, subject; or
20 (ii) the provisions of this Chapter, Chapter 3A, Chapter 4
21 and Part 5A.1; or
22 (iii) the provisions of the regulations;
23 have not been complied with; and
24 (b) the responsible Commonwealth Minister is satisfied that
25 there are sufficient grounds to warrant the granting of the
26 renewal of the greenhouse gas holding lease; and
27 (c) the responsible Commonwealth Minister is satisfied that the
28 applicant is not, at the time of the application, in a position
29 to:
30 (i) inject a greenhouse gas substance into the identified
31 greenhouse gas storage formation or formations
32 concerned; and
33 (ii) permanently store the greenhouse gas substance in the
34 identified greenhouse gas storage formation or
35 formations concerned;
36 but is likely to be in such a position within 15 years;
37 the responsible Commonwealth Minister may give the applicant a
38 written notice (called an *offer document*) telling the applicant that
-

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1 the responsible Commonwealth Minister is prepared to renew the
2 lease.

3 Note: Section @249JE sets out additional requirements for offer documents
4 (for example, a requirement that an offer document must contain a
5 summary of conditions).

6 [130]

7 **@249BV Refusal to renew greenhouse gas holding lease**

8 *Scope*

9 (1) This section applies if an application to renew a greenhouse gas
10 holding lease has been made under section @249BT.

11 *Refusal on grounds of non-compliance with conditions*

12 (2) If:

13 (a) any of:

14 (i) the conditions to which the greenhouse gas holding
15 lease is, or has from time to time been, subject; or

16 (ii) the provisions of this Chapter, Chapter 3A, Chapter 4
17 and Part 5A.1; or

18 (iii) the provisions of the regulations;
19 have not been complied with; and

20 (b) the responsible Commonwealth Minister is not satisfied that
21 there are sufficient grounds to warrant the granting of the
22 renewal of the greenhouse gas holding lease;

23 the responsible Commonwealth Minister must, by written notice
24 given to the applicant, refuse to renew the lease.

25 Note: Consultation procedures apply—see section @249JH.

26 *Refusal on grounds that the applicant is in a position to inject and*
27 *permanently store a greenhouse gas substance*

28 (3) If the responsible Commonwealth Minister is satisfied that the
29 applicant is, at the time of the application, in a position to:

30 (a) inject a greenhouse gas substance into the identified
31 greenhouse gas storage formation or formations concerned;
32 and

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 (b) permanently store the greenhouse gas substance in the
2 identified greenhouse gas storage formation or formations
3 concerned;

4 the responsible Commonwealth Minister must, by written notice
5 given to the applicant, refuse to renew the lease.

6 Note: Consultation procedures apply—see section @249JH.

7 (4) If:

8 (a) the responsible Commonwealth Minister makes a decision
9 under subsection (3) refusing to renew the lease; and

10 (b) a notice of refusal is given to the applicant; and

11 (c) within 12 months after the notice was given, the lessee
12 applies for a greenhouse gas injection licence over one or
13 more of the blocks comprised in the lease; and

14 (d) the lease would, apart from this subsection, expire:

15 (i) before the responsible Commonwealth Minister grants,
16 or refuses to grant, the greenhouse gas injection licence;
17 or

18 (ii) before the application lapses;

19 the lease continues in force until:

20 (e) the responsible Commonwealth Minister grants, or refuses to
21 grant, the greenhouse gas injection licence; or

22 (f) the application lapses;

23 whichever happens first.

24 (5) If:

25 (a) the responsible Commonwealth Minister makes a decision
26 under subsection (3) refusing to renew the lease; and

27 (b) a notice of refusal is given to the applicant; and

28 (c) subsection (4) does not apply; and

29 (d) the lease would, apart from this subsection, expire within 12
30 months after the notice was given;

31 the lease continues in force until the end of the 12-month period
32 beginning on the day on which the notice was given.

33 (6) Subsections (4) and (5) have effect subject to this Chapter but
34 despite section @249BF.

35 Note: See the notes at the end of section @249BF.

36 *[131]*

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1 **@249BW Renewal of greenhouse gas holding lease**

2 If:

3 (a) an applicant has been given an offer document under section
4 @249BU; and

5 (b) the applicant has made a request under section @249JF in
6 relation to the offer document within the period applicable
7 under that section; and

8 (c) if the offer document specified the form and amount of a
9 security to be lodged by the applicant—the applicant has
10 lodged the security within the period applicable under section
11 @249JGAA;

12 the responsible Commonwealth Minister must renew the
13 greenhouse gas holding lease.

14 Note 1: If the applicant does not make a request under section @249JF within
15 the period applicable under that section, the application lapses at the
16 end of that period—see subsection @249JF(4).

17 Note 2: If the applicant has not lodged the security within the period
18 applicable under section @249JGAA, the application lapses at the end
19 of that period—see section @249JGAA.

20 [132]

21 **Division 4—Directions**

22 **@249BZ Responsible Commonwealth Minister may give directions**
23 **to greenhouse gas holding lessees**

24 (1) The responsible Commonwealth Minister may, by written notice
25 given to a greenhouse gas holding lessee, give the lessee a
26 direction for the purpose of:

27 (a) eliminating; or

28 (b) mitigating; or

29 (c) managing;

30 the risk that operations carried on under the lease could have a
31 significant adverse impact on petroleum exploration operations, or
32 petroleum recovery operations, that are being, or could be, carried
33 on under:

34 (d) an existing exploration permit; or

35 (e) an existing retention lease; or

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (f) an existing production licence; or
2 (g) a future exploration permit; or
3 (h) a future retention lease; or
4 (i) a future production licence.
- 5 (2) A direction under this section has effect, and must be complied
6 with, despite:
7 (a) any previous direction under this section; and
8 (b) anything in the regulations or the applied provisions.
- 9 (3) A direction under this section may make provision in relation to a
10 matter by applying, adopting or incorporating (with or without
11 modification) a code of practice or standard contained in an
12 instrument:
13 (a) as in force or existing at the time when the direction takes
14 effect; or
15 (b) as in force or existing from time to time;
16 so long as the code of practice or standard is relevant to that matter.
- 17 (4) To avoid doubt, subsection (3) applies to an instrument, whether
18 issued or made in Australia or outside Australia.
- 19 (5) A direction under this section may prohibit the doing of an act or
20 thing:
21 (a) unconditionally; or
22 (b) subject to conditions, including conditions requiring the
23 consent or approval of a person specified in the direction.
- 24 (6) A direction under this section is not a legislative instrument.

@249BZA Compliance with directions

- 26 (1) A person commits an offence if:
27 (a) the person is given a direction under section @249BZ; and
28 (b) the person engages in conduct; and
29 (c) the person's conduct breaches the direction.
- 30 Penalty: 100 penalty units.
- 31 (2) An offence against subsection (1) is an offence of strict liability.
32 Note: For *strict liability*, see section 6.1 of the *Criminal Code*.
-

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1 **Division 5—Special greenhouse gas holding lessee may be**
2 **requested to apply for a greenhouse gas injection**
3 **licence**

4 **@249BZB Responsible Commonwealth Minister may request**
5 **special greenhouse gas holding lessee to apply for a**
6 **greenhouse gas injection licence**

7 (1) If:

- 8 (a) a special greenhouse gas holding lease is in force; and
9 (b) one or more identified greenhouse gas storage formations are
10 wholly situated in the lease area; and
11 (c) the responsible Commonwealth Minister is satisfied that, if
12 the lessee were to apply under section @249CH for the grant
13 of a greenhouse gas injection licence over the block or blocks
14 in which the identified greenhouse gas storage formation or
15 formations are wholly situated, the responsible
16 Commonwealth Minister would not refuse to grant the
17 greenhouse gas injection licence on a ground covered by
18 paragraph @249CI(2)(c), (d), (e), (f) or (g);

19 the responsible Commonwealth Minister may, by written notice
20 given to the lessee:

- 21 (d) request the lessee to notify the responsible Commonwealth
22 Minister, within 180 days after the day on which the notice is
23 given to the lessee, of the lessee's intention to apply for the
24 greenhouse gas injection licence; and
25 (e) request the lessee to apply for the greenhouse gas injection
26 licence within 2 years after the day on which the notice is
27 given to the lessee.

28 (2) If the lessee does not comply with a request under subsection (1),
29 the responsible Commonwealth Minister may cancel the lease.

30 **Part 2A.4—Greenhouse gas injection licences**

31 **Division 1—General provisions**

32 **@249CB Simplified outline**

33 The following is a simplified outline of this Part:

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

1

- It is an offence to:

2

- (a) inject a substance into the seabed or subsoil of an offshore area; or

3

4

- (b) store (whether on a permanent basis or otherwise) a substance in the seabed or subsoil of an offshore area;

5

6

7

except:

8

- (c) under a greenhouse gas injection licence; or

9

- (d) as otherwise authorised or required by or under this Act or any other law of the Commonwealth; or

10

11

- (e) if the injection or storage operations are specified in the regulations.

12

13

- This Part provides for the grant of greenhouse gas injection licences over blocks in an offshore area.

14

15

- 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.

16

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- There are 2 ways in which a greenhouse gas injection licence can be granted:

21

22

- (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;

23

24

25

26

- (b) grant of a greenhouse gas injection licence as a result of an application made by a production licensee.

27

28

29

[135]

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1 **@249CC Prohibition of unauthorised injection and storage of**
2 **substances in offshore area**

- 3 (1) A person commits an offence if:
4 (a) the person carries on operations to inject a substance into the
5 seabed or subsoil of an offshore area; or
6 (b) the person carries on operations to store (whether on a
7 permanent basis or otherwise) a substance in the seabed or
8 subsoil of an offshore area.

9 Penalty: Imprisonment for 5 years.

- 10 (2) Subsection (1) does not apply if the operations are:
11 (a) authorised by a greenhouse gas injection licence; or
12 (b) otherwise authorised or required by or under:
13 (i) this Act; or
14 (ii) any other law of the Commonwealth; or
15 (c) specified in the regulations.

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

18 [136]

19 **@249CD Rights conferred by greenhouse gas injection licence**

- 20 (1) A greenhouse gas injection licence authorises the licensee, in
21 accordance with the conditions (if any) to which the licence is
22 subject:
23 (a) to inject a greenhouse gas substance into an identified
24 greenhouse gas storage formation that is wholly situated in
25 the licence area, so long as the relevant well is situated in the
26 licence area; and
27 (b) to permanently store a greenhouse gas substance in an
28 identified greenhouse gas storage formation that is wholly
29 situated in the licence area, so long as the injection of the
30 stored greenhouse gas substance takes place at a well situated
31 in the licence area; and
32 (c) to explore in the licence area for a potential greenhouse gas
33 storage formation; and
34 (d) to explore in the licence area for a potential greenhouse gas
35 injection site; and

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (e) to inject, on an appraisal basis, a greenhouse gas substance
2 into a part of a geological formation, so long as the relevant
3 well is situated in the licence area; and
- 4 (f) to store, on an appraisal basis, a greenhouse gas substance in
5 a part of a geological formation, so long as the injection of
6 the stored greenhouse gas substance takes place at a well
7 situated in the licence area; and
- 8 (g) to inject, on an appraisal basis:
9 (i) air; or
10 (ii) petroleum; or
11 (iii) water;
12 into a part of a geological formation for purposes in
13 connection with the exploration authorised by paragraph (c)
14 or (d), so long as the relevant well is situated in the licence
15 area; and
- 16 (h) to store, on an appraisal basis:
17 (i) air; or
18 (ii) petroleum; or
19 (iii) water;
20 in a part of a geological formation for purposes in connection
21 with the exploration authorised by paragraph (c) or (d), so
22 long as the injection of the stored air, petroleum or water
23 takes place at a well situated in the licence area; and
- 24 (i) with the written consent of the responsible Commonwealth
25 Minister, to recover petroleum in the licence area for the sole
26 purpose of appraising a discovery of petroleum that was
27 made as an incidental consequence of:
28 (i) the injection authorised by paragraph (a), (e) or (g); or
29 (ii) the exploration authorised by paragraph (c) or (d); and
- 30 (j) to carry on such operations, and execute such works, in the
31 licence area as are necessary for those purposes.
- 32 (2) The rights conferred on the licensee by subsection (1) are subject
33 to this Act and the regulations.
- 34 (3) If petroleum is recovered by the licensee in the licence area as
35 authorised by paragraph (1)(i), the petroleum does not become the
36 property of the licensee.
-

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 (4) A greenhouse gas injection licence does not authorise the licensee
2 to make a well outside the licence area.

3 [137]

4 **@249CE Conditions of greenhouse gas injection licences**

- 5 (1) The responsible Commonwealth Minister may grant a greenhouse
6 gas injection licence subject to whatever conditions the responsible
7 Commonwealth Minister thinks appropriate.

- 8 (2) The conditions (if any) must be specified in the licence.

9 *Injection and storage of greenhouse gas substance*

- 10 (3) A greenhouse gas injection licence is subject to the condition that
11 the licensee will not:

- 12 (a) inject a greenhouse gas substance into an identified
13 greenhouse gas storage formation that is wholly situated in
14 the licence area; or
15 (b) permanently store a greenhouse gas substance in an identified
16 greenhouse gas storage formation that is wholly situated in
17 the licence area;

18 unless:

- 19 (c) the identified greenhouse gas storage formation is specified
20 in the licence; and
21 (d) the greenhouse gas substance is of a kind that is specified in
22 the licence; and
23 (e) the greenhouse gas substance complies with such
24 requirements (if any) as are specified in the licence; and
25 (f) the origin or origins of the greenhouse gas substance are as
26 specified in the licence; and
27 (g) the greenhouse gas substance is injected at a potential
28 greenhouse gas injection site or sites specified in the licence;
29 and
30 (h) the greenhouse gas substance is injected during a period
31 specified in the licence; and
32 (i) the sum of:
33 (i) the total amount of greenhouse gas substance that has
34 already been injected into the identified greenhouse gas
35 storage formation; and
-

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (ii) the total amount of greenhouse gas substance that is
2 proposed to be injected into the identified greenhouse
3 gas storage formation;
4 does not exceed the amount specified in the licence; and
5 (j) the rate, or range of rates, of injection of the greenhouse gas
6 substance is as specified in the licence; and
7 (k) in a case where the fundamental suitability determinants of
8 the identified greenhouse gas storage formation include
9 particular engineering enhancements—those engineering
10 enhancements have been made.
- 11 (4) The matters specified in the licence as mentioned in
12 paragraphs (3)(d) to (k) must not be inconsistent with the
13 fundamental suitability determinants of the identified greenhouse
14 gas storage formation concerned.
- 15 (5) To avoid doubt, 2 or more identified greenhouse gas storage
16 formations may be specified in a greenhouse gas injection licence
17 as mentioned in paragraph (3)(c).
- 18 (6) If 2 or more identified greenhouse gas storage formations are
19 specified in a greenhouse gas injection licence, different matters
20 may be specified in the licence as mentioned in paragraphs (3)(d)
21 to (j) for different identified greenhouse gas storage formations.
- 22 (7) For the purposes of paragraph (3)(f), disregard any incidental
23 greenhouse gas-related substances in determining the origin of a
24 greenhouse gas substance.
- 25 (8) The condition mentioned in subsection (3) must be specified in the
26 licence.
- 27 *Securities*
- 28 (9) A greenhouse gas injection licence is subject to the condition that,
29 if the licensee is given a notice under section @249NCA, the
30 licensee will comply with the notice.
- 31 *Access regime*
- 32 (10) A greenhouse gas injection licence is subject to the condition that,
33 if:
34 (a) regulations are made for the purposes of subsection (11); and
-

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 (b) those regulations impose requirements on the licensee;
2 the licensee will comply with those requirements.
- 3 (11) The regulations may establish a regime for third party access to
4 services provided by means of the use of:
5 (a) identified greenhouse gas storage formations; or
6 (b) wells, equipment or structures for use in injecting greenhouse
7 gas substances into identified greenhouse gas storage
8 formations; or
9 (c) equipment or structures for use in the processing,
10 compressing or storing of greenhouse gas substances prior to
11 the injection of the substances into identified greenhouse gas
12 storage formations.

13 *Imposition of additional conditions*

- 14 (12) The responsible Commonwealth Minister may, by written notice
15 given to the registered holder of a greenhouse gas injection licence,
16 vary the licence by imposing one or more conditions to which the
17 licence is subject.
- 18 (13) A variation of a greenhouse gas injection licence under
19 subsection (12) takes effect on the day on which notice of the
20 variation is given to the licensee.
- 21 (14) If:
22 (a) a greenhouse gas injection licence is subject to a condition;
23 and
24 (b) the condition was imposed under subsection (12);
25 the responsible Commonwealth Minister may, by written notice
26 given to the licensee, vary or revoke the condition.
- 27 (15) A variation of a greenhouse gas injection licence under
28 subsection (14) takes effect on the day on which notice of the
29 variation is given to the licensee.
- 30 (16) Subsection (15) does not limit section @249KA.

31 *Other provisions*

- 32 (17) Despite subsection (2), the conditions mentioned in subsections (9)
33 and (10) do not need to be specified in the licence.

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 (18) Subsections (3), (9) and (10) do not limit subsection (1) or (12).

2 [138]

3 **@249CF Duration of greenhouse gas injection licence**

4 (1) A greenhouse gas injection licence remains in force indefinitely.

5 (2) Subsection (1) has effect subject to this Chapter.

6 Note 1: For a special rule about when a greenhouse gas injection licence
7 ceases to be in force following the grant of a greenhouse gas holding
8 lease, see section @249BR.

9 Note 2: For the termination of a greenhouse gas injection licence if there have
10 been no injection operations for 5 years, see section @249CG.

11 Note 3: For the surrender of a greenhouse gas injection licence, see
12 Part 2A.10.

13 Note 4: For the cancellation of a greenhouse gas injection licence, see
14 Part 2A.11.

15 [139]

16 **@249CG Termination of greenhouse gas injection licence if no**
17 **injection operations for 5 years**

18 *Scope*

19 (1) This section applies to a greenhouse gas injection licence if:

20 (a) both:

21 (i) a single identified greenhouse gas storage formation is
22 specified in the licence; and

23 (ii) no operations to inject a greenhouse gas substance into
24 the identified greenhouse gas storage formation have
25 been carried on under the licence at any time during a
26 continuous period of at least 5 years; or

27 (b) both:

28 (i) 2 or more identified greenhouse gas storage formations
29 are specified in the licence; and

30 (ii) no operations to inject a greenhouse gas substance into
31 any of those identified greenhouse gas storage
32 formations have been carried on under the licence at any
33 time during a continuous period of at least 5 years.

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1

Termination of licence

2

(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.

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(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.

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Note: For remedial directions following termination, see section @316-312.

10

(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:

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14

(a) any period in which no such operations were carried on

15

because of circumstances beyond the licensee's control; and

16

(b) any period in which no such operations were carried on

17

because of a suspension under section @249CZC.

18

(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.

19

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Consultation

23

(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.

24

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26

(7) A notice under subsection (2) must:

27

(a) invite a person to whom the notice, or a copy of the notice,

28

has been given to make a written submission to the

29

responsible Commonwealth Minister about the proposal to

30

terminate the licence; and

31

(b) specify a time limit for making that submission.

32

(8) In deciding whether to terminate the licence, the responsible Commonwealth Minister must take into account any submissions made in accordance with the notice.

33

34

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 [140]

2 **Division 2—Obtaining a greenhouse gas injection licence**

3 **Subdivision A—Application for greenhouse gas injection**
4 **licence by the holder of a greenhouse gas assessment**
5 **permit or greenhouse gas holding lease**

6 **@249CH Application for greenhouse gas injection licence by**
7 **greenhouse gas assessment permittee or greenhouse gas**
8 **holding lessee**

9 *Scope*

- 10 (1) This section applies if:
- 11 (a) a greenhouse gas assessment permit or greenhouse gas
 - 12 holding lease is in force; and
 - 13 (b) one or more identified greenhouse gas storage formations are
 - 14 wholly situated in the permit area or lease area.

15 *Single identified greenhouse gas storage formation*

- 16 (2) If a single identified greenhouse gas storage formation extends to:
- 17 (a) only one block in the permit area or lease area; or
 - 18 (b) 2 or more blocks in the permit area or lease area;
- 19 the permittee or lessee may apply to the responsible
20 Commonwealth Minister for the grant of a greenhouse gas
21 injection licence over the block or blocks to which the identified
22 greenhouse gas storage formation extends.

23 *Multiple identified greenhouse gas storage formations*

- 24 (3) If:
- 25 (a) 2 or more identified greenhouse gas storage formations, when
 - 26 considered together, extend to only one block in the permit
 - 27 area or lease area; and
 - 28 (b) a vertical line would not pass through a point in each of those
 - 29 identified greenhouse gas storage formations;
- 30 the permittee or lessee may apply to the responsible
31 Commonwealth Minister for the grant of a greenhouse gas

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1 injection licence over the block to which the identified greenhouse
2 gas storage formations extend.

3 (4) If:

4 (a) 2 or more identified greenhouse gas storage formations, when
5 considered together, extend to:

6 (i) only one block in the permit area or lease area; or

7 (ii) 2 or more blocks in the permit area or lease area; and

8 (b) a vertical line would pass through a point in each of those
9 identified greenhouse gas storage formations;

10 the permittee or lessee may apply to the responsible
11 Commonwealth Minister for the grant of a greenhouse gas
12 injection licence over the block or blocks to which the identified
13 greenhouse gas storage formations, when considered together,
14 extend.

15 (5) If:

16 (a) 2 or more identified greenhouse gas storage formations, when
17 considered together, extend to 2 or more blocks in the permit
18 area or lease area; and

19 (b) a vertical line would not pass through a point in each of those
20 identified greenhouse gas storage formations; and

21 (c) for each identified greenhouse gas storage formation, at least
22 one of the blocks to which the identified greenhouse gas
23 storage formation extends immediately adjoins a block to
24 which the other, or another, of those identified greenhouse
25 gas storage formations extends;

26 the permittee or lessee may apply to the responsible
27 Commonwealth Minister for the grant of a greenhouse gas
28 injection licence over the blocks to which the identified greenhouse
29 gas storage formations, when considered together, extend.

30 (6) For the purposes of subsection (5), a block immediately adjoins
31 another block if the graticular section that constitutes or includes
32 that block and the graticular section that constitutes or includes that
33 other block:

34 (a) have a side in common; or

35 (b) are joined together at one point only.

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

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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.

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1

Variation of application

2

(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.

3

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(11) A variation of an application must be made in the approved manner.

7

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(12) A variation of an application may be made:

9

(a) on the applicant's own initiative; or

10

(b) at the request of the responsible Commonwealth Minister.

11

(13) A variation of an application may set out any additional matters that the applicant wishes to be considered.

12

13

(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.

14

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[142]

16

@249CI Offer document

17

Application by permittee

18

(1) If:

19

(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

20

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22

(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:

23

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25

26

(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

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(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

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EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (c) if the responsible Commonwealth Minister is satisfied that
2 there is a significant risk that any of the operations that could
3 be carried on under the greenhouse gas injection licence will
4 have a significant adverse impact on petroleum exploration
5 operations, or petroleum recovery operations, that are being,
6 or could be, carried on under:
- 7 (i) an existing post-commencement exploration permit; or
 - 8 (ii) an existing post-commencement retention lease (other
9 than a retention lease granted under section 126); or
 - 10 (iii) a future post-commencement production licence over
11 the block or any of the blocks to which an existing
12 post-commencement exploration permit, or an existing
13 post-commencement retention lease (other than a
14 retention lease granted under section 126), relates;
- 15 the responsible Commonwealth Minister is satisfied that the
16 grant of the greenhouse gas injection licence is in the public
17 interest; and
- 18 (d) if the responsible Commonwealth Minister is satisfied that
19 there is a significant risk that any of the operations that could
20 be carried on under the greenhouse gas injection licence will
21 have a significant adverse impact on petroleum exploration
22 operations, or petroleum recovery operations, that are being,
23 or could be, carried on under:
- 24 (i) an existing pre-commencement petroleum title held by a
25 person other than the applicant; or
 - 26 (ii) an existing production licence held by a person other
27 than the applicant;
- 28 the responsible Commonwealth Minister is satisfied that:
- 29 (iii) the registered holder of the pre-commencement
30 petroleum title or the production licence, as the case
31 may be, has agreed, in writing, to the grant of the
32 greenhouse gas injection licence; and
 - 33 (iv) to the extent to which the agreement is a dealing to
34 which Part 3.6 applies—the dealing has been approved
35 under section 275 or is reasonably likely to be approved
36 under that section; and
 - 37 (v) to the extent to which the agreement is a dealing to
38 which Part 3A.6 would apply if the greenhouse gas
39 injection licence were to come into existence—it is
40 reasonably likely that the dealing would, after the
-

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 greenhouse gas injection licence comes into existence,
2 be approved under section @298-275; and
- 3 (e) if:
- 4 (i) the responsible Commonwealth Minister is satisfied that
5 there is a significant risk that any of the operations that
6 could be carried on under the greenhouse gas injection
7 licence will have a significant adverse impact on
8 petroleum exploration operations, or petroleum recovery
9 operations, that could be carried on under a future
10 pre-commencement petroleum title over a block or
11 blocks; and
- 12 (ii) the existing pre-commencement petroleum title in force
13 over the block or any of the blocks is held by a person
14 other than the applicant;
- 15 the responsible Commonwealth Minister is satisfied that:
- 16 (iii) the registered holder of the existing pre-commencement
17 petroleum title has agreed, in writing, to the grant of the
18 greenhouse gas injection licence; and
- 19 (iv) to the extent to which the agreement is a dealing to
20 which Part 3.6 applies—the dealing has been approved
21 under section 275 or is reasonably likely to be approved
22 under that section; and
- 23 (v) to the extent to which the agreement is a dealing to
24 which Part 3.6 would apply if the future
25 pre-commencement petroleum title were to come into
26 existence—it is reasonably likely that the dealing
27 would, after the future pre-commencement petroleum
28 title comes into existence, be approved under
29 section 275; and
- 30 (vi) to the extent to which the agreement is a dealing to
31 which Part 3A.6 would apply if the greenhouse gas
32 injection licence were to come into existence—it is
33 reasonably likely that the dealing would, after the
34 greenhouse gas injection licence comes into existence,
35 be approved under section @298-275; and
- 36 (f) if:
- 37 (i) the responsible Commonwealth Minister is satisfied that
38 the area comprised in the block, or any one or more of
39 the blocks, specified in the application contains
40 petroleum; and
-

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (ii) the block or blocks as to which the responsible
2 Commonwealth Minister is so satisfied are within the
3 licence area of a production licence, the permit area of a
4 pre-commencement exploration permit or the lease area
5 of a pre-commencement retention lease; and
6 (iii) the recovery of the petroleum passes the commercial
7 viability test set out in subsection (5);
8 the responsible Commonwealth Minister is satisfied that
9 there is no significant risk that any of the operations that
10 could be carried on under the greenhouse gas injection
11 licence will have a significant adverse impact on operations
12 to recover the petroleum; and
13 (g) the responsible Commonwealth Minister is satisfied that:
14 (i) the technical qualifications of the applicant and of the
15 applicant's employees; and
16 (ii) the technical advice available to the applicant; and
17 (iii) the financial resources available to the applicant;
18 are adequate; and
19 (h) the responsible Commonwealth Minister is satisfied that the
20 draft site plan that accompanied the application satisfies the
21 criteria specified in the regulations;
22 the responsible Commonwealth Minister must give the applicant a
23 written notice (called an *offer document*) telling the applicant that
24 the responsible Commonwealth Minister is prepared to grant the
25 applicant a greenhouse gas injection licence over the block or
26 blocks specified in the application, on the basis that the matters to
27 be specified in the greenhouse gas injection licence as mentioned
28 in paragraphs @249CE(3)(d) to (k) will be in accordance with the
29 application.

30 *Application by lessee*

- 31 (2) If:
32 (a) an application for the grant of a greenhouse gas injection
33 licence has been made under section @249CH by a
34 greenhouse gas holding lessee; and
35 (b) the responsible Commonwealth Minister is satisfied that, if
36 the greenhouse gas injection licence were granted to the
37 applicant, the applicant will, within 5 years after the grant,
38 commence operations to:

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 (i) inject a greenhouse gas substance into the identified
2 greenhouse gas storage formation, or at least one of the
3 identified greenhouse gas storage formations,
4 concerned; and
- 5 (ii) permanently store the greenhouse gas substance in the
6 identified greenhouse gas storage formation, or at least
7 one of the identified greenhouse gas storage formations,
8 concerned; and
- 9 (c) if the responsible Commonwealth Minister is satisfied that
10 there is a significant risk that any of the operations that could
11 be carried on under the greenhouse gas injection licence will
12 have a significant adverse impact on petroleum exploration
13 operations, or petroleum recovery operations, that are being,
14 or could be, carried on under:
- 15 (i) an existing post-commencement exploration permit; or
16 (ii) an existing post-commencement retention lease (other
17 than a retention lease granted under section 126); or
18 (iii) a future post-commencement production licence over
19 the block or any of the blocks to which an existing
20 post-commencement exploration permit, or an existing
21 post-commencement retention lease (other than a
22 retention lease granted under section 126), relates;
- 23 the responsible Commonwealth Minister is satisfied that the
24 grant of the greenhouse gas injection licence is in the public
25 interest; and
- 26 (d) if the responsible Commonwealth Minister is satisfied that
27 there is a significant risk that any of the operations that could
28 be carried on under the greenhouse gas injection licence will
29 have a significant adverse impact on petroleum exploration
30 operations, or petroleum recovery operations, that are being,
31 or could be, carried on under:
- 32 (i) an existing pre-commencement petroleum title held by a
33 person other than the applicant; or
34 (ii) an existing production licence held by a person other
35 than the applicant;
- 36 the responsible Commonwealth Minister is satisfied that:
- 37 (iii) the registered holder of the pre-commencement
38 petroleum title or the production licence, as the case
39 may be, has agreed, in writing, to the grant of the
40 greenhouse gas injection licence; and
-

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (iv) to the extent to which the agreement is a dealing to
2 which Part 3.6 applies—the dealing has been approved
3 under section 275 or is reasonably likely to be approved
4 under that section; and
- 5 (v) to the extent to which the agreement is a dealing to
6 which Part 3A.6 would apply if the greenhouse gas
7 injection licence were to come into existence—it is
8 reasonably likely that the dealing would, after the
9 greenhouse gas injection licence comes into existence,
10 be approved under section @298-275; and
- 11 (e) if:
- 12 (i) the responsible Commonwealth Minister is satisfied that
13 there is a significant risk that any of the operations that
14 could be carried on under the greenhouse gas injection
15 licence will have a significant adverse impact on
16 petroleum exploration operations, or petroleum recovery
17 operations, that could be carried on under a future
18 pre-commencement petroleum title over a block or
19 blocks; and
- 20 (ii) the existing pre-commencement petroleum title in force
21 over the block or any of the blocks is held by a person
22 other than the applicant;
- 23 the responsible Commonwealth Minister is satisfied that:
- 24 (iii) the registered holder of the existing pre-commencement
25 petroleum title has agreed, in writing, to the grant of the
26 greenhouse gas injection licence; and
- 27 (iv) to the extent to which the agreement is a dealing to
28 which Part 3.6 applies—the dealing has been approved
29 under section 275 or is reasonably likely to be approved
30 under that section; and
- 31 (v) to the extent to which the agreement is a dealing to
32 which Part 3.6 would apply if the future
33 pre-commencement petroleum title were to come into
34 existence—it is reasonably likely that the dealing
35 would, after the future pre-commencement petroleum
36 title comes into existence, be approved under
37 section 275; and
- 38 (vi) to the extent to which the agreement is a dealing to
39 which Part 3A.6 would apply if the greenhouse gas
40 injection licence were to come into existence—it is
-

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 reasonably likely that the dealing would, after the
2 greenhouse gas injection licence comes into existence,
3 be approved under section @298-275; and
- 4 (f) if:
- 5 (i) the responsible Commonwealth Minister is satisfied that
6 the area comprised in the block, or any one or more of
7 the blocks, specified in the application contains
8 petroleum; and
- 9 (ii) the block or blocks as to which the responsible
10 Commonwealth Minister is so satisfied are within the
11 licence area of a production licence, the permit area of a
12 pre-commencement exploration permit or the lease area
13 of a pre-commencement retention lease; and
- 14 (iii) the recovery of the petroleum passes the commercial
15 viability test set out in subsection (5);
- 16 the responsible Commonwealth Minister is satisfied that
17 there is no significant risk that any of the operations that
18 could be carried on under the greenhouse gas injection
19 licence will have a significant adverse impact on operations
20 to recover the petroleum; and
- 21 (g) the responsible Commonwealth Minister is satisfied that:
- 22 (i) the technical qualifications of the applicant and of the
23 applicant's employees; and
- 24 (ii) the technical advice available to the applicant; and
- 25 (iii) the financial resources available to the applicant;
26 are adequate; and
- 27 (h) the responsible Commonwealth Minister is satisfied that the
28 draft site plan that accompanied the application satisfies the
29 criteria specified in the regulations;
- 30 the responsible Commonwealth Minister must give the applicant a
31 written notice (called an *offer document*) telling the applicant that
32 the responsible Commonwealth Minister is prepared to grant the
33 applicant a greenhouse gas injection licence over the block or
34 blocks specified in the application, on the basis that the matters to
35 be specified in the greenhouse gas injection licence as mentioned
36 in paragraphs @249CE(3)(d) to (k) will be in accordance with the
37 application.

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

1

Public interest

2

(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:

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6

(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

7

8

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11

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

12

13

(4) Subsection (3) does not limit the matters to which the responsible Commonwealth Minister may have regard.

14

Commercial viability test

15

(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:

16

17

18

19

20

(a) the recovery is commercially viable; or

(b) the recovery is not commercially viable, but is likely to become commercially viable within 15 years.

21

Deferral of decision

22

(6) This section has effect subject to section @249CK.

23

[145]

24

@249CJ Refusal to grant greenhouse gas injection licence

25

Scope

26

(1) This section applies if:

27

28

29

30

(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.

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1

Notice

2

- (2) The responsible Commonwealth Minister must, by written notice given to the applicant, refuse to grant the applicant a greenhouse gas injection licence.

3

4

5

Deferral of decision

6

- (3) This section has effect subject to section @249CK.

7

@249CJA Grant of greenhouse gas injection licence

8

If:

9

- (a) an applicant has been given an offer document under section @249CI; and

10

11

- (b) the applicant has made a request under section @249JF in relation to the offer document within the period applicable under that section; and

12

13

14

- (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;

15

16

17

the responsible Commonwealth Minister must grant the applicant a greenhouse gas injection licence over the block or blocks specified in the offer document.

18

19

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21

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).

22

23

24

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.

25

26

27

[147]

28

@249CK Deferral of decision to grant greenhouse gas injection licence—pending application for post-commencement exploration permit

29

30

31

Scope

32

- (1) This section applies if:
-

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (a) an application for the grant of a greenhouse gas injection
2 licence has been made under section @249CH; and
3 (b) when the application for the greenhouse gas injection licence
4 was made, an application for a post-commencement
5 exploration permit was being considered by the Joint
6 Authority; and
7 (c) the responsible Commonwealth Minister considers that it
8 would be in the public interest to defer taking any action
9 under section @249CI or @249CJ in relation to the
10 application for the grant of the greenhouse gas injection
11 licence until the application for the post-commencement
12 exploration permit is finalised.

13 *Deferral*

- 14 (2) The responsible Commonwealth Minister must not take any action
15 under section @249CI or @249CJ in relation to the application for
16 the greenhouse gas injection licence until 24 hours after whichever
17 of the following events happens first:
18 (a) the Joint Authority grants the post-commencement
19 exploration permit to the applicant for the permit;
20 (b) the application for the post-commencement exploration
21 permit lapses;
22 (c) the Joint Authority refuses to grant the post-commencement
23 exploration permit to the applicant for the permit.

24 **@249CO Greenhouse gas assessment permit or greenhouse gas**
25 **holding lease ceases to be in force when greenhouse gas**
26 **injection licence comes into force**

27 When a greenhouse gas injection licence under section @249CJA
28 comes into force in relation to one or more blocks, a greenhouse
29 gas assessment permit or greenhouse gas holding lease ceases to be
30 in force to the extent to which it relates to those blocks.

31 [148]

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1 **@249CP Greenhouse gas assessment permit transfer—transferee to**
2 **be treated as applicant**

3 *Scope*

- 4 (1) This section applies if a transfer of a greenhouse gas assessment
5 permit is registered under section @298-262:
- 6 (a) after an application has been made under section @249CH
7 for the grant of a greenhouse gas injection licence over a
8 block or blocks in relation to which the greenhouse gas
9 assessment permit is in force; and
- 10 (b) before any action has been taken by the responsible
11 Commonwealth Minister under section @249CI or @249CJ
12 in relation to the application.

13 *Transferee to be treated as applicant*

- 14 (2) After the transfer, sections @249CH to @249CJA and Part 2A.8
15 have effect in relation to the application as if any reference in those
16 sections and that Part to the applicant were a reference to the
17 transferee.

18 **@249CPA Greenhouse gas holding lease transfer—transferee to be**
19 **treated as applicant**

20 *Scope*

- 21 (1) This section applies if a transfer of a greenhouse gas holding lease
22 is registered under section @298-262:
- 23 (a) after an application has been made under section @249CH
24 for the grant of a greenhouse gas injection licence over a
25 block or blocks in relation to which the greenhouse gas
26 holding lease is in force; and
- 27 (b) before any action has been taken by the responsible
28 Commonwealth Minister under section @249CI or @249CJ
29 in relation to the application.

30 *Transferee to be treated as applicant*

- 31 (2) After the transfer, sections @249CH to @249CJA and Part 2A.8
32 have effect in relation to the application as if any reference in those

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 sections and that Part to the applicant were a reference to the
2 transferee.

3 **Subdivision B—Application for greenhouse gas injection**
4 **licence by the holder of a production licence**

5 **@249CQ Application for greenhouse gas injection licence by the**
6 **holder of a production licence**

7 *Scope*

- 8 (1) This section applies if:
9 (a) a production licence is in force; and
10 (b) one or more identified greenhouse gas storage formations are
11 wholly situated in the licence area.

12 *Single identified greenhouse gas storage formation*

- 13 (2) If:
14 (a) a single identified greenhouse gas storage formation extends
15 to:
16 (i) only one block in the licence area; or
17 (ii) 2 or more blocks in the licence area; and
18 (b) none of the following is in force over the block or blocks to
19 which the identified greenhouse gas storage formation
20 extends:
21 (i) a greenhouse gas injection licence;
22 (ii) a greenhouse gas holding lease;
23 (iii) a greenhouse gas assessment permit;
24 the production licensee may apply to the responsible
25 Commonwealth Minister for the grant of a greenhouse gas
26 injection licence over the block or blocks to which the identified
27 greenhouse gas storage formation extends.

28 *Multiple identified greenhouse gas storage formations*

- 29 (3) If:
30 (a) 2 or more identified greenhouse gas storage formations, when
31 considered together, extend to only one block in the licence
32 area; and

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Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 (b) a vertical line would not pass through a point in each of those
2 identified greenhouse gas storage formations; and
- 3 (c) none of the following is in force over the block to which the
4 identified greenhouse gas storage formations, when
5 considered together, extend:
- 6 (i) a greenhouse gas injection licence;
7 (ii) a greenhouse gas holding lease;
8 (iii) a greenhouse gas assessment permit;
- 9 the production licensee may apply to the responsible
10 Commonwealth Minister for the grant of a greenhouse gas
11 injection licence over the block to which the identified greenhouse
12 gas storage formations, when considered together, extend.
- 13 (4) If:
- 14 (a) 2 or more identified greenhouse gas storage formations, when
15 considered together, extend to:
- 16 (i) only one block in the licence area; or
17 (ii) 2 or more blocks in the licence area; and
- 18 (b) a vertical line would pass through a point in each of those
19 identified greenhouse gas storage formations; and
- 20 (c) none of the following is in force over the block or blocks to
21 which the identified greenhouse gas storage formations,
22 when considered together, extend:
- 23 (i) a greenhouse gas injection licence;
24 (ii) a greenhouse gas holding lease;
25 (iii) a greenhouse gas assessment permit;
- 26 the production licensee may apply to the responsible
27 Commonwealth Minister for the grant of a greenhouse gas
28 injection licence over the block or blocks to which the identified
29 greenhouse gas storage formations, when considered together,
30 extend.
- 31 (5) If:
- 32 (a) 2 or more identified greenhouse gas storage formations, when
33 considered together, extend to 2 or more blocks in the licence
34 area; and
- 35 (b) a vertical line would not pass through a point in each of those
36 identified greenhouse gas storage formations; and
- 37 (c) for each identified greenhouse gas storage formation, at least
38 one of the blocks to which the identified greenhouse gas
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Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 storage formation extends immediately adjoins a block to
2 which the other, or another, of those identified greenhouse
3 gas storage formations extends; and
4 (d) none of the following is in force over the blocks to which the
5 identified greenhouse gas storage formations, when
6 considered together, extend:
7 (i) a greenhouse gas injection licence;
8 (ii) a greenhouse gas holding lease;
9 (iii) a greenhouse gas assessment permit;
10 the production licensee may apply to the responsible
11 Commonwealth Minister for the grant of a greenhouse gas
12 injection licence over the blocks to which the identified greenhouse
13 gas storage formations, when considered together, extend.
- 14 (6) For the purposes of subsection (5), a block immediately adjoins
15 another block if the graticular section that constitutes or includes
16 that block and the graticular section that constitutes or includes that
17 other block:
18 (a) have a side in common; or
19 (b) are joined together at one point only.

20 *Application*

- 21 (7) An application under this section must set out, for each identified
22 greenhouse gas storage formation, each of the matters which the
23 applicant seeks to have specified in the licence as mentioned in
24 paragraphs @249CE(3)(d) to (k).
- 25 (8) The matters set out in the application in accordance with
26 subsection (7) must not be inconsistent with the fundamental
27 suitability determinants of the identified greenhouse gas storage
28 formation concerned.
- 29 (9) An application under this section must be accompanied by:
30 (a) a draft site plan for the identified greenhouse gas storage
31 formation or draft site plans for each of the identified
32 greenhouse gas storage formations; and
33 (b) details of the applicant's proposals for work and expenditure
34 in relation to:
35 (i) if there is a single identified greenhouse gas storage
36 formation—the block or blocks, as the case may be, to

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Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 which the identified greenhouse gas storage formation
2 extends; or
- 3 (ii) if there are 2 or more identified greenhouse gas storage
4 formations—the block or blocks, as the case may be, to
5 which the identified greenhouse gas storage formations,
6 when considered together, extend; and
- 7 (c) details of:
- 8 (i) the technical qualifications of the applicant and of the
9 applicant’s employees; and
- 10 (ii) the technical advice available to the applicant; and
- 11 (iii) the financial resources available to the applicant; and
- 12 (d) such other information (if any) as is specified in the
13 regulations.
- 14 Note 1: Part 2A.8 contains additional provisions about application procedures.
- 15 Note 2: Section @249JB requires the application to be accompanied by an
16 application fee.
- 17 Note 3: Section @249JD enables the responsible Commonwealth Minister to
18 require the applicant to give further information.

19 *Variation of application*

- 20 (10) At any time before an offer document, or a notice of refusal,
21 relating to the application is given to the applicant, the applicant
22 may, by written notice given to the responsible Commonwealth
23 Minister, vary the application.
- 24 (11) A variation of an application must be made in the approved
25 manner.
- 26 (12) A variation of an application may be made:
- 27 (a) on the applicant’s own initiative; or
- 28 (b) at the request of the responsible Commonwealth Minister.
- 29 (13) A variation of an application may set out any additional matters
30 that the applicant wishes to be considered.
- 31 (14) If an application under this section is varied, a reference in this Act
32 to the application is a reference to the application as varied.

33 **@249CR Grant of greenhouse gas injection licence—offer document**

34 If:

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (a) an application for a greenhouse gas injection licence has been
2 made under section @249CQ by the registered holder of a
3 production licence; and
4 (b) the responsible Commonwealth Minister is satisfied that, if
5 the greenhouse gas injection licence were granted to the
6 applicant, the applicant will, within 5 years after the grant,
7 commence operations to:
8 (i) inject a greenhouse gas substance into the identified
9 greenhouse gas storage formation or formations
10 concerned; and
11 (ii) permanently store the greenhouse gas substance in the
12 identified greenhouse gas storage formation or
13 formations concerned; and
14 (c) the responsible Commonwealth Minister is satisfied that all
15 of the greenhouse gas substance injected into the identified
16 greenhouse gas storage formation or formations concerned
17 will be obtained as a by-product of petroleum recovery
18 operations carried on under the production licence; and
19 (d) if the responsible Commonwealth Minister is satisfied that
20 there is a significant risk that any of the operations that could
21 be carried on under the greenhouse gas injection licence will
22 have a significant adverse impact on petroleum exploration
23 operations, or petroleum recovery operations, that are being,
24 or could be, carried on under:
25 (i) an existing post-commencement exploration permit; or
26 (ii) an existing post-commencement retention lease (other
27 than a retention lease granted under section 126); or
28 (iii) a future post-commencement production licence over
29 the block or any of the blocks to which an existing
30 post-commencement exploration permit, or an existing
31 post-commencement retention lease (other than a
32 retention lease granted under section 126), relates;
33 the responsible Commonwealth Minister is satisfied that:
34 (iv) the grant of the greenhouse gas injection licence is in
35 the public interest; or
36 (v) the registered holder of the exploration permit or
37 retention lease, as the case may be, has agreed, in
38 writing, to the grant of the greenhouse gas injection
39 licence to the applicant; and
-

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 (e) if the responsible Commonwealth Minister is satisfied that
2 there is a significant risk that any of the operations that could
3 be carried on under the greenhouse gas injection licence will
4 have a significant adverse impact on petroleum exploration
5 operations, or petroleum recovery operations, that are being,
6 or could be, carried on under an existing pre-commencement
7 petroleum title—the responsible Commonwealth Minister is
8 satisfied that the registered holder of the pre-commencement
9 petroleum title has agreed, in writing, to the grant of the
10 greenhouse gas injection licence to the applicant; and
11 (f) if:
12 (i) the responsible Commonwealth Minister is satisfied that
13 there is a significant risk that any of the operations that
14 could be carried on under the greenhouse gas injection
15 licence will have a significant adverse impact on
16 petroleum exploration operations, or petroleum recovery
17 operations, that could be carried on under a future
18 pre-commencement petroleum title over a block or
19 blocks; and
20 (ii) an exploration permit, retention lease or production
21 licence is in force over the block or any of the blocks;
22 the responsible Commonwealth Minister is satisfied that the
23 registered holder of the exploration permit, retention lease or
24 production licence covered by subparagraph (ii) has agreed,
25 in writing, to the grant of the greenhouse gas injection
26 licence; and
27 (g) if the responsible Commonwealth Minister is satisfied that
28 there is a significant risk that any of the operations that could
29 be carried on under the greenhouse gas injection licence will
30 have a significant adverse impact on:
31 (i) petroleum exporations operations; or
32 (ii) petroleum recovery operations;
33 that are being, or could be, carried on under an existing
34 production licence held by a person other than the
35 applicant—the responsible Commonwealth Minister is
36 satisfied that the registered holder of the production licence
37 has agreed, in writing, to the grant of the greenhouse gas
38 injection licence to the applicant; and
39 (h) the responsible Commonwealth Minister is satisfied that:

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (i) the technical qualifications of the applicant and of the
2 applicant's employees; and
3 (ii) the technical advice available to the applicant; and
4 (iii) the financial resources available to the applicant;
5 are adequate; and
6 (i) the responsible Commonwealth Minister is satisfied that the
7 draft site plan that accompanied the application satisfies the
8 criteria specified in the regulations;
9 the responsible Commonwealth Minister may give the applicant a
10 written notice (called an *offer document*) telling the applicant that
11 the responsible Commonwealth Minister is prepared to grant the
12 applicant a greenhouse gas injection licence over the block or
13 blocks specified in the application, on the basis that the matters to
14 be specified in the greenhouse gas injection licence as mentioned
15 in paragraphs @249CE(3)(d) to (k) will be in accordance with the
16 application.

17 **@249CRA Refusal to grant greenhouse gas injection licence**

18 *Scope*

- 19 (1) This section applies if:
20 (a) an application for a greenhouse gas injection licence has been
21 made under section @249CQ; and
22 (b) the responsible Commonwealth Minister refuses to give the
23 applicant an offer document.

24 *Notice*

- 25 (2) The responsible Commonwealth Minister must, by written notice
26 given to the applicant, refuse to grant the applicant a greenhouse
27 gas injection licence.

28 **@249CRB Grant of greenhouse gas injection licence**

29 *If:*

- 30 (a) an applicant has been given an offer document under section
31 @249CR; and
32 (b) the applicant has made a request under section @249JF in
33 relation to the offer document within the period applicable
34 under that section; and
-

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Schedule 1 Amendments relating to greenhouse gas storage etc.

1 (c) if the offer document specified the form and amount of a
2 security to be lodged by the applicant—the applicant has
3 lodged the security within the period applicable under section
4 @249JGAA;

5 the responsible Commonwealth Minister must grant the applicant a
6 greenhouse gas injection licence over the block or blocks specified
7 in the offer document.

8 Note 1: If the applicant does not make a request under section @249JF within
9 the period applicable under that section, the application lapses at the
10 end of that period—see subsection @249JF(4).

11 Note 2: If the applicant has not lodged the security within the period
12 applicable under section @249JGAA, the application lapses at the end
13 of that period—see section @249JGAA.

14 **@249CRE Production licence transferred—transferee to be treated**
15 **as applicant**

16 *Scope*

- 17 (1) This section applies if a transfer of a production licence is
18 registered under section 262:
- 19 (a) after an application has been made under section @249CQ
20 for the grant of a greenhouse gas injection licence over a
21 block or blocks in relation to which the production licence is
22 in force; and
- 23 (b) before any action has been taken by the responsible
24 Commonwealth Minister under section @249CR or
25 @249CRA in relation to the application.

26 *Transferee to be treated as applicant*

- 27 (2) After the transfer, sections @249CQ to @249CRB and Part 2A.8
28 have effect in relation to the application as if any reference in those
29 sections and that Part to the applicant were a reference to the
30 transferee.

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 **Division 3—Variations**

2 **@249CT Variation of matters specified in greenhouse gas injection** 3 **licence—general**

4 *Application*

- 5 (1) A greenhouse gas injection licensee may apply to the responsible
6 Commonwealth Minister for the variation by the responsible
7 Commonwealth Minister of a matter specified in the licence as
8 mentioned in any of paragraphs @249CE(3)(c) to (k).

9 Note 1: Consultation procedures apply—see section @249JH.

10 Note 2: Part 2A.8 contains additional provisions about application procedures.

11 Note 3: Section @249JB requires the application to be accompanied by an
12 application fee.

13 Note 4: Section @249JD enables the responsible Commonwealth Minister to
14 require the applicant to give further information.

- 15 (2) An application under subsection (1) must:
16 (a) set out the proposed variation; and
17 (b) specify the reasons for the proposed variation.

18 *Variation*

- 19 (3) If an application is made under subsection (1), the responsible
20 Commonwealth Minister may, by written notice given to the
21 licensee:
22 (a) vary the matter in accordance with the application; or
23 (b) refuse to vary the matter in accordance with the application.

- 24 (4) If a matter specified in the licence as mentioned in any of
25 paragraphs @249CE(3)(c) to (k) is varied under this section, the
26 varied matter must not be inconsistent with the fundamental
27 suitability determinants of the identified greenhouse gas storage
28 formation concerned.

- 29 (5) A variation of a matter under this section takes effect on the day on
30 which notice of the variation is published in the *Gazette*.

31 Note: For publication in the *Gazette* of notice of the variation, see section
32 @406-418.

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Schedule 1 Amendments relating to greenhouse gas storage etc.

1 **@249CTA Variation of matters specified in greenhouse gas injection**
2 **licence—declaration of identified greenhouse gas storage**
3 **formation varied**

4 *Scope*

- 5 (1) This section applies in relation to a greenhouse gas injection
6 licence if:
- 7 (a) a declaration is in force under section @249AU in relation to
8 an identified greenhouse gas storage formation that is wholly
9 situated in the licence area; and
 - 10 (b) the declaration is varied under section @249AUA; and
 - 11 (c) apart from this section, a matter specified in the declaration
12 would be inconsistent with a matter specified in the licence
13 as mentioned in any of paragraphs @249CE(3)(c) to (k).

14 *Variation of a matter specified in the licence*

- 15 (2) The responsible Commonwealth Minister must, by written notice
16 given to the licensee, vary the matter specified in the licence as
17 mentioned in any of paragraphs @249CE(3)(c) to (k) for the
18 purposes of removing that inconsistency.
- 19 (3) A variation of a matter under this section takes effect on the day on
20 which notice of the variation is published in the *Gazette*.

21 Note: For publication in the *Gazette* of notice of the variation, see section
22 @406-418.

23 **Division 4—Directions**

24 **@249CXA Responsible Commonwealth Minister may give**
25 **greenhouse gas injection licensee directions to protect**
26 **geological formations containing petroleum pools etc.**

- 27 (1) The responsible Commonwealth Minister may, by written notice
28 given to a greenhouse gas injection licensee, give the licensee a
29 direction for the purpose of:
- 30 (a) eliminating; or
 - 31 (b) mitigating; or
 - 32 (c) managing;
- 33 the risk that operations carried out under the licence could:
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- 1 (d) have a significant adverse impact on a geological formation,
2 or a part of a geological formation, that contains, or is likely
3 to contain, a petroleum pool; or
4 (e) otherwise compromise the exploitation of any petroleum that
5 occurs as a natural resource.
- 6 (2) A direction under this section may require the licensee to do
7 something:
8 (a) in the licence area; or
9 (b) in an offshore area but outside the licence area.
- 10 (3) A direction under this section has effect, and must be complied
11 with, despite:
12 (a) any previous direction under this section; and
13 (b) anything in the regulations or the applied provisions.
- 14 (4) A direction under this section prevails over:
15 (a) anything in an approved site plan for an identified
16 greenhouse gas storage formation specified in the licence; or
17 (b) anything specified in the licence as mentioned in any of
18 paragraphs @249CE(3)(c) to (k);
19 to the extent of any inconsistency.
- 20 (5) A direction under this section may make provision in relation to a
21 matter by applying, adopting or incorporating (with or without
22 modification) a code of practice or standard contained in an
23 instrument:
24 (a) as in force or existing at the time when the direction takes
25 effect; or
26 (b) as in force or existing from time to time;
27 so long as the code of practice or standard is relevant to that matter.
- 28 (6) To avoid doubt, subsection (5) applies to an instrument, whether
29 issued or made in Australia or outside Australia.
- 30 (7) A direction under this section may prohibit the doing of an act or
31 thing:
32 (a) unconditionally; or
33 (b) subject to conditions, including conditions requiring the
34 consent or approval of a person specified in the direction.
- 35 (8) A direction under this section is not a legislative instrument.
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Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 (9) If:
- 2 (a) a direction under this section is in force in relation to a
- 3 greenhouse gas injection licence; and
- 4 (b) apart from subsection (4), the direction would be inconsistent
- 5 with a matter specified in the licence as mentioned in any of
- 6 paragraphs @249CE(3)(c) to (k);
- 7 the responsible Commonwealth Minister may, by written notice
- 8 given to the licensee, vary the matter for the purposes of removing
- 9 that inconsistency.
- 10 (10) A variation of a matter under subsection (9) takes effect on the day
- 11 on which notice of the variation is published in the *Gazette*.
- 12 Note: For publication in the *Gazette* of notice of the variation, see section
- 13 @406-418.
- 14 (11) The regulations may provide that, if:
- 15 (a) a direction under this section is in force in relation to a
- 16 greenhouse gas injection licence; and
- 17 (b) apart from subsection (4), the direction would be inconsistent
- 18 with anything in an approved site plan for an identified
- 19 greenhouse gas storage formation specified in the licence;
- 20 then:
- 21 (c) the licensee must, within the period ascertained in accordance
- 22 with the regulations:
- 23 (i) prepare a draft variation of the approved site plan for the
- 24 purposes of removing that inconsistency; and
- 25 (ii) give the draft variation to the responsible
- 26 Commonwealth Minister; and
- 27 (d) the responsible Commonwealth Minister must, by written
- 28 notice given to the licensee:
- 29 (i) approve the variation; or
- 30 (ii) refuse to approve the variation; and
- 31 (e) if the responsible Commonwealth Minister approves the
- 32 variation—the approved site plan is varied accordingly.
- 33 (12) If an approved site plan is varied, a reference in this Act to the
- 34 approved site plan is a reference to the approved site plan as
- 35 varied.

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1 **@249CXB Consultation—directions to do something outside the**
2 **licence area**

3 *Scope*

- 4 (1) This section applies if:
- 5 (a) the responsible Commonwealth Minister proposes to give a
6 direction under section @249CXA to a greenhouse gas
7 injection licensee; and
 - 8 (b) the direction requires the licensee to do something in an area
9 (the *action area*) in an offshore area but outside the licence
10 area; and
 - 11 (c) the action area is, to any extent, the subject of:
 - 12 (i) a greenhouse gas assessment permit; or
 - 13 (ii) a greenhouse gas holding lease; or
 - 14 (iii) a greenhouse gas injection licence; or
 - 15 (iv) a greenhouse gas search authority; and
 - 16 (d) the licensee mentioned in paragraph (a) is not the registered
17 holder of the permit, lease, licence or authority mentioned in
18 paragraph (c); and
 - 19 (e) the registered holder of the permit, lease, licence or authority
20 mentioned in paragraph (c) has not given written consent to
21 the giving of the direction.

22 *Consultation*

- 23 (2) Before giving the direction, the responsible Commonwealth
24 Minister must:
- 25 (a) by written notice given to the registered holder of the permit,
26 lease, licence or authority mentioned in paragraph (1)(c),
27 give at least 30 days notice of the responsible
28 Commonwealth Minister's intention to give the direction;
29 and
 - 30 (b) give a copy of the notice to such other persons (if any) as the
31 responsible Commonwealth Minister thinks fit.
- 32 (3) The notice must:
- 33 (a) set out details of the direction that is proposed to be given;
34 and

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- 1 (b) invite a person to whom the notice, or a copy of the notice,
2 has been given to make a written submission to the
3 responsible Commonwealth Minister about the proposal; and
4 (c) specify a time limit for making that submission.
- 5 (4) In deciding whether to give the direction, the responsible
6 Commonwealth Minister must take into account any submissions
7 made in accordance with the notice.

8 *Emergencies*

- 9 (5) However, if the responsible Commonwealth Minister is satisfied
10 that the direction is required to deal with an emergency:
11 (a) subsections (2), (3) and (4) do not apply to the direction; and
12 (b) as soon as practicable after the direction is given, the
13 responsible Commonwealth Minister must give a copy of the
14 direction to the registered holder of the permit, lease, licence
15 or authority mentioned in paragraph (1)(c).

16 **@249CY Compliance with directions**

- 17 (1) A person commits an offence if:
18 (a) the person is given a direction under section @249CXA; and
19 (b) the person engages in conduct; and
20 (c) the person's conduct breaches the direction.

21 Penalty: 100 penalty units.

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

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

24 **Division 5—Dealing with serious situations**

25 **@249CZ Serious situation**

- 26 (1) For the purposes of this Act, a *serious situation* exists in relation to
27 an identified greenhouse gas storage formation specified in a
28 greenhouse gas injection licence if:
29 (a) a greenhouse gas substance injected into the identified
30 greenhouse gas storage formation:
31 (i) has leaked; or
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Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (ii) is leaking;
2 from the identified greenhouse gas storage formation; or
3 (b) there is a significant risk that a greenhouse gas substance
4 injected into the identified greenhouse gas storage formation
5 will leak from the identified greenhouse gas storage
6 formation; or
7 (c) a greenhouse gas substance:
8 (i) has leaked; or
9 (ii) is leaking;
10 in the course of being injected into the identified greenhouse
11 gas storage formation; or
12 (d) there is a significant risk that a greenhouse gas substance will
13 leak in the course of being injected into the identified
14 greenhouse gas storage formation; or
15 (e) a greenhouse gas substance injected into the identified
16 greenhouse gas storage formation:
17 (i) has behaved; or
18 (ii) is behaving;
19 otherwise than as predicted in Part A of the approved site
20 plan for the identified greenhouse gas storage formation; or
21 (f) there is a significant risk that a greenhouse gas substance
22 injected into the identified greenhouse gas storage formation
23 will behave otherwise than as predicted in Part A of the
24 approved site plan for the identified greenhouse gas storage
25 formation; or
26 (g) either:
27 (i) the injection of a greenhouse gas substance into the
28 identified greenhouse gas storage formation; or
29 (ii) the storage of a greenhouse gas substance in the
30 identified greenhouse gas storage formation;
31 has had, or is having, a significant adverse impact on the
32 geotechnical integrity of the whole or a part of a geological
33 formation or geological structure; or
34 (h) there is a significant risk that:
35 (i) the injection of a greenhouse gas substance into the
36 identified greenhouse gas storage formation; or
37 (ii) the storage of a greenhouse gas substance in an
38 identified greenhouse gas storage formation;

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- 1 will have a significant adverse impact on the geotechnical
2 integrity of the whole or a part of a geological formation or
3 geological structure; or
- 4 (i) the identified greenhouse gas storage formation is not
5 suitable (with or without engineering enhancements) for the
6 permanent storage of the relevant amount of the relevant
7 greenhouse gas substance injected at the relevant point or
8 points over the relevant period.
- 9 (2) For the purposes of paragraph (1)(i):
- 10 (a) the *relevant amount* is the total amount of greenhouse gas
11 substance authorised to be injected into the identified
12 greenhouse gas storage formation under the licence; and
- 13 (b) the *relevant greenhouse gas substance* is the kind of
14 greenhouse gas substance that is authorised to be injected
15 into the identified greenhouse gas storage formation under
16 the licence; and
- 17 (c) the *relevant point or points* is the potential greenhouse gas
18 injection site or sites at which the greenhouse gas substance
19 is authorised to be injected into the identified greenhouse gas
20 storage formation under the licence; and
- 21 (d) the *relevant period* is the period during which the greenhouse
22 gas substance is authorised to be injected into the identified
23 greenhouse gas storage formation under the licence.

24 Note: See subsection @249CE(3).

25 @249CZA Powers of responsible Commonwealth Minister to deal 26 with serious situations

- 27 (1) If the responsible Commonwealth Minister is satisfied that a
28 serious situation exists in relation to an identified greenhouse gas
29 storage formation specified in a greenhouse gas injection licence,
30 the responsible Commonwealth Minister may, by written notice
31 given to the licensee, direct the licensee:
- 32 (a) to take all reasonable steps to ensure that operations for the
33 injection of a greenhouse gas substance into the identified
34 greenhouse gas storage formation are carried on in a manner
35 specified in the direction; or
- 36 (b) to take all reasonable steps to ensure that operations for the
37 storage of a greenhouse gas substance in the identified

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- 1 greenhouse gas storage formation are carried on in a manner
2 specified in the direction; or
- 3 (c) to cease or suspend the injection of a greenhouse gas
4 substance at a site or sites specified in the direction; or
- 5 (d) to inject a greenhouse gas substance into the identified
6 greenhouse gas storage formation at a site or sites specified
7 in the direction; or
- 8 (e) to cease or suspend operations for the injection of a
9 greenhouse gas substance into the identified greenhouse gas
10 storage formation; or
- 11 (f) to undertake such activities as are specified in the direction
12 for the purpose of:
- 13 (i) eliminating; or
14 (ii) mitigating; or
15 (iii) managing; or
16 (iv) remediating;
17 the serious situation; or
- 18 (g) to take such action as is specified in the direction; or
19 (h) not to take such action as is specified in the direction.
- 20 (2) A direction under this section may require the licensee to do
21 something:
- 22 (a) in the licence area; or
23 (b) in an offshore area but outside the licence area.
- 24 (3) Paragraphs (1)(a) to (f) do not limit paragraph (1)(g).
- 25 (4) Paragraphs (1)(a) to (f) do not limit paragraph (1)(h).
- 26 (5) A direction under this section has effect, and must be complied
27 with, despite:
- 28 (a) any previous direction under this section; and
29 (b) anything in the regulations or the applied provisions.
- 30 (6) A direction under this section prevails over:
- 31 (a) anything in an approved site plan for the identified
32 greenhouse gas storage formation; or
33 (b) anything specified in the licence as mentioned in any of
34 paragraphs @249CE(3)(c) to (k);
35 to the extent of any inconsistency.
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- 1 (7) A direction under this section may make provision in relation to a
2 matter by applying, adopting or incorporating (with or without
3 modification) a code of practice or standard contained in an
4 instrument:
5 (a) as in force or existing at the time when the direction takes
6 effect; or
7 (b) as in force or existing from time to time;
8 so long as the code of practice or standard is relevant to that matter.
- 9 (8) To avoid doubt, subsection (7) applies to an instrument, whether
10 issued or made in Australia or outside Australia.
- 11 (9) A direction under this section may prohibit the doing of an act or
12 thing:
13 (a) unconditionally; or
14 (b) subject to conditions, including conditions requiring the
15 consent or approval of a person specified in the direction.
- 16 (10) A direction under this section is not a legislative instrument.
- 17 (11) If:
18 (a) a direction under this section is in force in relation to a
19 greenhouse gas injection licence; and
20 (b) apart from subsection (6), the direction would be inconsistent
21 with a matter specified in the licence as mentioned in any of
22 paragraphs @249CE(3)(c) to (k);
23 the responsible Commonwealth Minister may, by written notice
24 given to the licensee, vary the matter for the purposes of removing
25 that inconsistency.
- 26 (12) A variation of a matter under subsection (11) takes effect on the
27 day on which notice of the variation is published in the *Gazette*.
- 28 Note: For publication in the *Gazette* of notice of the variation, see section
29 @406-418.
- 30 (13) The regulations may provide that, if:
31 (a) a direction under this section is in force in relation to a
32 greenhouse gas injection licence; and
33 (b) apart from subsection (6), the direction would be inconsistent
34 with anything in an approved site plan for the identified
35 greenhouse gas storage formation;
36 then:
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Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (c) the licensee must, within the period ascertained in accordance
2 with the regulations:
- 3 (i) prepare a draft variation of the approved site plan for the
4 purposes of removing that inconsistency; and
- 5 (ii) give the draft variation to the responsible
6 Commonwealth Minister; and
- 7 (d) the responsible Commonwealth Minister must, by written
8 notice given to the licensee:
- 9 (i) approve the variation; or
10 (ii) refuse to approve the variation; and
- 11 (e) if the responsible Commonwealth Minister approves the
12 variation—the approved site plan is varied accordingly.
- 13 (14) If an approved site plan is varied, a reference in this Act to the
14 approved site plan is a reference to the approved site plan as
15 varied.

@249CZAA Consultation—directions to do something outside the licence area

Scope

- 16 (1) This section applies if:
- 17
- 18 (a) the responsible Commonwealth Minister proposes to give a
19 direction under section @249CZA to a greenhouse gas
20 injection licensee; and
- 21 (b) the direction requires the licensee to do something in an area
22 (the *action area*) in an offshore area but outside the licence
23 area; and
- 24 (c) the action area is, to any extent, the subject of:
- 25 (i) a greenhouse gas assessment permit; or
26 (ii) a greenhouse gas holding lease; or
27 (iii) a greenhouse gas injection licence; or
28 (iv) a greenhouse gas search authority; and
- 29 (d) the licensee mentioned in paragraph (a) is not the registered
30 holder of the permit, lease, licence or authority mentioned in
31 paragraph (c); and
- 32 (e) the registered holder of the permit, lease, licence or authority
33 mentioned in paragraph (c) has not given written consent to
34 the giving of the direction.
35
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Schedule 1 Amendments relating to greenhouse gas storage etc.

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Consultation

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- (2) Before giving the direction, the responsible Commonwealth Minister must:

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- (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

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- (b) give a copy of the notice to such other persons (if any) as the responsible Commonwealth Minister thinks fit.

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- (3) The notice must:

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- (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.

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- (4) In deciding whether to give the direction, the responsible Commonwealth Minister must take into account any submissions made in accordance with the notice.

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Emergencies

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- (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).

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@249CZB Compliance with directions

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- (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.

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

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

3 **Division 6—Protection of petroleum discovered in the title** 4 **area of a pre-commencement petroleum title**

5 **@249CZC Powers of responsible Commonwealth Minister to** 6 **protect petroleum discovered in the title area of a** 7 **pre-commencement petroleum title**

8 *Elimination of risk*

9 (1) If:

- 10 (a) the licence area of a greenhouse gas injection licence
11 overlaps, in whole or in part:
- 12 (i) the permit area of a pre-commencement exploration
13 permit held by a person other than the registered holder
14 of the greenhouse gas injection licence; or
- 15 (ii) the lease area of a pre-commencement retention lease
16 held by a person other than the registered holder of the
17 greenhouse gas injection licence; or
- 18 (iii) the licence area of a pre-commencement production
19 licence held by a person other than the registered holder
20 of the greenhouse gas injection licence; and
- 21 (b) petroleum is discovered in the area of overlap; and
- 22 (c) the responsible Commonwealth Minister is satisfied that:
- 23 (i) the recovery of the petroleum is commercially viable; or
24 (ii) the recovery of the petroleum is not commercially
25 viable, but is likely to become commercially viable at
26 some time in the future; and
- 27 (d) the responsible Commonwealth Minister is satisfied that
28 there is a significant risk that any of the operations that are
29 being, or could be, carried on under the greenhouse gas
30 injection licence will have a significant adverse impact on:
- 31 (i) operations to recover the petroleum; or
32 (ii) the commercial viability of the recovery of the
33 petroleum; and
- 34 (e) the registered holder of the exploration permit, retention lease
35 or production licence, as the case may be, has not agreed, in
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Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 writing, to the registered holder of the greenhouse gas
2 injection licence carrying on those operations; and
- 3 (f) the responsible Commonwealth Minister is satisfied that it is
4 practicable to eliminate the risk that any of the operations
5 that are being, or could be, carried on under the greenhouse
6 gas injection licence will have a significant adverse impact
7 on:
8 (i) operations to recover the petroleum; or
9 (ii) the commercial viability of the recovery of the
10 petroleum;
- 11 the responsible Commonwealth Minister must, by written notice
12 given to the registered holder of the greenhouse gas injection
13 licence:
14 (g) give the registered holder of the greenhouse gas injection
15 licence a direction for the purpose of eliminating the risk that
16 operations that are being, or could be, carried on under the
17 greenhouse gas injection licence could have a significant
18 adverse impact on:
19 (i) operations to recover the petroleum; or
20 (ii) the commercial viability of the recovery of the
21 petroleum; or
22 (h) suspend, either:
23 (i) for a specified period; or
24 (ii) indefinitely;
25 any or all of the rights conferred by the greenhouse gas
26 injection licence; or
27 (i) cancel the greenhouse gas injection licence.
- 28 (2) A direction under paragraph (1)(g) may require the licensee to do
29 something:
30 (a) in the licence area; or
31 (b) in an offshore area but outside the licence area.

32 *Mitigation, management or remediation of risk*

- 33 (3) If:
34 (a) the licence area of a greenhouse gas injection licence
35 overlaps, in whole or in part:

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (i) the permit area of a pre-commencement exploration
2 permit held by a person other than the registered holder
3 of the greenhouse gas injection licence; or
4 (ii) the lease area of a pre-commencement retention lease
5 held by a person other than the registered holder of the
6 greenhouse gas injection licence; or
7 (iii) the licence area of a pre-commencement production
8 licence held by a person other than the registered holder
9 of the greenhouse gas injection licence; and
10 (b) petroleum is discovered in the area of overlap; and
11 (c) the responsible Commonwealth Minister is satisfied that:
12 (i) the recovery of the petroleum is commercially viable; or
13 (ii) the recovery of the petroleum is not commercially
14 viable, but is likely to become commercially viable at
15 some time in the future; and
16 (d) the responsible Commonwealth Minister is satisfied that
17 there is a significant risk that any of the operations that are
18 being, or could be, carried on under the greenhouse gas
19 injection licence will have a significant adverse impact on:
20 (i) operations to recover the petroleum; or
21 (ii) the commercial viability of the recovery of the
22 petroleum; and
23 (e) the registered holder of the exploration permit, retention lease
24 or production licence, as the case may be, has not agreed, in
25 writing, to the registered holder of the greenhouse gas
26 injection licence carrying on those operations; and
27 (f) the responsible Commonwealth Minister is satisfied that it is
28 not practicable to eliminate the risk that any of the operations
29 that are being, or could be, carried on under the greenhouse
30 gas injection licence will have a significant adverse impact
31 on:
32 (i) operations to recover the petroleum; or
33 (ii) the commercial viability of the recovery of the
34 petroleum;
35 the responsible Commonwealth Minister must, by written notice
36 given to the registered holder of the greenhouse gas injection
37 licence:
38 (g) give the registered holder of the greenhouse gas injection
39 licence a direction for the purpose of mitigating, managing or
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Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 remediating the risk that operations that are being, or could
2 be, carried on under the greenhouse gas injection licence
3 could have a significant adverse impact on:
- 4 (i) operations to recover the petroleum; or
 - 5 (ii) the commercial viability of the recovery of the
6 petroleum; or
 - 7 (h) suspend, either:
 - 8 (i) for a specified period; or
 - 9 (ii) indefinitely;
 - 10 any or all of the rights conferred by the greenhouse gas
11 injection licence; or
 - 12 (i) cancel the greenhouse gas injection licence.
- 13 (4) A direction under paragraph (3)(g) may require the licensee to take
14 action:
- 15 (a) in the licence area; or
 - 16 (b) in an offshore area but outside the licence area.
- 17 *Other provisions*
- 18 (5) A direction under this section has effect, and must be complied
19 with, despite:
- 20 (a) any previous direction under this section; and
 - 21 (b) anything in the regulations or the applied provisions.
- 22 (6) A direction under this section prevails over:
- 23 (a) anything in an approved site plan for an identified
24 greenhouse gas storage formation specified in the greenhouse
25 gas injection licence; or
 - 26 (b) anything specified in the greenhouse gas injection licence as
27 mentioned in any of paragraphs @249CE(3)(c) to (k);
28 to the extent of any inconsistency.
- 29 (7) A direction under this section may make provision in relation to a
30 matter by applying, adopting or incorporating (with or without
31 modification) a code of practice or standard contained in an
32 instrument:
- 33 (a) as in force or existing at the time when the direction takes
34 effect; or
 - 35 (b) as in force or existing from time to time;
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Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 so long as the code of practice or standard is relevant to that matter.
- 2 (8) To avoid doubt, subsection (7) applies to an instrument, whether
3 issued or made in Australia or outside Australia.
- 4 (9) A direction under this section may prohibit the doing of an act or
5 thing:
6 (a) unconditionally; or
7 (b) subject to conditions, including conditions requiring the
8 consent or approval of a person specified in the direction.
- 9 (10) A direction under this section is not a legislative instrument.
- 10 (11) If:
11 (a) a direction under this section is in force in relation to a
12 greenhouse gas injection licence; and
13 (b) apart from subsection (6), the direction would be inconsistent
14 with a matter specified in the licence as mentioned in any of
15 paragraphs @249CE(3)(c) to (k);
16 the responsible Commonwealth Minister may, by written notice
17 given to the licensee, vary the matter for the purposes of removing
18 that inconsistency.
- 19 (12) A variation of a matter under subsection (11) takes effect on the
20 day on which notice of the variation is published in the *Gazette*.
- 21 Note: For publication in the *Gazette* of notice of the variation, see section
22 @406-418.
- 23 (13) The regulations may provide that, if:
24 (a) a direction under this section is in force in relation to a
25 greenhouse gas injection licence; and
26 (b) apart from subsection (6), the direction would be inconsistent
27 with anything in an approved site plan for an identified
28 greenhouse gas storage formation specified in the licence;
29 then:
30 (c) the licensee must, within the period ascertained in accordance
31 with the regulations:
32 (i) prepare a draft variation of the approved site plan for the
33 purposes of removing that inconsistency; and
34 (ii) give the draft variation to the responsible
35 Commonwealth Minister; and

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 (d) the responsible Commonwealth Minister must, by written
2 notice given to the licensee:
3 (i) approve the variation; or
4 (ii) refuse to approve the variation; and
5 (e) if the responsible Commonwealth Minister approves the
6 variation—the approved site plan is varied accordingly.
- 7 (14) If an approved site plan is varied, a reference in this Act to the
8 approved site plan is a reference to the approved site plan as
9 varied.

10 **@249CZCA Consultation—directions to do something outside the**
11 **licence area**

12 *Scope*

- 13 (1) This section applies if:
14 (a) the responsible Commonwealth Minister proposes to give a
15 direction under section @249CZC to a greenhouse gas
16 injection licensee; and
17 (b) the direction requires the licensee to do something in an area
18 (the *action area*) in an offshore area but outside the licence
19 area; and
20 (c) the action area is, to any extent, the subject of:
21 (i) a greenhouse gas assessment permit; or
22 (ii) a greenhouse gas holding lease; or
23 (iii) a greenhouse gas injection licence; or
24 (iv) a greenhouse gas search authority; and
25 (d) the licensee mentioned in paragraph (a) is not the registered
26 holder of the permit, lease, licence or authority mentioned in
27 paragraph (c); and
28 (e) the registered holder of the permit, lease, licence or authority
29 mentioned in paragraph (c) has not given written consent to
30 the giving of the direction.

31 *Consultation*

- 32 (2) Before giving the direction, the responsible Commonwealth
33 Minister must:

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (a) by written notice given to the registered holder of the permit,
2 lease, licence or authority mentioned in paragraph (1)(c),
3 give at least 30 days notice of the responsible
4 Commonwealth Minister's intention to give the direction;
5 and
6 (b) give a copy of the notice to such other persons (if any) as the
7 responsible Commonwealth Minister thinks fit.
- 8 (3) The notice must:
- 9 (a) set out details of the direction that is proposed to be given;
10 and
11 (b) invite a person to whom the notice, or a copy of the notice,
12 has been given to make a written submission to the
13 responsible Commonwealth Minister about the proposal; and
14 (c) specify a time limit for making that submission.
- 15 (4) In deciding whether to give the direction, the responsible
16 Commonwealth Minister must take into account any submissions
17 made in accordance with the notice.

18 *Emergencies*

- 19 (5) However, if the responsible Commonwealth Minister is satisfied
20 that the direction is required to deal with an emergency:
- 21 (a) subsections (2), (3) and (4) do not apply to the direction; and
22 (b) as soon as practicable after the direction is given, the
23 responsible Commonwealth Minister must give a copy of the
24 direction to the registered holder of the permit, lease, licence
25 or authority mentioned in paragraph (1)(c).

26 **@249CZD Compliance with directions**

- 27 (1) A person commits an offence if:
- 28 (a) the person is given a direction under section @249CZC; and
29 (b) the person engages in conduct; and
30 (c) the person's conduct breaches the direction.

31 Penalty: 100 penalty units.

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

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

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1 **Division 7—Site closing certificates**

2 **@249CZE Application for site closing certificate**

- 3 (1) A greenhouse gas injection licensee may apply to the responsible
4 Commonwealth Minister for a site closing certificate in relation to
5 a particular identified greenhouse gas storage formation specified
6 in the licence.

7 Note 1: Part 2A.8 contains additional provisions about application procedures.

8 Note 2: Section @249JB requires the application to be accompanied by an
9 application fee.

10 Note 3: Section @249JD enables the responsible Commonwealth Minister to
11 require the applicant to give further information.

- 12 (2) An application under this section must be accompanied by:

13 (a) a written report that sets out:

- 14 (i) the applicant's modelling of the behaviour of the
15 greenhouse gas substance injected into the identified
16 greenhouse gas storage formation; and

17 (ii) information relevant to that modelling; and

18 (iii) the applicant's analysis of that information; and

19 (b) a written report that sets out the applicant's assessment of:

- 20 (i) the behaviour of the greenhouse gas substance injected
21 into the identified greenhouse gas storage formation;
22 and

23 (ii) the expected migration pathway or pathways of that
24 greenhouse gas substance; and

25 (iii) the short-term consequences of the migration of that
26 greenhouse gas substance; and

27 (iv) the long-term consequences of the migration of that
28 greenhouse gas substance; and

29 (c) the applicant's suggestions for the approach to be taken by
30 the Commonwealth, after the issue of the certificate, to the
31 monitoring of the behaviour of a greenhouse gas substance
32 stored in the identified greenhouse gas storage formation; and

33 (d) such other information (if any) as is specified in the
34 regulations.

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

Mandatory application—cessation of injection operations

- 1
- 2 (3) If:
- 3 (a) a greenhouse gas injection licence is in force; and
- 4 (b) operations for the injection of a greenhouse gas substance
- 5 into the identified greenhouse gas storage formation
- 6 concerned have ceased;
- 7 the licensee must, within the application period, make an
- 8 application under subsection (1) for a site closing certificate in
- 9 relation to the identified greenhouse gas storage formation.
- 10 (4) The ***application period*** for an application referred to in
- 11 subsection (3) is:
- 12 (a) the period of 30 days after the day on which the cessation
- 13 referred to in paragraph (3)(b) occurred; or
- 14 (b) such longer period, not more than 90 days after that day, as
- 15 the responsible Commonwealth Minister allows.
- 16 (5) The responsible Commonwealth Minister may allow a longer
- 17 period under paragraph (4)(b) only on written application made by
- 18 the licensee within the period of 30 days mentioned in
- 19 paragraph (4)(a).
- 20 (6) A person commits an offence if:
- 21 (a) the person is subject to a requirement under subsection (3);
- 22 and
- 23 (b) the person omits to do an act; and
- 24 (c) the omission breaches the requirement.

25 Penalty: 100 penalty units.

- 26 (7) An offence against subsection (6) is an offence of strict liability.

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

Mandatory application—grounds for cancellation of licence

- 28
- 29 (8) If:
- 30 (a) a greenhouse gas injection licence is in force; and
- 31 (b) under Division 1 of Part 2A.11, there is a ground for
- 32 cancelling the licence;
- 33 the responsible Commonwealth Minister may, by written notice
- 34 given to the licensee, direct the licensee:
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EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1 (c) to make an application under subsection (1) for a site closing
2 certificate in relation to each identified greenhouse gas
3 storage formation specified in the licence; and

4 (d) to do so within the period specified in the notice.

5 (9) A period specified under paragraph (8)(d) must not be shorter than
6 30 days.

7 (10) A person commits an offence if:

8 (a) the person is given a direction under subsection (8); and

9 (b) the person omits to do an act; and

10 (c) the omission breaches the requirement.

11 Penalty: 100 penalty units.

12 (11) An offence against subsection (10) is an offence of strict liability.

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

14 @249CZEA Variation of application for site closing certificate

15 *Scope*

16 (1) This section applies if an application for a site closing certificate
17 has been made under section @249CZE.

18 *Variation of application*

19 (2) At any time before a decision on the application is made by the
20 responsible Commonwealth Minister, the applicant may, by written
21 notice given to the responsible Commonwealth Minister, vary the
22 application.

23 (3) A variation of an application must be made in the approved
24 manner.

25 (4) A variation of an application may be made:

26 (a) on the applicant's own initiative; or

27 (b) at the request of the responsible Commonwealth Minister.

28 (5) A variation of an application may set out any additional matters
29 that the applicant wishes to be considered.

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (6) If an application under this section is varied, a reference in this Act
2 to the application is a reference to the application as varied.

3 **@249CZF Issue of site closing certificate—pre-certificate notice**

- 4 (1) If:
5 (a) an application for a site closing certificate has been made
6 under section @249CZE; and
7 (b) the responsible Commonwealth Minister is satisfied that
8 operations for the injection of a greenhouse gas substance
9 into the identified greenhouse gas storage formation
10 concerned have ceased;
11 the responsible Commonwealth Minister may give the applicant a
12 written notice (called a *pre-certificate notice*) telling the applicant
13 that the responsible Commonwealth Minister is prepared to issue to
14 the applicant a site closing certificate in relation to the identified
15 greenhouse gas storage formation.

16 Note: See also section @249CZGAA.

17 *Responsible Commonwealth Minister must have regard to certain*
18 *matters*

- 19 (2) If the responsible Commonwealth Minister is satisfied that there is
20 a significant risk that a greenhouse gas substance injected into the
21 identified greenhouse gas storage formation will have a significant
22 adverse impact on:
23 (a) navigation; or
24 (b) fishing; or
25 (c) any activities being lawfully carried on, or that could be
26 lawfully carried on, by way of the construction or operation
27 of a pipeline; or
28 (d) the enjoyment of native title rights (within the meaning of the
29 *Native Title Act 1993*);
30 then, in deciding whether to give the applicant a pre-certificate
31 notice, the responsible Commonwealth Minister must have regard
32 to that significant risk.
- 33 (3) Subsection (2) does not limit the matters to which the responsible
34 Commonwealth Minister may have regard.

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1

Circumstances in which a pre-certificate notice may be refused

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- (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:

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- (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.

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Circumstances in which a pre-certificate notice must not be given

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- (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.

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (7) For the purposes of paragraph (6)(a), each of the following is a
2 *relevant statutory requirement*:
3 (a) the conditions to which the greenhouse gas injection licence
4 is, or has from time to time been, subject;
5 (b) the provisions of this Chapter, Chapter 3A, Chapter 4 and
6 Part 5A.1;
7 (c) the provisions of the regulations.

8 *Deferral of issue of decision to give pre-certificate notice*

- 9 (8) This section has effect subject to section @249CZFA.

10 **@249CZFA Deferral of decision to give pre-certificate notice**

11 *Scope*

- 12 (1) This section applies if an application has been made under section
13 @249CZE for a site closing certificate.

14 *Deferral*

- 15 (2) The responsible Commonwealth Minister may defer taking any
16 action in relation to the application until such time as the
17 responsible Commonwealth Minister considers appropriate.

18 **@249CZG Refusal to give pre-certificate notice**

19 *Scope*

- 20 (1) This section applies if:
21 (a) an application has been made under section @249CZE for a
22 site closing certificate; and
23 (b) the responsible Commonwealth Minister refuses to give a
24 pre-certificate notice to the applicant.

25 *Notice of refusal*

- 26 (2) The responsible Commonwealth Minister must give written notice
27 of the refusal to the applicant.

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1 **@249CZGAA Pre-certificate notice—security etc.**

- 2 (1) A pre-certificate notice that relates to an application for a site
3 closing certificate must:
- 4 (a) specify a program of operations proposed to be carried out by
5 the Commonwealth for the purposes of monitoring the
6 behaviour of a greenhouse gas substance stored in the
7 identified greenhouse gas storage formation concerned; and
8 (b) set out an estimate of the total costs and expenses of carrying
9 out the program; and
10 (c) specify the form and amount of a security to be lodged by the
11 applicant in respect of the compliance, by the holder for the
12 time being of the site closing certificate, with the holder's
13 obligations under section @249CZM in relation to the costs
14 and expenses of carrying out the program; and
15 (d) contain a statement to the effect that the application will
16 lapse if the applicant does not lodge the security with the
17 responsible Commonwealth Minister within the period
18 applicable under subsection (3).
- 19 (2) The amount of the security must equal the estimate referred to in
20 paragraph (1)(b).
- 21 (3) The period for lodging the security is:
- 22 (a) 60 days after the pre-certificate notice was given to the
23 applicant; or
24 (b) such longer period, not more than 180 days after the
25 pre-certificate notice was given to the applicant, as the
26 responsible Commonwealth Minister allows.
- 27 (4) If the applicant does not lodge the security with the responsible
28 Commonwealth Minister within the period applicable under
29 subsection (3), the application lapses at the end of that period.
- 30 (5) The regulations may provide that an estimate referred to in
31 paragraph (1)(b) is to be made on the basis of:
- 32 (a) an assumption that costs and expenses will increase at an
33 annual rate specified in the regulations; and
34 (b) such other assumptions (if any) as are specified in the
35 regulations.

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 **@249CZGA Issue of site closing certificate**

2 If:

3 (a) an applicant has been given a pre-certificate notice under
4 subsection @249CZF(1); and

5 (b) the applicant has lodged the specified security within the
6 period applicable under subsection @249CZGAA(3);
7 the responsible Commonwealth Minister must issue to the
8 applicant a site closing certificate in relation to the identified
9 greenhouse gas storage formation specified in the pre-certificate
10 notice.

11 Note: If the applicant does not lodge the security with the responsible
12 Commonwealth Minister within the period applicable under
13 subsection @249CZGAA(3), the application lapses at the end of that
14 period—see subsection @249CZGAA(4).

15 **@249CZH Greenhouse gas injection licence transferred—transferee**
16 **to be treated as applicant**

17 *Scope*

18 (1) This section applies if a transfer of a greenhouse gas injection
19 licence is registered under section @298-262:

20 (a) after an application has been made under section @249CZE
21 for a site closing certificate in relation to an identified
22 greenhouse gas storage formation specified in the greenhouse
23 gas injection licence; and

24 (b) before any action has been taken by the responsible
25 Commonwealth Minister under section @249CZF or
26 @249CZG in relation to the application.

27 *Transferee to be treated as applicant*

28 (2) After the transfer, sections @249CZE to @249CZGA and
29 Part 2A.8 have effect in relation to the application as if any
30 reference in those sections and that Part to the applicant were a
31 reference to the transferee.

32 **@249CZJ Duration of site closing certificate**

33 (1) A site closing certificate remains in force indefinitely.

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1 (2) Subsection (1) has effect subject to this Chapter.

2 **@249CZJA Transfer of site closing certificate**

3 If:

4 (a) a site closing certificate is held by the registered holder of a
5 greenhouse gas injection licence; and

6 (b) a transfer of the licence is registered under section
7 @298-262;

8 the site closing certificate is, by force of this section, transferred to
9 the transferee of the licence.

10 **@249CZJB Transfer of securities**

11 If:

12 (a) a security is in force in relation to a site closing certificate;
13 and

14 (b) the site closing certificate is transferred;

15 then:

16 (c) the interest of the transferor in the security is, by force of this
17 section, transferred to the transferee; and

18 (d) a document setting out or relating to the security has effect,
19 after the transfer, as if a reference in the document to the
20 transferor were a reference to the transferee.

21 **@249CZJC Discharge of securities**

22 The regulations may make provision in relation to the discharge, in
23 whole or in part, by the responsible Commonwealth Minister of
24 securities in force in relation to site closing certificates.

25 **@249CZM Recovery of the Commonwealth's costs and expenses**

26 *Scope*

27 (1) This section applies if:

28 (a) a site closing certificate is in force in relation to an identified
29 greenhouse gas storage formation; and

30 (b) the Commonwealth incurs reasonable costs or expenses in
31 carrying out the program specified in the pre-certificate
32 notice for the site closing certificate.

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 *Recovery of costs and expenses*

- 2 (2) The costs or expenses:
- 3 (a) are a debt due to the Commonwealth by the holder of the
- 4 certificate; and
- 5 (b) are recoverable in a court of competent jurisdiction.
- 6 (3) The total of the costs and expenses recoverable under
- 7 subsection (2) must not exceed the estimate set out in the
- 8 pre-certificate notice.

9 **Part 2A.5—Greenhouse gas search authorities**

10 **Division 1—General provisions**

11 **@249GA Simplified outline**

12 The following is a simplified outline of this Part:

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|--|
| <p>13 • This Part provides for the grant of greenhouse gas search</p> <p>14 authorities over blocks in an offshore area.</p> <p>15 • A greenhouse gas search authority may be granted over a</p> <p>16 block so long as none of the following is in force over the</p> <p>17 block:</p> <p>18 (a) a greenhouse gas assessment permit;</p> <p>19 (b) a greenhouse gas holding lease;</p> <p>20 (c) a greenhouse gas injection licence;</p> <p>21 (d) an exploration permit;</p> <p>22 (e) a retention lease;</p> <p>23 (f) a production licence.</p> <p>24 • A greenhouse gas search authority authorises the holder to</p> <p>25 carry on the following operations in the authority area:</p> |
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EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

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- (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.

7

[194]

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@249GB Rights conferred by greenhouse gas search authority

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- (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.

20

[195]

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@249GC Conditions of greenhouse gas search authorities

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- (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.

28

[196]

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 **@249GD Duration of greenhouse gas search authority**

- 2 (1) A greenhouse gas search authority comes into force on the day
3 specified in the authority as the day on which the authority is to
4 come into force.
- 5 (2) A greenhouse gas search authority remains in force for the period
6 specified in the authority.
- 7 (3) The period specified under subsection (2) must not be longer than
8 180 days.
- 9 (4) Subsection (2) has effect subject to this Chapter.

10 Note 1: For the surrender of a greenhouse gas search authority, see Part 2A.10.

11 Note 2: For the cancellation of a greenhouse gas search authority, see
12 Part 2A.11.

13 [197]

14 **@249GE Greenhouse gas search authority cannot be transferred**

15 A greenhouse gas search authority cannot be transferred.

16 [198]

17 **Division 2—Obtaining a greenhouse gas search authority**

18 **@249GF Application for greenhouse gas search authority**

- 19 (1) A person may apply to the responsible Commonwealth Minister
20 for the grant of a greenhouse gas search authority over a block or
21 blocks, so long as none of the following is in force over that block
22 or any of those blocks:
- 23 (a) a greenhouse gas assessment permit;
24 (b) a greenhouse gas holding lease;
25 (c) a greenhouse gas injection licence;
26 (d) an exploration permit;
27 (e) a retention lease;
28 (f) a production licence.
- 29 (2) An application under this section must specify:
30 (a) the operations relating to:
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EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 (i) the exploration for potential greenhouse gas storage
2 formations; and
3 (ii) the exploration for potential greenhouse gas injection
4 sites;
5 that the applicant proposes to carry on; and
6 (b) the block or blocks within which the applicant proposes to
7 carry on those operations.

8 Note 1: Part 2A.8 contains additional provisions about application procedures.

9 Note 2: Section @249JB requires the application to be accompanied by an
10 application fee.

11 [199]

12 @249GG Grant or refusal of greenhouse gas search authority

13 If an application for a greenhouse gas search authority has been
14 made under section @249GF, the responsible Commonwealth
15 Minister may:

- 16 (a) grant the applicant a greenhouse gas search authority; or
17 (b) by written notice given to the applicant, refuse to grant a
18 greenhouse gas search authority to the applicant.

19 [200]

20 @249GH Holders to be informed of the grant of another greenhouse 21 gas search authority

22 *Scope*

- 23 (1) This section applies if:
24 (a) a person (the *first person*) is the registered holder of a
25 greenhouse gas search authority over a block; and
26 (b) another greenhouse gas search authority is granted to another
27 person (the *second person*) over the block.

28 *Holders to be informed*

- 29 (2) The responsible Commonwealth Minister must, by written notice
30 given to the first person, inform the first person of:
31 (a) the operations authorised by the greenhouse gas search
32 authority granted to the second person; and
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EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (b) the conditions of the greenhouse gas search authority granted
2 to the second person.
- 3 (3) The responsible Commonwealth Minister must, by written notice
4 given to the second person, inform the second person of:
- 5 (a) the operations authorised by the greenhouse gas search
6 authority granted to the first person; and
- 7 (b) the conditions of the greenhouse gas search authority granted
8 to the first person.

9 [201]

10 **@249GJ Holders to be informed of the grant of a special**
11 **prospecting authority**

12 *Scope*

- 13 (1) This section applies if:
- 14 (a) a person (the *first person*) is the registered holder of a
15 greenhouse gas search authority over a block; and
- 16 (b) a special prospecting authority is granted to another person
17 (the *second person*) over the block.

18 *Holdings to be informed*

- 19 (2) The Designated Authority must, by written notice given to the first
20 person, inform the first person of:
- 21 (a) the operations authorised by the special prospecting authority
22 granted to the second person; and
- 23 (b) the conditions of the special prospecting authority granted to
24 the second person.
- 25 (3) The responsible Commonwealth Minister must, by written notice
26 given to the second person, inform the second person of:
- 27 (a) the operations authorised by the greenhouse gas search
28 authority granted to the first person; and
- 29 (b) the conditions of the greenhouse gas search authority granted
30 to the first person.

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1 **Part 2A.6—Greenhouse gas special authorities**

2 **Division 1—General provisions**

3 **@249HA Simplified outline**

4 The following is a simplified outline of this Part:

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| <ul style="list-style-type: none">• 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). |
|---|

10 [202]

11 **@249HB Rights conferred by greenhouse gas special authority**

- 12 (1) A greenhouse gas special authority authorises the registered holder,
13 in accordance with the conditions (if any) to which the authority is
14 subject, to carry on, in the authority area, the operations specified
15 in the authority.
- 16 (2) A greenhouse gas special authority does not authorise the
17 registered holder to make a well.
- 18 (3) The rights conferred on the registered holder by subsection (1) are
19 subject to this Act and the regulations.

20 [203]

21 **@249HC Conditions of greenhouse gas special authorities**

- 22 (1) The responsible Commonwealth Minister may grant a greenhouse
23 gas special authority subject to whatever conditions the responsible
24 Commonwealth Minister thinks appropriate.
- 25 Note: See also section 302, which deals with insurance.
- 26 (2) The conditions (if any) must be specified in the greenhouse gas
27 special authority.
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EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 [204]

2 **@249HD Duration of greenhouse gas special authority**

- 3 (1) A greenhouse gas special authority comes into force on the day
4 specified in the authority as the day on which the authority is to
5 come into force.
- 6 (2) A greenhouse gas special authority remains in force for the period
7 specified in the authority, but may be extended by the responsible
8 Commonwealth Minister for a further specified period.
- 9 (3) Subsection (2) has effect subject to this Chapter.

10 Note 1: For the surrender of a greenhouse gas special authority, see
11 Part 2A.10.

12 Note 2: For the revocation of a greenhouse gas special authority, see section
13 @249HL.

14 [205]

15 **Division 2—Obtaining a greenhouse gas special authority**

16 **@249HE Application for greenhouse gas special authority**

- 17 (1) The table has effect:

18

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	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;

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

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...
	area	<ul style="list-style-type: none"> (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.
2	the registered holder of a greenhouse gas search authority relating to a particular offshore area	the responsible Commonwealth Minister <ul style="list-style-type: none"> carry on either or both of the following: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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.

1

(2) An application under this section must specify:

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (a) the operations that the applicant proposes to carry on; and
2 (b) the area in which the applicant proposes to carry on those
3 operations.

4 Note: Part 2A.8 contains additional provisions about application procedures.

5 [206]

6 **@249HF Grant or refusal of greenhouse gas special authority**

7 If:

- 8 (a) an application for a greenhouse gas special authority has been
9 made under section @249HE; and
10 (b) the responsible Commonwealth Minister is satisfied that it is
11 necessary or desirable to grant the greenhouse gas special
12 authority for:
13 (i) the more effective exercise of the applicant's rights; or
14 (ii) the proper performance of the applicant's duties;
15 in the applicant's capacity as the registered holder of:
16 (iii) a greenhouse gas assessment permit; or
17 (iv) a greenhouse gas holding lease; or
18 (v) a greenhouse gas injection licence; or
19 (vi) a greenhouse gas search authority;
20 the responsible Commonwealth Minister may:
21 (c) grant the applicant a greenhouse gas special authority; or
22 (d) by written notice given to the applicant, refuse to grant a
23 greenhouse gas special authority to the applicant.

24 Note: Consultation procedures apply—see section @249HG.

25 [207]

26 **@249HG Consultation—grant of greenhouse gas special authority**

27 *Scope*

- 28 (1) This section applies if:
29 (a) an application for a greenhouse gas special authority has been
30 made under section @249HE in relation to an area (the
31 ***application area***); and
32 (b) the application area is, to any extent, the subject of:
-

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 (i) a greenhouse gas assessment permit; or
2 (ii) a greenhouse gas holding lease; or
3 (iii) a greenhouse gas injection licence; or
4 (iv) a greenhouse gas search authority; and
5 (c) the applicant is not the registered holder of the permit, lease,
6 licence or authority mentioned in paragraph (b); and
7 (d) the registered holder of the permit, lease, licence or authority
8 mentioned in paragraph (b) has not given written consent to
9 the grant of the greenhouse gas special authority.

10 *Consultation*

- 11 (2) Before granting the greenhouse gas special authority, the
12 responsible Commonwealth Minister must:
13 (a) by written notice given to the registered holder of the permit,
14 lease, licence or authority mentioned in paragraph (1)(b),
15 give at least 30 days notice of the responsible
16 Commonwealth Minister's intention to grant the greenhouse
17 gas special authority; and
18 (b) give a copy of the notice to such other persons (if any) as the
19 responsible Commonwealth Minister thinks fit.
- 20 (3) The notice must:
21 (a) set out details of the greenhouse gas special authority that is
22 proposed to be granted; and
23 (b) invite a person to whom the notice, or a copy of the notice,
24 has been given to make a written submission to the
25 responsible Commonwealth Minister about the proposal; and
26 (c) specify a time limit for making that submission.
- 27 (4) In deciding:
28 (a) whether to grant the greenhouse gas special authority; and
29 (b) the conditions (if any) to which the greenhouse gas special
30 authority should be subject;
31 the responsible Commonwealth Minister must take into account
32 any submissions made in accordance with the notice.

33 [208]

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 **Division 3—Variation of greenhouse gas special authorities**

2 **@249HI Variation of greenhouse gas special authority**

3 The responsible Commonwealth Minister may, by written notice
4 given to the registered holder of a greenhouse gas special authority,
5 vary the greenhouse gas special authority.

6 Note: Consultation procedures apply—see section @249HJ.

7 *[210]*

8 **@249HJ Consultation—variation of greenhouse gas special** 9 **authority**

10 *Scope*

- 11 (1) This section applies if:
- 12 (a) the responsible Commonwealth Minister proposes to vary a
 - 13 greenhouse gas special authority; and
 - 14 (b) the authority area is, to any extent, the subject of:
 - 15 (i) a greenhouse gas assessment permit; or
 - 16 (ii) a greenhouse gas holding lease; or
 - 17 (iii) a greenhouse gas injection licence; or
 - 18 (iv) a greenhouse gas search authority; and
 - 19 (c) the applicant is not the registered holder of the permit, lease,
 - 20 licence or authority mentioned in paragraph (b); and
 - 21 (d) the registered holder of the permit, lease, licence or authority
 - 22 mentioned in paragraph (b) has not given written consent to
 - 23 the variation of the greenhouse gas special authority.

24 *Consultation*

- 25 (2) Before varying the greenhouse gas special authority, the
- 26 responsible Commonwealth Minister must:
- 27 (a) by written notice given to the registered holder of the permit,
 - 28 lease, licence or authority mentioned in paragraph (1)(b) give
 - 29 at least 30 days notice of the responsible Commonwealth
 - 30 Minister's intention to vary the greenhouse gas special
 - 31 authority; and
 - 32 (b) give a copy of the notice to:
-

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 (i) the registered holder of the greenhouse gas special
2 authority; and
3 (ii) such other persons (if any) as the responsible
4 Commonwealth Minister thinks fit.
- 5 (3) The notice must:
6 (a) set out details of the variation that is proposed to be made;
7 and
8 (b) invite a person to whom the notice, or a copy of the notice,
9 has been given to make a written submission to the
10 responsible Commonwealth Minister about the proposal; and
11 (c) specify a time limit for making that submission.
- 12 (4) In deciding whether to vary the greenhouse gas special authority,
13 the responsible Commonwealth Minister must take into account
14 any submissions made in accordance with the notice.

15 **Division 4—Reporting obligations of holders of greenhouse** 16 **gas special authorities**

17 **@249HK Reporting obligations of holders of greenhouse gas special** 18 **authorities**

- 19 (1) If:
20 (a) at any time during a particular month, a greenhouse gas
21 special authority is in force in relation to an area that consists
22 of, or includes, a block that is the subject of:
23 (i) a greenhouse gas assessment permit; or
24 (ii) a greenhouse gas holding lease; or
25 (iii) a greenhouse gas injection licence; and
26 (b) the registered holder of the greenhouse gas special authority
27 is not the registered holder of the permit, lease or licence;
28 the registered holder of the greenhouse gas special authority must,
29 within 30 days after the end of that month, give the registered
30 holder of the permit, lease or licence:
31 (c) a written report about the operations carried on in that block
32 during that month; and
33 (d) a written summary of the facts ascertained from those
34 operations.

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (2) A person commits an offence if:
2 (a) the person is subject to a requirement under subsection (1);
3 and
4 (b) the person omits to do an act; and
5 (c) the omission breaches the requirement.

6 Penalty for contravention of this subsection: 50 penalty units.

7 [213]

8 **Division 5—Revocation of greenhouse gas special** 9 **authorities**

10 **@249HL Revocation of greenhouse gas special authority**

- 11 (1) The responsible Commonwealth Minister may, by written notice
12 given to the registered holder of a greenhouse gas special authority,
13 revoke the greenhouse gas special authority.
- 14 (2) If:
15 (a) the responsible Commonwealth Minister revokes a
16 greenhouse gas special authority; and
17 (b) the greenhouse gas special authority authorised operations in:
18 (i) a greenhouse gas assessment permit area; or
19 (ii) a greenhouse gas holding lease area; or
20 (iii) a greenhouse gas injection licence area;
21 the responsible Commonwealth Minister must give written notice
22 of the revocation to the permittee, lessee or licensee.

23 [214]

24 **Part 2A.7—Greenhouse gas research consents** 25

26 **@249HM Simplified outline**

27 The following is a simplified outline of this Part:

- 28

<ul style="list-style-type: none">• This Part provides for the grant of greenhouse gas research consents.

29

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

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- 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.

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[215]

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@249HN Rights conferred by greenhouse gas research consent

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(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.

19
20

(2) The rights conferred on the holder by subsection (1) are subject to section @249NF.

21

Note: Section @249NF deals with interference with other rights.

22

[216]

23

@249HO Conditions of greenhouse gas research consents

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(1) The responsible Commonwealth Minister may grant a greenhouse gas research consent subject to whatever conditions the responsible Commonwealth Minister thinks appropriate.

27

(2) The conditions (if any) must be specified in the consent.

28

[217]

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 **@249HP Grant of greenhouse gas research consent**

- 2 (1) The responsible Commonwealth Minister may grant a written
3 greenhouse gas research consent authorising a person to carry on,
4 in an offshore area, the following operations in the course of a
5 scientific investigation:
- 6 (a) operations relating to the exploration for potential greenhouse
7 gas storage formations;
- 8 (b) operations relating to the exploration for potential greenhouse
9 gas injection sites.
- 10 (2) The person is the *holder* of the consent.

11 [218]

12 **Part 2A.8—Standard procedures**
13

14 **@249JA Application to be made in an approved manner**

15 *Scope*

- 16 (1) This section applies to an application for:
- 17 (a) the grant of a greenhouse gas assessment permit; or
18 (b) the grant or renewal of a greenhouse gas holding lease; or
19 (c) the grant or variation of a greenhouse gas injection licence;
20 or
21 (d) the grant of a greenhouse gas search authority; or
22 (e) the grant of a greenhouse gas special authority; or
23 (f) a site closing certificate.

24 *Manner*

- 25 (2) The application must be made in an approved manner.
- 26 Note: See also subsection 33(3A) of the *Acts Interpretation Act 1901*.

27 [219]

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1 **@249JB Application fee**

2 *Scope*

- 3 (1) This section applies to an application for:
- 4 (a) the grant of a greenhouse gas assessment permit; or
- 5 (b) the grant or renewal of a greenhouse gas holding lease; or
- 6 (c) the grant or variation of a greenhouse gas injection licence;
- 7 or
- 8 (d) the grant of a greenhouse gas search authority; or
- 9 (e) a site closing certificate.

10 *Application fee*

- 11 (2) The application must be accompanied by the fee (if any) prescribed
- 12 by the regulations.
- 13 (3) Different fees may be prescribed for different applications.
- 14 (4) A fee must not be such as to amount to taxation.
- 15 (5) To avoid doubt, a fee is in addition to:
- 16 (a) the amount that a person specifies in an application as the
- 17 amount that the person is prepared to pay for a cash-bid
- 18 greenhouse gas assessment permit; and
- 19 (b) the amount specified in an offer document as the amount that
- 20 a person must pay for a cash-bid greenhouse gas assessment
- 21 permit.

22 [220]

23 **@249JC Application may set out additional matters**

24 *Scope*

- 25 (1) This section applies to the following:
- 26 (a) an application for the grant of a greenhouse gas assessment
- 27 permit;
- 28 (b) an application for the grant of a greenhouse gas holding lease
- 29 (otherwise than by way of renewal);
- 30 (c) an application for the grant or variation of a greenhouse gas
- 31 injection licence;

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (d) an application for the grant of a greenhouse gas special
2 authority;
3 (e) an application for a site closing certificate.

4 *Additional matters*

- 5 (2) The application may set out any additional matters that the
6 applicant wishes to be considered.

7 [221]

8 **@249JD Responsible Commonwealth Minister may require further**
9 **information**

10 *Scope*

- 11 (1) This section applies to an application for:
12 (a) the grant of a greenhouse gas assessment permit; or
13 (b) the grant or renewal of a greenhouse gas holding lease; or
14 (c) the grant or variation of a greenhouse gas injection licence;
15 or
16 (d) a site closing certificate.

17 *Requirement to give further information*

- 18 (2) The responsible Commonwealth Minister may, by written notice
19 given to the applicant, require the applicant to give the responsible
20 Commonwealth Minister, within the period specified in the notice,
21 further information in connection with the application.

22 *Consequences of breach of requirement*

- 23 (3) If the applicant breaches the requirement, the responsible
24 Commonwealth Minister may, by written notice given to the
25 applicant:
26 (a) refuse to consider the application; or
27 (b) refuse to take any action, or any further action, in relation to
28 the application.
- 29 (4) Subsection (3) has effect despite any provision of this Act that
30 requires the responsible Commonwealth Minister to:
31 (a) consider the application; or
-

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1 (b) take any particular action in relation to the application.

2 (5) A reference in this section to taking action in relation to the
3 application includes a reference to giving an offer document in
4 relation to the application.

5 [222]

6 **@249JE Offer documents**

7 *Scope*

- 8 (1) This section applies to an offer document that relates to an
9 application for:
10 (a) the grant of a greenhouse gas assessment permit; or
11 (b) the grant or renewal of a greenhouse gas holding lease; or
12 (c) the grant of a greenhouse gas injection licence.

13 *General requirements*

- 14 (2) The offer document must contain:
15 (a) a summary of the conditions to which the permit, lease or
16 licence will be subject; and
17 (b) a statement to the effect that the application will lapse if the
18 applicant does not make a request under section @249JF.

19 *Payment for cash-bid greenhouse gas assessment permit*

- 20 (3) If the offer document relates to an application for the grant of a
21 cash-bid greenhouse gas assessment permit, the offer document
22 must:
23 (a) specify the amount that the applicant must pay for the permit;
24 and
25 (b) contain a statement to the effect that the application will
26 lapse if the applicant does not pay the amount to the
27 Commonwealth within the period allowed for making a
28 request under section @249JF.

29 *Security*

- 30 (4) The offer document may:
-

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (a) specify the form and amount of a security to be lodged by the
2 applicant in respect of compliance with the applicable
3 statutory obligations by the registered holder for the time
4 being of the permit, lease or licence; and
5 (b) contain a statement to the effect that the application will
6 lapse if the applicant does not lodge the security with the
7 responsible Commonwealth Minister within the period
8 allowed for making a request under section @249JF.
- 9 (5) For the purposes of subsection (4), the *applicable statutory*
10 *obligations* are as follows:
11 (a) the obligation of the registered holder to comply with a
12 condition to which the permit, lease or licence is subject;
13 (b) the obligation of the registered holder to comply with a
14 direction given to the registered holder by the responsible
15 Commonwealth Minister under this Chapter, Chapter 4 or
16 Part 5A.1;
17 (c) the obligation of the registered holder to comply with the
18 provisions of:
19 (i) this Chapter; or
20 (ii) Chapter 3A; or
21 (iii) Chapter 4; or
22 (iv) Part 5A.1; or
23 (v) the regulations.

24 [223]

25 @249JF Acceptance of offer—request by applicant

- 26 (1) The table has effect:
27

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...
1	a work-bid	whichever of the	the permit.

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

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...
	greenhouse gas assessment permit	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;	
2	a cash-bid greenhouse gas assessment permit	30 days after the offer document was given to the applicant;	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.

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

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...
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 offer document was given to the applicant, as the responsible Commonwealth Minister allows;	the licence.

1 *Longer periods*

2 (2) The responsible Commonwealth Minister may allow a longer
3 period under paragraph (b) of column 2 of item 1 or 3 of the table
4 only on written application made by the applicant within the period
5 of 30 days mentioned in paragraph (a) of that column.

6 (3) The responsible Commonwealth Minister may allow a longer
7 period under paragraph (b) of column 2 of item 5 of the table only
8 on written application made by the applicant within the period of
9 90 days mentioned in paragraph (a) of that column.

10 *Application lapses if request not made within the applicable period*

11 (4) If an applicant does not make a request under an item of the table
12 within the period applicable under column 2 of the table, the
13 application lapses at the end of that period.

14 [224]

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1 **@249JG Acceptance of offer—payment**

2 If:

3 (a) an offer document specifies an amount that the applicant
4 must pay to the Commonwealth for the grant of a cash-bid
5 greenhouse gas assessment permit; and

6 (b) the applicant has not paid that amount within the period
7 applicable under column 2 of the table in subsection
8 @249JF(1);

9 the application lapses at the end of that period.

10 [225]

11 **@249JGAA Acceptance of offer—lodgment of security**

12 If:

13 (a) an offer document specifies the form and amount of a
14 security that the applicant must lodge with the responsible
15 Commonwealth Minister; and

16 (b) the applicant has not lodged that security within the period
17 applicable under section @249JF;

18 the application lapses at the end of that period.

19 **@249JH Consultation—adverse decisions**

20 *Scope*

21 (1) This section applies to a decision set out in the table, and the
22 *affected person* in relation to that decision is set out in the table:

23

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
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	the lessee

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

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
		greenhouse gas holding lease	
3	section @249CT	refusal to vary a greenhouse gas injection licence	the licensee

1

Consultation

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(2) Before making the decision, the responsible Commonwealth Minister must:

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(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

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(b) give a copy of the notice to such other persons (if any) as the responsible Commonwealth Minister thinks fit.

8

9

(3) The notice must:

10

(a) set out details of the decision that is proposed to be made; and

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(b) set out the reasons for the proposal; and

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14

(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

15

16

(d) specify a time limit for making that submission.

17

(4) In deciding whether to make the decision, the responsible Commonwealth Minister must take into account any submissions made in accordance with the notice.

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[226]

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

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	the permittee, lessee or licensee consents to the making of a determination under section @249NH.

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

When the conditions of a title may be the subject of a variation, suspension or exemption

Item	Title	Event or circumstance
	gas injection licence	
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)).

1

Variation, suspension or exemption

2

(2) The responsible Commonwealth Minister may, by written notice given to the permittee, lessee or licensee:

3

4

(a) vary; or

5

(b) suspend; or

6

(c) exempt the permittee, lessee or licensee from compliance with;

7

8

any of the conditions to which the permit, lease, or licence is subject, on such conditions (if any) as are specified in the notice.

9

10

(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.

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Note: See also section @249KB (extension of term).

15

When variation takes effect

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(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*.

17

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(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.

20

21

22

[227]

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1 **@249KB Extension of term of greenhouse gas assessment permit or**
2 **greenhouse gas holding lease—suspension or exemption**

3 *Scope*

- 4 (1) This section applies if, under section @249KA, the responsible
5 Commonwealth Minister:
- 6 (a) suspends any of the conditions to which a greenhouse gas
7 assessment permit or greenhouse gas holding lease is subject;
8 or
9 (b) exempts a greenhouse gas assessment permittee or
10 greenhouse gas holding lessee from compliance with any of
11 the conditions to which the permit or lease is subject.

12 *Extension of term*

- 13 (2) Despite subsection @249KA(3), if the responsible Commonwealth
14 Minister considers that the circumstances make it reasonable to do
15 so, the responsible Commonwealth Minister may extend the term
16 of the permit or lease by a period not more than the period of the
17 suspension or exemption.
- 18 (3) The extension may be:
- 19 (a) in the notice of suspension or exemption; or
20 (b) by a later written notice given to the permittee or lessee.

21 [228]

22 **@249KC Suspension of rights—greenhouse gas assessment permit**
23 **or greenhouse gas holding lease**

24 *Suspension of rights*

- 25 (1) If the responsible Commonwealth Minister is satisfied that it is
26 necessary to do so in the national interest, the responsible
27 Commonwealth Minister must, by written notice given to a
28 greenhouse gas assessment permittee or greenhouse gas holding
29 lessee, suspend, either:
- 30 (a) for a specified period; or
31 (b) indefinitely;
- 32 any or all of the rights conferred by the permit or lease.

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (2) If any rights are suspended under subsection (1), any conditions
2 that must be complied with in the exercise of those rights are also
3 suspended.

4 *Termination of suspension*

- 5 (3) The responsible Commonwealth Minister may, by written notice
6 given to the permittee or lessee, terminate a suspension of rights
7 under subsection (1).

8 [229]

9 **@249KD Extension of term of greenhouse gas assessment permit or**
10 **greenhouse gas holding lease—suspension of rights**

11 *Scope*

- 12 (1) This section applies if rights conferred by a greenhouse gas
13 assessment permit or greenhouse gas holding lease are suspended
14 under section @249KC.

15 *Extension of term*

- 16 (2) The responsible Commonwealth Minister may extend the term of
17 the permit or lease by a period not more than the period of the
18 suspension.
- 19 (3) The extension may be:
20 (a) in the notice of suspension; or
21 (b) by a later written notice given to the permittee or lessee.

22 [230]

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1 **Division 2—Variation, suspension and exemption decisions**
2 **relating to greenhouse gas search authorities and**
3 **greenhouse gas special authorities**

4 **@249KE Variation, suspension and exemption—conditions of**
5 **greenhouse gas search authorities and greenhouse gas**
6 **special authorities**

7 *When the conditions of a title may be the subject of a variation,*
8 *suspension or exemption*

- 9 (1) This section applies if an event specified in the table happens, or a
10 circumstance specified in the table exists:
11

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 authority or greenhouse gas special authority	the registered holder of the 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	the responsible Commonwealth Minister gives a direction or consent to the

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When the conditions of a title may be the subject of a variation, suspension or exemption

Item	Title	Event or circumstance
	special authority	registered holder of the authority under: (a) this Chapter; or (b) Chapter 4; or (c) Part 5A.1; or (d) the regulations.

1 *Variation, suspension or exemption*

- 2 (2) The responsible Commonwealth Minister may, by written notice
3 given to the registered holder of the authority:
4 (a) vary; or
5 (b) suspend; or
6 (c) exempt the registered holder from compliance with;
7 any of the conditions to which the authority is subject, on such
8 conditions (if any) as are specified in the notice.

9 [231]

10 **Part 2A.10—Surrender of titles**

11 **Division 1—Surrender of greenhouse gas assessment**
12 **permits, greenhouse gas holding leases and**
13 **greenhouse gas injection licences**

14 **@249LA Application for consent to surrender title**

- 15 (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

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Schedule 1 Amendments relating to greenhouse gas storage etc.

Surrender

Item	The registered holder of...	may apply to the responsible Commonwealth Minister for consent to surrender...
------	-----------------------------	--

blocks in relation to which the licence is in force.

1 (2) An application under subsection (1) must be in writing.

2 [232]

3 [232]

4 **@249LB Consent to surrender title**

5 *Scope*

6 (1) This section applies if an application is made under section
7 @249LA for a consent.

8 *Decision*

9 (2) The responsible Commonwealth Minister may, by written notice
10 given to the applicant:

- 11 (a) give consent; or
12 (b) refuse to consent.

13 *Criteria*

14 (3) The responsible Commonwealth Minister may consent to the
15 surrender sought by the application only if:

16 (a) the registered holder of the permit, lease or licence has paid
17 all fees and amounts payable by the holder under the
18 following Acts:

- 19 (i) this Act;
20 (ii) the Annual Fees Act;

21 or has made arrangements that are satisfactory to the
22 responsible Commonwealth Minister for the payment of
23 those fees and amounts; and

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- 1 (b) the registered holder of the permit, lease or licence has
2 complied with the conditions to which the permit, lease or
3 licence is subject and with the provisions of:
4 (i) this Chapter; and
5 (ii) Chapter 3A; and
6 (iii) Chapter 4; and
7 (iv) Part 5A.1; and
8 (v) the regulations; and
9 (c) the registered holder of the permit, lease or licence has:
10 (i) to the satisfaction of the responsible Commonwealth
11 Minister, removed or caused to be removed from the
12 surrender area (defined by subsection (9)) all property
13 brought into the surrender area by any person engaged
14 or concerned in the operations authorised by the permit,
15 lease or licence; or
16 (ii) made arrangements that are satisfactory to the
17 responsible Commonwealth Minister in relation to that
18 property; and
19 (d) the registered holder of the permit, lease or licence has, to the
20 satisfaction of the responsible Commonwealth Minister,
21 plugged or closed off all wells made in the surrender area by
22 any person engaged or concerned in the operations authorised
23 by the permit, lease or licence; and
24 (e) the registered holder of the permit, lease or licence has
25 provided, to the satisfaction of the responsible
26 Commonwealth Minister, for the conservation and protection
27 of the natural resources in the surrender area; and
28 (f) the registered holder of the permit, lease or licence has, to the
29 satisfaction of the responsible Commonwealth Minister,
30 made good any damage to the seabed or subsoil in the
31 surrender area caused by any person engaged or concerned in
32 the operations authorised by the permit, lease or licence; and
33 (g) in the case of an application for consent to surrender a
34 greenhouse gas injection licence as to all of the blocks in
35 relation to which the licence is in force—a site closing
36 certificate is in force in relation to each identified greenhouse
37 gas storage formation specified in the licence; and
38 (h) in the case of an application for consent to surrender a
39 greenhouse gas injection licence as to some of the blocks in
40 relation to which the licence is in force—a site closing
-

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1 certificate is in force in relation to each identified greenhouse
2 gas storage formation that:

- 3 (i) is specified in the licence; and
4 (ii) extends to those blocks.

5 (4) If:

- 6 (a) the registered holder has complied with the requirements
7 mentioned in paragraphs (3)(a) to (f); and
8 (b) in the case of an application for consent to surrender a
9 greenhouse gas injection licence as to all of the blocks in
10 relation to which the licence is in force—the requirement
11 mentioned in paragraph (3)(g) has been met; and
12 (c) in the case of an application for consent to surrender a
13 greenhouse gas injection licence as to some of the blocks in
14 relation to which the licence is in force—the requirement
15 mentioned in paragraph (3)(h) has been met;

16 the responsible Commonwealth Minister must not unreasonably
17 refuse consent to the surrender.

18 (5) Paragraph (3)(e) has effect subject to:

- 19 (a) this Chapter; and
20 (b) Chapter 4; and
21 (c) the regulations.

22 (6) In attaining a state of satisfaction for the purposes of
23 paragraph (3)(d), the responsible Commonwealth Minister must
24 have regard to the principle that plugging or closing off wells
25 should be carried out in a way that minimises damage to the
26 petroleum-bearing qualities of geological formations.

27 *Sufficient grounds*

28 (7) Despite subsection (3), if:

- 29 (a) any of:
30 (i) the conditions to which the permit, lease or licence is
31 subject; or
32 (ii) the provisions of this Chapter, Chapter 3A, Chapter 4
33 and Part 5A.1; or
34 (iii) the provisions of the regulations;
35 have not been complied with; and
-

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 (b) the responsible Commonwealth Minister is satisfied that
2 there are sufficient grounds to warrant the giving of consent
3 to the surrender sought by the application;
4 the responsible Commonwealth Minister may give consent under
5 subsection (2) to the surrender sought by the application.

6 *Work-bid greenhouse gas assessment permit—compliance with*
7 *work condition*

8 (8) For the purposes of this section, if:
9 (a) the application for consent relates to a work-bid greenhouse
10 gas assessment permit; and
11 (b) a condition of the permit requires the registered holder to
12 carry out specified work during a period specified in the
13 permit; and
14 (c) the application is made during such a period;
15 the registered holder of the permit is taken not to have complied
16 with the condition unless the holder has completed the work
17 specified for the period mentioned in paragraph (c).

18 *Surrender area*

19 (9) For the purposes of this section, the *surrender area* is worked out
20 using the table:
21

Surrender area		
Item	In the case of a surrender of...	the <i>surrender area</i> 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.

22 [233]

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Schedule 1 Amendments relating to greenhouse gas storage etc.

1 **@249LC Surrender of title**

2 *Scope*

- 3 (1) This section applies if the responsible Commonwealth Minister
4 consents under section @249LB to:
- 5 (a) the surrender of a greenhouse gas assessment permit; or
 - 6 (b) the surrender of a greenhouse gas holding lease; or
 - 7 (c) the surrender, in whole or in part, of a greenhouse gas
8 injection licence.

9 *Surrender*

- 10 (2) The registered holder of the permit, lease or licence may, by
11 written notice given to the responsible Commonwealth Minister,
12 surrender:
- 13 (a) in the case of a permit or lease—the permit or lease; or
 - 14 (b) in the case of a licence—the whole or the part, as the case
15 may be, of the licence.

16 *When surrender takes effect*

- 17 (3) The surrender takes effect on the day on which notice of the
18 surrender is published in the *Gazette*.

19 [234]

20 **Division 2—Surrender of greenhouse gas search authorities**
21 **and greenhouse gas special authorities**

22 **@249LCA Surrender of greenhouse gas search authority**

23 The registered holder of a greenhouse gas search authority may, by
24 written notice given to the responsible Commonwealth Minister,
25 surrender the greenhouse gas search authority.

26 [235]

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 **@249LD Surrender of greenhouse gas special authority**

2 The registered holder of a greenhouse gas special authority may,
3 by written notice given to the responsible Commonwealth
4 Minister, surrender the greenhouse gas special authority.

5 [236]

6 **Part 2A.11—Cancellation of titles**

7 **Division 1—Cancellation of greenhouse gas assessment**
8 **permits, greenhouse gas holding leases and**
9 **greenhouse gas injection licences**

10 **@249MA Grounds for cancellation of title**

11 For the purposes of this Division, each of the following is a ground
12 for cancelling a greenhouse gas assessment permit, greenhouse gas
13 holding lease or greenhouse gas injection licence:

- 14 (a) the registered holder has not complied with a condition to
15 which the permit, lease or licence is subject;
- 16 (b) the registered holder has not complied with a direction given
17 to the holder by the responsible Commonwealth Minister
18 under this Chapter, Chapter 4 or Part 5A.1;
- 19 (c) the registered holder has not complied with a provision of:
- 20 (i) this Chapter; or
21 (ii) Chapter 3A; or
22 (iii) Chapter 4; or
23 (iv) Part 5A.1; or
24 (v) the regulations;
- 25 (d) the registered holder has not paid an amount payable by the
26 holder under:
- 27 (i) this Act; or
28 (ii) the Annual Fees Act;
29 within the period of 90 days after the day on which the
30 amount became payable;
- 31 (e) in the case of a greenhouse gas injection licence:
- 32 (i) if a single identified greenhouse gas storage formation is
33 wholly situated in the licence area—the declaration
-

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- 1 under section @249AU that relates to the identified
2 greenhouse gas storage formation is revoked under
3 section @249AUB; or
- 4 (ii) if 2 or more identified greenhouse gas storage
5 formations are wholly situated in the licence area—each
6 of the declarations under section @249AU that relate to
7 those identified greenhouse gas storage formations is
8 revoked under section @249AUB;
- 9 (f) in the case of a greenhouse gas holding lease:
- 10 (i) if a single identified greenhouse gas storage formation is
11 wholly situated in the lease area—the declaration under
12 section @249AU that relates to the identified
13 greenhouse gas storage formation is revoked under
14 section @249AUB; or
- 15 (ii) if 2 or more identified greenhouse gas storage
16 formations are wholly situated in the lease area—each
17 of the declarations under section @249AU that relate to
18 those identified greenhouse gas storage formations is
19 revoked under section @249AUB.

20 [237]

21 @249MB Cancellation of title

- 22 (1) The table has effect:

23

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.
---	------------------------------------	---------------------

24 Note: Consultation procedures apply—see section @249MC.

- 25 (2) In exercising a power conferred by subsection (1), the responsible
26 Commonwealth Minister must take into account any action taken
27 by the registered holder:

28 (a) to remove the ground of cancellation; or

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1 (b) to prevent the recurrence of similar grounds.

2 (3) A cancellation takes effect on the day on which notice of the
3 cancellation is published in the *Gazette*.

4 [238]

5 @249MC Consultation

6 (1) Before making a decision under subsection @249MB(1), the
7 responsible Commonwealth Minister must:

8 (a) by written notice given to the registered holder, give at least
9 30 days notice of the responsible Commonwealth Minister's
10 intention to make the decision; and

11 (b) give a copy of the notice to such other persons (if any) as the
12 responsible Commonwealth Minister thinks fit.

13 (2) The notice must:

14 (a) set out details of the decision that is proposed to be made;
15 and

16 (b) set out the reasons for the proposal; and

17 (c) invite a person to whom the notice, or a copy of the notice,
18 has been given to make a written submission to the
19 responsible Commonwealth Minister about the proposal; and

20 (d) specify a time limit for making that submission.

21 (3) In deciding whether to make the decision, the responsible
22 Commonwealth Minister must take into account any submissions
23 made in accordance with the notice.

24 [239]

25 @249MD Cancellation of title not affected by other provisions

26 *Cancellation on ground of non-compliance*

27 (1) If:

28 (a) the registered holder of a greenhouse gas assessment permit,
29 greenhouse gas holding lease or greenhouse gas injection
30 licence has not complied with a provision of:

31 (i) this Chapter; or

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- 1 (ii) Chapter 3A; or
2 (iii) Chapter 4; or
3 (iv) Part 5A.1; or
4 (v) the regulations; and
5 (b) the holder has been convicted of an offence relating to that
6 non-compliance;
7 the responsible Commonwealth Minister may exercise a power of
8 cancellation under subsection @249MB(1) on the ground of that
9 non-compliance, even though the holder has been convicted of that
10 offence.

- 11 (2) If:
12 (a) a person who was the registered holder of a greenhouse gas
13 assessment permit, greenhouse gas holding lease or
14 greenhouse gas injection licence has not complied with a
15 provision of:
16 (i) this Chapter; or
17 (ii) Chapter 3A; or
18 (iii) Chapter 4; or
19 (iv) Part 5A.1; or
20 (v) the regulations; and
21 (b) the responsible Commonwealth Minister has exercised a
22 power of cancellation under subsection @249MB(1) on the
23 ground of that non-compliance;
24 the person may be convicted of an offence relating to the
25 non-compliance, even though the responsible Commonwealth
26 Minister has exercised that power of cancellation.

Cancellation on ground of non-payment

- 27
28 (3) If:
29 (a) the registered holder of a greenhouse gas assessment permit,
30 greenhouse gas holding lease or greenhouse gas injection
31 licence has not paid an amount payable by the holder under:
32 (i) this Act; or
33 (ii) the Annual Fees Act;
34 within the period of 90 days after the day on which the
35 amount became payable; and
36 (b) either:
-

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- 1 (i) judgment for the amount has been obtained; or
2 (ii) the amount, or any part of the amount, has been paid or
3 recovered;
4 the responsible Commonwealth Minister may exercise a power of
5 cancellation under subsection @249MB(1) on the ground of that
6 non-payment, even though:
7 (c) judgment for the amount has been obtained; or
8 (d) the amount, or a part of the amount, has been paid or
9 recovered.
- 10 (4) If:
11 (a) a person who was the registered holder of a greenhouse gas
12 assessment permit, greenhouse gas holding lease or
13 greenhouse gas injection licence has not paid an amount
14 payable by the person under:
15 (i) this Act; or
16 (ii) the Annual Fees Act;
17 within the period of 90 days after the day on which the
18 amount became payable; and
19 (b) the responsible Commonwealth Minister has exercised a
20 power of cancellation under subsection @249MB(1) on the
21 ground of that non-payment;
22 the person continues to be liable to pay:
23 (c) that amount; and
24 (d) any late payment penalty relating to that amount;
25 even though the responsible Commonwealth Minister has
26 exercised that power of cancellation.

27 [240]

28 **Division 2—Cancellation of greenhouse gas search** 29 **authorities**

30 **@249ME Cancellation of greenhouse gas search authority**

31 The responsible Commonwealth Minister may, by written notice
32 given to the registered holder of a greenhouse gas search authority,
33 cancel the greenhouse gas search authority if the holder has
34 breached a condition of the greenhouse gas search authority.

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Schedule 1 Amendments relating to greenhouse gas storage etc.

1 [241]

2 **Part 2A.12—Other provisions**
3

4 **@249NA Notification of eligible greenhouse gas storage formation**

5 *Scope*

6 (1) This section applies if:

- 7 (a) a part of a geological formation is wholly situated in the
8 permit area of a greenhouse gas assessment permit, and the
9 permittee has reasonable grounds to suspect that that part
10 could be an eligible greenhouse gas storage formation; or
11 (b) a part of a geological formation is wholly situated in the lease
12 area of a greenhouse gas holding lease, and the lessee has
13 reasonable grounds to suspect that that part could be an
14 eligible greenhouse gas storage formation; or
15 (c) a part of a geological formation is wholly situated in the
16 licence area of a greenhouse gas injection licence, and the
17 licensee has reasonable grounds to suspect that that part
18 could be an eligible greenhouse gas storage formation.

19 *Notification*

- 20 (2) The permittee, lessee or licensee must, by written notice, inform
21 the responsible Commonwealth Minister about the matter as soon
22 as practicable, and in any event within 30 days, after the day on
23 which the permittee, lessee or licensee, as the case may be, forms
24 the relevant suspicion.
- 25 (3) A notice under subsection (2) is not required to set out the
26 fundamental suitability determinants of that part.
- 27 (4) Subsection (3) has effect subject to subsections (5) and (6).
- 28 (5) A notice under subsection (2) must be accompanied by a written
29 statement that the permittee, lessee or licensee has reasonable
30 grounds to suspect that the part is suitable for the permanent
31 storage of a specified amount of a specified greenhouse gas
32 substance.

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- 1 (6) If the permittee, lessee or licensee has reasonable grounds to
2 suspect that the part could be an eligible greenhouse gas storage
3 formation because of paragraph 15B(1)(b), a notice under
4 subsection (2) must be accompanied by a written statement
5 describing the engineering enhancements referred to in that
6 paragraph.

7 *Exemption*

- 8 (7) Subsections (2), (5) and (6) do not apply to a permittee, lessee or
9 licensee in relation to a part of a geological formation if a former
10 holder of the permit, lease or licence, as the case may be,
11 previously complied with that subsection in relation to the part.

12 *Offence*

- 13 (8) A person commits an offence if:
14 (a) the person is subject to a requirement under subsection (2),
15 (5) or (6); and
16 (b) the person omits to do an act; and
17 (c) the omission breaches the requirement.

18 Penalty for a contravention of this subsection: 100 penalty
19 units.

20 **@249NB Notification of discovery of petroleum in greenhouse gas**
21 **assessment permit area etc.**

22 *Scope*

- 23 (1) This section applies if petroleum is discovered in:
24 (a) a greenhouse gas assessment permit area; or
25 (b) a greenhouse gas holding lease area; or
26 (c) a greenhouse gas injection licence area.

27 *Notification*

- 28 (2) The permittee, lessee or licensee must immediately inform the
29 responsible Commonwealth Minister of the discovery.
30 (3) The permittee, lessee or licensee must, within 3 days after the date
31 of the discovery, give the responsible Commonwealth Minister a
32 written notice setting out:
-

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- 1 (a) details of the discovery; and
2 (b) such other information (if any) about the discovery as is
3 specified in the regulations.
- 4 (4) Subsections (2) and (3) do not apply if the petroleum is discovered
5 by an exploration permittee, retention lessee or production
6 licensee.

7 *Offence*

- 8 (5) A person commits an offence if:
9 (a) the person is subject to a requirement under subsection (2) or
10 (3); and
11 (b) the person omits to do an act; and
12 (c) the omission breaches the requirement.

13 Penalty for a contravention of this subsection: 100 penalty
14 units.

15 **@249NC Disposing of waste or other matter**

- 16 (1) A person commits an offence if:
17 (a) the person adds waste or other matter to a greenhouse gas
18 substance; and
19 (b) the person does so with the intention of disposing of the
20 waste or other matter; and
21 (c) the person, or another person, injects the resulting mixture
22 into the seabed or subsoil of an offshore area.

23 Penalty: Imprisonment for 5 years.

- 24 (2) Subsection (1) does not apply if:
25 (a) the waste or other matter resulted from petroleum recovery
26 operations carried on under a production licence; and
27 (b) the injection takes place at a well situated in the licence area
28 of the production licence; and
29 (c) the injection is carried out:
30 (i) with the written consent of the responsible
31 Commonwealth Minister or the Designated Authority;
32 and
33 (ii) in accordance with the conditions (if any) specified in
34 that consent.
-

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1 Note: The defendant bears an evidential burden in relation to the matters in
2 subsection (2)—see subsection 13.3(3) of the *Criminal Code*.

3 *Consents*

- 4 (3) The responsible Commonwealth Minister or the Designated
5 Authority may:
6 (a) refuse to give a consent under subsection (2); or
7 (b) make a consent under subsection (2) subject to such
8 conditions as are specified in the consent.

9 **@249NCA Additional securities etc.**

10 *Additional security*

- 11 (1) If:
12 (a) one or more securities are in force in relation to:
13 (i) a greenhouse gas assessment permit; or
14 (ii) a greenhouse gas holding lease; or
15 (iii) a greenhouse gas injection licence; and
16 (b) the responsible Commonwealth Minister is satisfied that the
17 total amount of the securities is insufficient;
18 the responsible Commonwealth Minister may give the permittee,
19 lessee or licensee a written notice:
20 (c) requiring the permittee, lessee or licensee to lodge with the
21 responsible Commonwealth Minister, within 60 days after
22 the giving of the notice, an additional security in respect of
23 compliance with the applicable statutory obligations by the
24 registered holder for the time being of the permit, lease or
25 licence; and
26 (d) specifying the form and amount of the additional security.

27 *New security*

- 28 (2) If:
29 (a) a greenhouse gas assessment permit, greenhouse gas holding
30 lease or greenhouse gas injection licence is in force; and
31 (b) no security is in force in relation to the permit, lease or
32 licence; and
33 (c) the responsible Commonwealth Minister is satisfied that it
34 would be appropriate to require the lodgment of a security in

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- 1 respect of compliance with the applicable statutory
2 obligations by the registered holder for the time being of the
3 permit, lease or licence;
4 the responsible Commonwealth Minister may give the permittee,
5 lessee or licensee a written notice:
6 (c) requiring the permittee, lessee or licensee to lodge with the
7 responsible Commonwealth Minister, within 60 days after
8 the giving of the notice, a security in respect of compliance,
9 by the registered holder for the time being of the permit,
10 lease or licence, with the applicable statutory obligations; and
11 (d) specifying the form and amount of the security.

12 *Statutory obligations*

- 13 (3) For the purposes of this section, the *applicable statutory*
14 *obligations* are as follows:
15 (a) the obligation of the registered holder to comply with a
16 condition to which the permit, lease or licence is subject;
17 (b) the obligation of the registered holder to comply with a
18 direction given to the registered holder by the responsible
19 Commonwealth Minister under this Chapter, Chapter 4 or
20 Part 5A.1;
21 (c) the obligation of the registered holder to comply with the
22 provisions of:
23 (i) this Chapter; or
24 (ii) Chapter 3A; or
25 (iii) Chapter 4; or
26 (iv) Part 5A.1; or
27 (v) the regulations.

28 **@249NCB Transfer of securities**

- 29 If:
30 (a) a security is in force in relation to:
31 (i) a greenhouse gas assessment permit; or
32 (ii) a greenhouse gas holding lease; or
33 (iii) a greenhouse gas injection licence; and
34 (b) a transfer of the permit, lease or licence is registered under
35 section @298-262;
36 then:
-

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- 1 (c) the interest of the transferor in the security is, by force of this
2 section, transferred to the transferee; and
3 (d) a document setting out or relating to the security has effect,
4 after the transfer, as if a reference in the document to the
5 transferor were a reference to the transferee.

6 **@249NCC Discharge of securities**

- 7 The regulations may make provision in relation to the discharge, in
8 whole or in part, by the responsible Commonwealth Minister of
9 securities in force in relation to:
10 (a) greenhouse gas assessment permits; or
11 (b) greenhouse gas holding leases; or
12 (c) greenhouse gas injection licences.

13 **@249ND Approved site plans**

- 14 (1) The regulations may provide that a greenhouse gas injection
15 licensee must not carry on any operations in relation to an
16 identified greenhouse gas storage formation specified in the licence
17 unless an approved site plan is in force in relation to the formation.
18 (2) The regulations may provide that, if an approved site plan is in
19 force in relation to an identified greenhouse gas storage formation
20 specified in a greenhouse gas injection licence, the licensee must
21 comply with the approved site plan.

22 *Approval*

- 23 (3) The regulations may make provision for the responsible
24 Commonwealth Minister to approve draft site plans.

25 *Duration*

- 26 (4) The regulations may provide that, if the responsible
27 Commonwealth Minister approves a draft site plan, the approved
28 site plan:
29 (a) comes into force at the time of the approval; and
30 (b) remains in force:
31 (i) if, under the regulations, the responsible
32 Commonwealth Minister withdraws approval of the
33 approved site plan—until the withdrawal; or
-

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1 (ii) otherwise—indefinitely.

2 *Withdrawal of approval*

3 (5) The regulations may make provision for the responsible
4 Commonwealth Minister to withdraw approval of approved site
5 plans.

6 *Variation of approved site plans*

7 (6) The regulations may make provision for and in relation to the
8 variation of approved site plans.

9 (7) Regulations made for the purposes of subsection (6) may:

10 (a) require the registered holder of a greenhouse gas injection
11 licence to prepare a draft variation of an approved site plan:

12 (i) periodically; or

13 (ii) in such circumstances as are specified in the regulations;
14 or

15 (iii) when required to do so by the responsible
16 Commonwealth Minister; and

17 (b) require the registered holder of a greenhouse gas injection
18 licence to give the draft variation to the responsible
19 Commonwealth Minister; and

20 (c) make provision for the responsible Commonwealth Minister
21 to approve the variation; and

22 (d) provide that, if the responsible Commonwealth Minister
23 approves the variation, the approved site plan is varied
24 accordingly.

25 (8) If an approved site plan is varied, a reference in this Act to the
26 approved site plan is a reference to the approved site plan as
27 varied.

28 **@249NDA Co-existence of greenhouse gas titles and petroleum titles**

29 (1) This Act does not prevent:

30 (a) a greenhouse gas assessment permit; or

31 (b) a greenhouse gas holding lease; or

32 (c) a greenhouse gas injection licence; or

33 (d) a greenhouse gas search authority; or

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- 1 (e) a greenhouse gas special authority;
2 from being in force over the whole or a part of an area in respect of
3 which any of the following is in force:
4 (f) an exploration permit;
5 (g) a retention lease;
6 (h) a production licence;
7 (i) a special prospecting authority;
8 (j) an access authority.
- 9 (2) This Act does not prevent:
10 (a) an exploration permit; or
11 (b) a retention lease; or
12 (c) a production licence; or
13 (d) a special prospecting authority; or
14 (e) an access authority;
15 from being in force over the whole or a part of an area in respect of
16 which any of the following is in force:
17 (f) a greenhouse gas assessment permit;
18 (g) a greenhouse gas holding lease;
19 (h) a greenhouse gas injection licence;
20 (i) a greenhouse gas search authority;
21 (j) a greenhouse gas special authority.

22 **@249NE Reservation of blocks**

- 23 (1) If the following conditions are satisfied in relation to a particular
24 block:
25 (a) there is no greenhouse gas assessment permit, greenhouse gas
26 holding lease or greenhouse gas injection licence over the
27 block;
28 (b) there is no place in the block that is an infrastructure licence
29 area;
30 (c) there is no pipeline over or in the block;
31 (d) there are no pending applications for the grant of a
32 greenhouse gas assessment permit or greenhouse gas
33 injection licence over the block;
34 (e) there are no pending applications for the grant of an
35 infrastructure licence relating to a place in the block;

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Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 (f) there are no pending applications for the grant of a pipeline
2 licence relating to a pipeline, or proposed pipeline, over or in
3 the block;
4 the responsible Commonwealth Minister may, by notice published
5 in the *Gazette*, declare that:
6 (g) the block is not to be the subject of a greenhouse gas
7 assessment permit, greenhouse gas holding lease, greenhouse
8 gas injection licence, greenhouse gas search authority or
9 greenhouse gas special authority; and
10 (h) an infrastructure licence is not to be granted in relation to a
11 place within the block; and
12 (i) a pipeline licence is not to be granted in relation to a pipeline
13 over or in the block.
- 14 (2) If a declaration under subsection (1) is in force in relation to a
15 block:
16 (a) a greenhouse gas assessment permit, greenhouse gas holding
17 lease, greenhouse gas injection licence, greenhouse gas
18 search authority or greenhouse gas special authority must not
19 be granted over that block; and
20 (b) an infrastructure licence must not be granted in relation to a
21 place within that block; and
22 (c) a pipeline licence must not be granted in relation to a pipeline
23 over or in that block.
- 24 (3) Subsection (2) has effect despite any other provision of this Act.

25 [242]

26 @249NF Interference with other rights

27 *Scope*

- 28 (1) This section applies to the following:
29 (a) a greenhouse gas assessment permit;
30 (b) a greenhouse gas holding lease;
31 (c) a greenhouse gas injection licence;
32 (d) a greenhouse gas search authority;
33 (e) a greenhouse gas special authority;
34 (f) a greenhouse gas research consent.

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

1

Requirement

2

(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:

3

(a) navigation; or

5

6

(b) fishing; or

7

(c) the conservation of the resources of the sea and seabed; or

8

(d) any activities of another person being lawfully carried on by way of:

9

10

(i) exploration for, recovery of or conveyance of a mineral (other than petroleum); or

11

12

(ii) construction or operation of a pipeline; or

13

(e) the enjoyment of native title rights and interests (within the meaning of the *Native Title Act 1993*);

14

15

to a greater extent than is necessary for the reasonable exercise of the rights and performance of the duties of the first person.

16

17

Offence

18

(3) A person commits an offence if:

19

(a) the person is subject to a requirement under subsection (2); and

20

21

(b) the person engages in conduct; and

22

(c) the person's conduct breaches the requirement.

23

Penalty for a contravention of this subsection: 100 penalty units.

24

25

[243]

26

@249NG No conditions about payment of money

27

There must not be included in:

28

(a) a greenhouse gas assessment permit; or

29

(b) a greenhouse gas holding lease; or

30

(c) a greenhouse gas injection licence;

31

a condition requiring the payment of money to the responsible Commonwealth Minister or the Commonwealth.

32

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Schedule 1 Amendments relating to greenhouse gas storage etc.

1 [244]

2 **@249NH Certain portions of blocks to be blocks**

3 *Scope*

4 (1) This section applies if the area in relation to which a title is in force
5 includes one or more portions of a section 16 block.

6 Note: This would be the case if the boundaries of a title area do not conform
7 to the graticular system established by this Act.

8 *Portion of a block to be a block*

9 (2) For the purposes of this Act:

10 (a) the area of that portion or those portions constitutes a block
11 (a *type A block*); and

12 (b) the area of the remaining portion or portions of the section 16
13 block (but not including any part of that area in relation to
14 which another title is in force) constitutes a block (a *type B*
15 *block*).

16 *Amalgamation of portions of blocks*

17 (3) If a title ceases to be in force in relation to a type A block (the *first*
18 *type A block*), the responsible Commonwealth Minister may, by
19 written instrument, if the responsible Commonwealth Minister
20 considers it desirable to do so, determine that the first type A block
21 be amalgamated with:

22 (a) another type A block or blocks, so long as the following
23 conditions are satisfied in relation to the other type A block
24 or blocks:

25 (i) the other type A block or blocks form part of the
26 graticular section of which the first type A block forms
27 part;

28 (ii) a greenhouse gas assessment permit, greenhouse gas
29 holding lease or greenhouse gas injection licence is in
30 force in relation to the other type A block or blocks; or

31 (b) both:

32 (i) another type A block or blocks covered by
33 paragraph (a); and

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (ii) a type B block that forms part of the graticular section
2 of which the first type A block forms part.
- 3 (4) If a determination is made under subsection (3), then, for the
4 purposes of this Act:
5 (a) the blocks the subject of the determination cease to constitute
6 blocks; and
7 (b) the areas of those blocks together constitute a block; and
8 (c) the block constituted as a result of the determination is,
9 subject to this Act, for the remainder of the term of the
10 permit, lease or licence concerned, a block in relation to
11 which the permit, lease or licence is in force.
- 12 (5) The responsible Commonwealth Minister must not make a
13 determination under subsection (3) except with the consent of the
14 permittee, lessee or licensee concerned.

Definitions

- 15
- 16 (6) In this section:
17 **section 16 block** means a block constituted as provided by
18 section 16.
19 **title** means:
20 (a) a greenhouse gas assessment permit; or
21 (b) a greenhouse gas holding lease; or
22 (c) a greenhouse gas injection licence; or
23 (d) a prescribed instrument.

24 [245]

@249NJ Changes to the boundary of the coastal waters of a State or Territory

27 *Change to coastal waters boundary results in an area ceasing to*
28 *be within the offshore area of a State or Territory*

- 29 (1) If:
30 (a) a Commonwealth title has been granted on the basis that an
31 area (the **first area**) is within the offshore area of a State or
32 the Northern Territory; and
-

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1 (b) as a result of a change to the boundary of the coastal waters
2 of the State or Territory, the first area:
3 (i) ceases to be within the offshore area of the State or
4 Territory; and
5 (ii) falls within the coastal waters of the State or Territory;
6 this Act applies in relation to the Commonwealth title as if the first
7 area were still within the offshore area in relation to the State or
8 Territory.

9 (2) Subsection (1) continues to apply to the first area only while the
10 Commonwealth title remains in force.

11 *Change to coastal waters boundary results in an area ceasing to*
12 *be within the coastal waters of a State or Territory*

13 (3) If:
14 (a) a State/Territory title has been granted by a State or the
15 Northern Territory on the basis that an area (the **second area**)
16 is within the coastal waters of the State or Territory; and
17 (b) as a result of a change to the boundary of the coastal waters
18 of the State or Territory, the second area:
19 (i) ceases to be within the coastal waters of the State or
20 Territory; and
21 (ii) falls within the offshore area of the State or Territory;
22 then, so far as the State/Territory title is concerned, this Act does
23 not apply to the second area.

24 (4) Subsection (3) continues to apply to the second area only while the
25 State/Territory title remains in force.

26 *Definitions*

27 (5) In this section:

28 **Commonwealth title** means:

- 29 (a) a greenhouse gas assessment permit; or
30 (b) a greenhouse gas holding lease; or
31 (c) a greenhouse gas injection licence.

32 **State/Territory title** means an instrument under a law of a State or
33 the Northern Territory that confers, in relation to the coastal waters
34 of the State or Territory, some or all of the rights that a

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 Commonwealth title confers in relation to the offshore area of the
2 State or Territory.

3 [246]

4 **@249NK Commonwealth may monitor the behaviour of a**
5 **greenhouse gas substance stored in a part of a geological**
6 **formation**

7 (1) The Commonwealth may carry out in an offshore area operations
8 for the purposes of monitoring the behaviour of a greenhouse gas
9 substance stored in a part of a geological formation.

10 (2) Subsection (1) does not limit the executive power of the
11 Commonwealth.

12 **170 Chapter 3 (heading)**

13 Repeal the heading, substitute:

14 **Chapter 3—Registration of transfers of, and** 15 **dealings in, petroleum titles**

16 **171 Section 250**

17 Repeal the section, substitute:

18 **250 Simplified outline**

19 The following is a simplified outline of this Chapter:

- | | |
|----|---|
| 20 | • The Designated Authority must keep a Register of petroleum |
| 21 | titles and special prospecting authorities. |
| 22 | • A transfer of a petroleum title must be approved by the |
| 23 | Designated Authority, and an instrument of transfer must be |
| 24 | registered under this Part. |
| 25 | • A dealing in a petroleum title must be approved by the |
| 26 | Designated Authority, and the approval must be entered in the |
| 27 | Register. |

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Schedule 1 Amendments relating to greenhouse gas storage etc.

1 **172 Section 251**

2 Insert:

3 *Register* means:

- 4 (a) a Register kept under section 253; and
5 (b) when used in relation to the Designated Authority for an
6 offshore area—means the Register kept under section 253 by
7 that Designated Authority.

8 Note: The heading to section 251 is replaced by the heading “**Definitions**”.

9 **173 Paragraph 258(c)**

10 Omit “a copy”, substitute “2 copies”.

11 **174 After section 258**

12 Insert:

13 **258A Application and documents to be forwarded to the responsible**
14 **Commonwealth Minister**

15 *Scope*

- 16 (1) This section applies if an application is made for approval of a
17 transfer.

18 *Application and documents to be forwarded to the responsible*
19 *Commonwealth Minister*

- 20 (2) As soon as practicable after receiving the application, the
21 Designated Authority must give the responsible Commonwealth
22 Minister a copy of each of the following:
23 (a) the application;
24 (b) the instrument referred to in paragraph 258(a);
25 (c) the document referred to in paragraph 258(b).

26 **175 After subsection 261(2)**

27 Insert:

- 28 (2A) Subsection (2) has effect subject to subsections (5), (6) and (7).

29 **176 At the end of section 261**

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

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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

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1 Insert:

2 **272A Application and documents to be forwarded to the responsible**
3 **Commonwealth Minister**

4 *Scope*

5 (1) This section applies if an application is made for approval of a
6 dealing in so far as it relates to a particular title.

7 *Application and documents to be forwarded to the responsible*
8 *Commonwealth Minister*

9 (2) As soon as practicable after the Designated Authority receives the
10 application, the Designated Authority must give the responsible
11 Commonwealth Minister a copy of each of the following:

- 12 (a) the application;
13 (b) the instrument referred to in subsection 272(1);
14 (c) any supplementary instrument;
15 (d) any document referred to in paragraph 272(5)(c).

16 **183 After subsection 275(2)**

17 Insert:

18 (2A) Subsection (2) has effect subject to subsections (5), (6) and (7).

19 **184 At the end of section 275**

20 Add:

21 *Role of responsible Commonwealth Minister*

22 (5) The Designated Authority must not make a decision under
23 subsection (2) until:

- 24 (a) the responsible Commonwealth Minister informs the
25 Designated Authority that the responsible Commonwealth
26 Minister does not intend to give a direction under
27 subsection (6) in relation to the application; or
28 (b) the responsible Commonwealth Minister gives a direction
29 under subsection (6) in relation to the application.

30 (6) The responsible Commonwealth Minister may, by written notice
31 given to the Designated Authority, give the Designated Authority a

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 direction in relation to the exercise by the Designated Authority of
2 the power conferred on the Designated Authority by subsection (2)
3 in relation to the application.

4 (7) The Designated Authority must comply with a direction under
5 subsection (6).

6 (8) A direction under subsection (6) is not a legislative instrument.

7 **185 Paragraphs 281(4)(a) and (b)**

8 Omit “a copy”, substitute “2 copies”.

9 **186 Paragraph 281(4)(b)**

10 Omit “an additional copy”, substitute “2 additional copies”.

11 **187 Paragraph 281(4)(c)**

12 Omit “a copy”, substitute “2 copies”.

13 **188 Paragraph 281(5)(c)**

14 Omit “2 copies”, substitute “3 copies”.

15 **189 Paragraph 281(5)(e)**

16 Omit “a copy, or an additional copy,”, substitute “2 copies, or 2
17 additional copies,”.

18 **190 After section 281**

19 Insert:

20 **281A Application and documents to be forwarded to the responsible** 21 **Commonwealth Minister**

22 *Scope*

23 (1) This section applies if a provisional application is made for
24 approval of a dealing in so far as it relates to a particular title.

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1 *Application and documents to be forwarded to the responsible*
2 *Commonwealth Minister*

- 3 (2) As soon as practicable after the Designated Authority receives the
4 application, the Designated Authority must give the responsible
5 Commonwealth Minister a copy of each of the following:
6 (a) the provisional application;
7 (b) the instrument referred to in subsection 281(1);
8 (c) any supplementary instrument;
9 (d) any document referred to in paragraph 281(5)(c).

10 **191 After Chapter 3**

11 Insert:

12 **Chapter 3A—Registration of transfers of, and** 13 **dealings in, greenhouse gas titles**

14 **Part 3A.1—Introduction**

15 **@298-250 Simplified outline**

16 The following is a simplified outline of this Chapter:

- 18 • The responsible Commonwealth Minister must keep a
19 Register of greenhouse gas titles and greenhouse gas search
20 authorities.
- 21 • A transfer of a greenhouse gas title must be approved by the
22 responsible Commonwealth Minister, and an instrument of
23 transfer must be registered under this Part.
- 24 • A dealing in a greenhouse gas title must be approved by the
25 responsible Commonwealth Minister, and the approval must
26 be entered in the Register.

27 [250]

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 **@298-251 Definitions**

2 In this Chapter:

3 **Register** means the Register kept under section @298-253.

4 **title** means:

- 5 (a) a greenhouse gas assessment permit; or
6 (b) a greenhouse gas holding lease; or
7 (c) a greenhouse gas injection licence; or
8 (d) a greenhouse gas special authority.

9 [251]

10 **@298-252 Dealing—series of debentures**

11 For the purposes of this Chapter, if a dealing forms a part of the
12 issue of a series of debentures, all of the dealings constituting the
13 issue of that series of debentures are taken to be one dealing.

14 [252]

15 **Part 3A.2—Register of titles and greenhouse gas**
16 **search authorities**
17

18 **@298-253 Register to be kept**

19 The responsible Commonwealth Minister must keep a Register of:

- 20 (a) titles; and
21 (b) greenhouse gas search authorities.

22 [253]

23 **@298-254 Entries in Register—general**

24 *Memorial*

- 25 (1) The responsible Commonwealth Minister must enter in the
26 Register a memorial for each title and greenhouse gas search
27 authority.

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1 (2) The memorial must comply with the table:

2

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 (3) The responsible Commonwealth Minister must enter in the
4 Register a memorial of:

5 (a) a notice or instrument:

6 (i) varying; or

7 (ii) cancelling; or

8 (iii) surrendering (to any extent); or

9 (iv) otherwise affecting;

10 a title or greenhouse gas search authority; or

11 (b) a notice or instrument varying or revoking a notice or
12 instrument referred to in paragraph (a).

13 Note: Subparagraph (a)(iv) would cover, for example, a notice revoking a
14 greenhouse gas special authority.

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

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.

[254]

@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 lease is granted.
4	A greenhouse gas injection licence ceases to be in force over a block in relation to which a greenhouse gas

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Schedule 1 Amendments relating to greenhouse gas storage etc.

Cessation of title etc.	
Item	Event
	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.

1 [255]

2 **Part 3A.3—Transfer of titles**
3

4 **@298-256 Approval and registration of transfers**

5 A transfer of a title is of no force until:

- 6 (a) it has been approved by the responsible Commonwealth
7 Minister; and
8 (b) an instrument of transfer is registered as provided by this
9 Part.

10 [256]

11 **@298-257 Application for approval of transfer**

- 12 (1) One of the parties to a proposed transfer of a title may apply to the
13 responsible Commonwealth Minister for approval of the transfer.
14 (2) The application must be in writing.

15 [257]

16 **@298-258 Documents to accompany application**

17 An application for approval of a transfer must be accompanied by:

- 18 (a) an instrument of transfer in the prescribed form executed by:
19 (i) the registered holder or, if there are 2 or more registered
20 holders, by each registered holder; and
21 (ii) the transferee or, if there are 2 or more transferees, by
22 each transferee; and

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (b) if the transferee, or one or more of the transferees, is not a
2 registered holder or are not registered holders of the title—a
3 document setting out:
4 (i) the technical qualifications of that transferee or those
5 transferees; and
6 (ii) details of the technical advice that is or will be available
7 to that transferee or those transferees; and
8 (iii) details of the financial resources that are or will be
9 available to that transferee or those transferees; and
10 (c) a copy of each of the following:
11 (i) the application;
12 (ii) the instrument referred to in paragraph (a);
13 (iii) the document referred to in paragraph (b).

14 [258]

15 **@298-259 Time limit for application**

- 16 (1) An application for approval of a transfer must be made within:
17 (a) 90 days after the day on which the party who last executed
18 the instrument of transfer so executed the instrument of
19 transfer; or
20 (b) such longer period as the responsible Commonwealth
21 Minister allows.
22 (2) The responsible Commonwealth Minister may allow a longer
23 period under paragraph (1)(b) only if there are sufficient grounds to
24 warrant allowing the longer period.

25 [259]

26 **@298-260 Date of application to be entered in Register**

- 27 If an application is made for approval of a transfer, the responsible
28 Commonwealth Minister:
29 (a) must enter a memorandum in the Register of the date on
30 which the application was lodged; and
31 (b) may make such other notation in the Register as the
32 responsible Commonwealth Minister considers appropriate.

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Schedule 1 Amendments relating to greenhouse gas storage etc.

1 [260]

2 **@298-261 Approval of transfer**

3 *Scope*

4 (1) This section applies if an application is made for approval of a
5 transfer.

6 *Decision*

7 (2) The responsible Commonwealth Minister must:

- 8 (a) approve the transfer; or
9 (b) refuse to approve the transfer.

10 (3) The responsible Commonwealth Minister must, by written notice
11 given to the applicant, notify the applicant of the responsible
12 Commonwealth Minister's decision.

13 (4) If the responsible Commonwealth Minister refuses to approve the
14 transfer, the responsible Commonwealth Minister must make a
15 notation of the refusal in the Register.

16 [261]

17 **@298-262 Registration of transfer**

18 *Scope*

19 (1) This section applies if the responsible Commonwealth Minister
20 approves the transfer of a title.

21 *Endorsement*

22 (2) The responsible Commonwealth Minister must immediately
23 endorse on:

- 24 (a) the instrument of transfer; and
25 (b) the copy of the instrument of transfer;
26 a memorandum of approval.

27 (3) On payment of the fee provided for in the Registration Fees Act,
28 the responsible Commonwealth Minister must enter in the Register
29 a memorandum of:

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (a) the transfer; and
2 (b) the name of the transferee or of each transferee.
- 3 (4) On the entry in the Register of the memorandum:
4 (a) the transfer is taken to be registered; and
5 (b) the transferee becomes the registered holder, or the
6 transferees become the registered holders, of the title.
- 7 (5) If the transfer is registered:
8 (a) the copy of the instrument of transfer endorsed with the
9 memorandum of approval must be:
10 (i) retained by the responsible Commonwealth Minister;
11 and
12 (ii) made available for inspection in accordance with this
13 Chapter; and
14 (b) the instrument of transfer endorsed with the memorandum of
15 approval must be returned to the person who applied for
16 approval of the transfer.

17 [262]

18 **@298-263 Instrument of transfer does not create an interest in the**
19 **title**

20 The mere execution of an instrument of transfer of a title creates no
21 interest in the title.

22 [263]

23 **@298-264 Limit on effect of approval of transfers**

24 The approval of a transfer of a title does not give to the transfer any
25 force, effect or validity that the transfer would not have had if this
26 Chapter had not been enacted.

27 [264]

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

Part 3A.4—Devolution of title

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@298-265 Application to have name entered on the Register as the holder of a title

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(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.

9

(2) The application must be in writing.

10 [265]

@298-266 Entry of name in the Register

11

12

Scope

13
14

(1) This section applies if an application is made under section @298-265 in relation to a title.

15

Entry in Register

16

(2) If:

17
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19

(a) the responsible Commonwealth Minister is satisfied that the rights of the holder have devolved on the applicant by operation of law; and

20

(b) the applicant has paid the prescribed fee;

21
22

the responsible Commonwealth Minister must enter the name of the applicant in the Register as the holder of the title.

23
24

(3) On that entry being made, the applicant becomes the registered holder of the title.

25 [266]

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

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.

[267]

@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.

[268]

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:

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1

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 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.

2

[269]

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1 **@298-270 Approval and registration of dealings**

2 A dealing is of no force, in so far as the dealing would have an
3 effect of a kind referred to in the table in section @298-269 in
4 relation to a particular title, until:

- 5 (a) the responsible Commonwealth Minister has approved the
6 dealing, in so far as it relates to that title; and
7 (b) the responsible Commonwealth Minister has made an entry
8 in the Register in relation to the dealing under section
9 @298-276.

10 [270]

11 **@298-271 Application for approval of dealing**

- 12 (1) An application for approval of a dealing must be made in
13 accordance with subsection (2) or (3).

14 *Application—dealing relates to only one title*

- 15 (2) If a dealing relates to only one title, a party to the dealing may
16 apply to the responsible Commonwealth Minister for approval of
17 the dealing in so far as it relates to that title.

18 *Application—dealing relates to 2 or more titles*

- 19 (3) If a dealing relates to 2 or more titles, a party to the dealing may
20 make a separate application to the responsible Commonwealth
21 Minister for approval of the dealing in so far as it relates to each
22 title.

23 *Written application*

- 24 (4) An application must be in writing.

25 [271]

26 **@298-272 Documents to accompany application**

27 *Instrument evidencing dealing*

- 28 (1) An application for approval of a dealing must be accompanied by:
29 (a) the instrument evidencing the dealing; or
-

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- 1 (b) if that instrument has already been lodged with the
2 responsible Commonwealth Minister for the purposes of
3 another application—a copy of that instrument.

4 *Supplementary instrument*

- 5 (2) An application for approval of a dealing may be accompanied by
6 an instrument setting out such details (if any) as are prescribed for
7 the purposes of an application for approval of a dealing of that
8 kind.
- 9 (3) An instrument under subsection (2) is called a *supplementary*
10 *instrument*.

11 *Copies*

- 12 (4) An application for approval of a dealing must be accompanied by:
13 (a) a copy of the application; and
14 (b) a copy, or an additional copy, of the instrument referred to in
15 subsection (1); and
16 (c) a copy of any supplementary instrument.

17 *Charge over assets of a body corporate—copies of documents*

- 18 (5) If:
19 (a) a dealing (including a dealing referred to in section
20 @298-252) creates a charge over some or all of the assets of
21 a body corporate; and
22 (b) a person applies for approval of the dealing; and
23 (c) the application is accompanied by 2 copies of each document
24 required to be lodged with the Australian Securities and
25 Investments Commission under section 263 of the
26 *Corporations Act 2001* in relation to the creation of the
27 charge;
28 the person is taken to have complied with:
29 (d) subsection (1); and
30 (e) subsection (4) in so far as that subsection requires a copy, or
31 an additional copy, of the instrument referred to in
32 subsection (1) to accompany the application.

33 [272]

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1 **@298-273 Timing of application**

- 2 (1) An application for approval of a dealing must be made within:
- 3 (a) 90 days after the day on which the party who last executed
- 4 the instrument evidencing the dealing so executed the
- 5 instrument; or
- 6 (b) such longer period as the responsible Commonwealth
- 7 Minister allows.
- 8 (2) The responsible Commonwealth Minister may allow a longer
- 9 period under paragraph (1)(b) only if there are sufficient grounds to
- 10 warrant allowing the longer period.
- 11 (3) This section has effect subject to section @298-284.

12 Note: Section @298-284 is about approval of a dealing that was entered into

13 before the title came into existence.

14 [273]

15 **@298-274 Application date to be entered in Register**

16 If an application is made for approval of a dealing, the responsible

17 Commonwealth Minister:

- 18 (a) must enter a memorandum in the Register of the date on
- 19 which the application was lodged; and
- 20 (b) may make such other notation in the Register as the
- 21 responsible Commonwealth Minister considers appropriate.

22 [274]

23 **@298-275 Approval of dealing**

24 *Scope*

- 25 (1) This section applies if an application is made for approval of a
- 26 dealing in so far as it relates to a particular title.

27 *Decision*

- 28 (2) The responsible Commonwealth Minister must:
- 29 (a) approve the dealing; or
- 30 (b) refuse to approve the dealing;
-

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1 in so far as it relates to that title.

2 Note: Section @298-284 limits the power conferred on the responsible
3 Commonwealth Minister by this section. Section @298-284 is about
4 approval of a dealing that was entered into before the title came into
5 existence.

6 *Notification of decision*

7 (3) The responsible Commonwealth Minister must, by written notice
8 given to the applicant, notify the applicant of the responsible
9 Commonwealth Minister's decision.

10 *Refusal to approve dealing—notation in Register*

11 (4) If the responsible Commonwealth Minister refuses to approve the
12 dealing in so far as it relates to that title, the responsible
13 Commonwealth Minister must make a notation of the refusal in the
14 Register.

15 [275]

16 **@298-276 Entry of dealing in Register**

17 *Scope*

18 (1) This section applies if the responsible Commonwealth Minister
19 approves a dealing in so far as it relates to a particular title.

20 *Endorsement*

21 (2) The responsible Commonwealth Minister must immediately
22 endorse a memorandum of approval:
23 (a) on the original instrument evidencing the dealing and on the
24 copy of that instrument; or
25 (b) if the original instrument was not lodged with the application
26 for approval—on both of the copies of that instrument.

27 *Entry in Register*

28 (3) On payment of the fee provided for in the Registration Fees Act,
29 the responsible Commonwealth Minister must make an entry of the
30 approval of the dealing in the Register on:
31 (a) the memorial relating to that title; or

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1 (b) the copy of that title.

2 [276]

3 **@298-277 Retention, inspection and return of instruments**

4 *Scope*

5 (1) This section applies if the responsible Commonwealth Minister
6 makes an entry of the approval of a dealing in the Register.

7 *Application accompanied by supplementary instrument*

8 (2) If the application for approval of the dealing was accompanied by a
9 supplementary instrument:

10 (a) a copy of the supplementary instrument, endorsed with a
11 copy of the memorandum of approval, must be:

12 (i) retained by the responsible Commonwealth Minister;
13 and

14 (ii) made available for inspection in accordance with this
15 Chapter; and

16 (b) the supplementary instrument must be returned to the person
17 who applied for approval; and

18 (c) a copy of the instrument evidencing the dealing must not be
19 made available for inspection in accordance with this
20 Chapter; and

21 (d) the original instrument evidencing the dealing, or a copy of
22 the original instrument, as the case requires, endorsed with a
23 memorandum of approval, must be returned to the person
24 who applied for approval.

25 Note: For inspection, see section @298-296.

26 *Application not accompanied by supplementary instrument*

27 (3) If the application for approval of the dealing was not accompanied
28 by a supplementary instrument:

29 (a) one copy of the instrument evidencing the dealing, endorsed
30 with a memorandum of approval, must be:

31 (i) retained by the responsible Commonwealth Minister;
32 and

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- 1 (ii) made available for inspection in accordance with this
2 Chapter; and
3 (b) the original instrument evidencing the dealing, or a copy of
4 the original instrument, as the case requires, endorsed with a
5 memorandum of approval, must be returned to the person
6 who applied for approval.

7 Note: For inspection, see section @298-296.

8 *Definition*

9 (4) In this section:

10 *supplementary instrument* has the meaning given by subsection
11 @298-272(3) or @298-281(3).

12 [277]

13 **@298-278 Strict compliance with application provisions not** 14 **required**

15 The approval of a dealing, or the making of an entry in the Register
16 in relation to a dealing, is not made ineffective because of any
17 failure to comply, in relation to the application for approval of the
18 dealing, with the requirements of this Part.

19 [278]

20 **@298-279 Limit on effect of approval of dealing**

21 The approval of a dealing does not give to the dealing any force,
22 effect or validity that the dealing would not have had if this
23 Chapter had not been enacted.

24 [279]

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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.

[280]

@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

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- 1 (b) if that instrument has already been lodged with the
2 responsible Commonwealth Minister for the purposes of
3 another provisional application—a copy of that instrument.

4 *Supplementary instrument*

- 5 (2) A provisional application for approval of a dealing may be
6 accompanied by an instrument setting out such details (if any) as
7 are prescribed for the purposes of a provisional application for
8 approval of a dealing of that kind.

- 9 (3) An instrument under subsection (2) is called a *supplementary*
10 *instrument*.

11 *Copies*

- 12 (4) A provisional application for approval of a dealing must be
13 accompanied by:
14 (a) a copy of the provisional application; and
15 (b) a copy, or an additional copy, of the instrument referred to in
16 subsection (1); and
17 (c) a copy of any supplementary instrument.

18 *Charge over assets of a body corporate—copies of documents*

- 19 (5) If:
20 (a) a dealing (including a dealing referred to in section
21 @298-252) creates a charge over some or all of the assets of
22 a body corporate; and
23 (b) a person makes a provisional application for approval of the
24 dealing; and
25 (c) the provisional application is accompanied by 2 copies of
26 each document required to be lodged with the Australian
27 Securities and Investments Commission under section 263 of
28 the *Corporations Act 2001* in relation to the creation of the
29 charge;
30 the person is taken to have complied with:
31 (d) subsection (1); and
32 (e) subsection (4) in so far as that subsection requires a copy, or
33 an additional copy, of the instrument referred to in
34 subsection (1) to accompany the provisional application.
-

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1 [281]

2 **@298-282 Timing of provisional application**

3 A provisional application must be made within the period worked
4 out using the table:

5

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 future: (a) a greenhouse gas assessment permit; (b) a greenhouse gas holding lease; (c) a greenhouse gas injection licence	the day on which an offer document that relates to the application for the title is given to the applicant for the title	the day on which the title comes into existence.
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.

6 [282]

7 **@298-283 Provisional application to be treated as an application**
8 **under section @298-271 when title comes into existence**

9 If:

- 10 (a) a provisional application is made for approval of a dealing;
11 and
12 (b) the title to which the dealing relates comes into existence;
13 and
14 (c) on that title coming into existence, the dealing becomes a
15 dealing to which Part 3A.6 applies;
-

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1 the provisional application is to be treated as if it were an
2 application made under section @298-271 on the day on which
3 that title came into existence.

4 [283]

5 @298-284 Limit on approval of dealing

- 6 (1) If:
- 7 (a) Part 3A.6 applies to a dealing relating to a title; and
 - 8 (b) immediately before the title came into existence, the dealing
9 was a dealing referred to in subsection @298-280(1);
 - 10 the responsible Commonwealth Minister may approve the dealing
11 under section @298-275 only if:
 - 12 (c) a provisional application for approval of the dealing was
13 made under section @298-280; or
 - 14 (d) an application for approval of the dealing was made under
15 section @298-271 within:
 - 16 (i) 90 days after the day on which the title came into
17 existence; or
 - 18 (ii) such longer period as the responsible Commonwealth
19 Minister allows.
- 20 (2) The responsible Commonwealth Minister may allow a longer
21 period under subparagraph (1)(d)(ii) only if there are sufficient
22 grounds to warrant allowing the longer period.

23 [284]

24 Part 3A.8—Correction and rectification of Register

25

26 @298-285 Corrections of clerical errors or obvious defects

27 The responsible Commonwealth Minister may alter the Register
28 for the purposes of correcting a clerical error or an obvious defect
29 in the Register.

30 [285]

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 **@298-286 General power of correction of Register**

2 *Power of correction*

- 3 (1) The responsible Commonwealth Minister may make such entries in
4 the Register as the responsible Commonwealth Minister considers
5 appropriate for the purposes of ensuring that the Register
6 accurately records the interests and rights existing in relation to a
7 title.
- 8 (2) The responsible Commonwealth Minister may exercise the power
9 conferred by subsection (1):
- 10 (a) on written application being made to the responsible
11 Commonwealth Minister by a person; or
12 (b) on the responsible Commonwealth Minister's own initiative.

13 *Consultation*

- 14 (3) Before the responsible Commonwealth Minister makes an entry in
15 the Register under subsection (1), the responsible Commonwealth
16 Minister must cause to be published in the *Gazette* a notice:
- 17 (a) setting out the terms of the entry that the responsible
18 Commonwealth Minister proposes to make in the Register;
19 and
20 (b) inviting interested persons to give the responsible
21 Commonwealth Minister written submissions about the
22 making of the entry; and
23 (c) specifying a time limit for the making of those submissions.
- 24 (4) The time limit must not be shorter than 45 days after the
25 publication of the notice.
- 26 (5) In deciding whether to make the entry in the Register, the
27 responsible Commonwealth Minister must take into account any
28 submissions made in accordance with the notice.

29 *Gazettal of terms of entry*

- 30 (6) If the responsible Commonwealth Minister makes an entry in the
31 Register under subsection (1), the responsible Commonwealth
32 Minister must cause to be published in the *Gazette* a notice setting
33 out the terms of the entry.

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1 [286]

2 **@298-287 Rectification of Register**

3 *Application for rectification*

- 4 (1) If a person is aggrieved by any of the following:
5 (a) the omission of an entry from the Register;
6 (b) an entry made in the Register without sufficient cause;
7 (c) an entry wrongly existing in the Register;
8 (d) an error or defect in an entry in the Register;
9 the person may apply to:
10 (e) the Federal Court; or
11 (f) the Supreme Court of, or having jurisdiction in, the State or
12 Territory to which the relevant offshore area relates;
13 for the rectification of the Register.

14 *Court orders*

- 15 (2) If an application is made under subsection (1) to a court for the
16 rectification of the Register, the court may make such order as it
17 thinks fit directing the rectification of the Register.
- 18 (3) In proceedings under this section, the court may decide any
19 question that it is necessary or expedient to decide in connection
20 with the rectification of the Register.

21 *Appearance of responsible Commonwealth Minister*

- 22 (4) Notice of an application under this section must be given to the
23 responsible Commonwealth Minister concerned, who:
24 (a) may appear and be heard; and
25 (b) must appear if so directed by the court.

26 *Copy of order to be given to responsible Commonwealth Minister*

- 27 (5) An office copy of an order made by the court may be given to the
28 responsible Commonwealth Minister.

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1 *Compliance with order*

2 (6) The responsible Commonwealth Minister must, on receipt of the
3 order, rectify the Register accordingly.

4 *Principal Northern Territory offshore area and Eastern Greater*
5 *Sunrise offshore area*

6 (7) For the purposes of paragraph (1)(f):
7 (a) the Principal Northern Territory offshore area; and
8 (b) the Eastern Greater Sunrise offshore area;
9 are taken to relate to the Northern Territory.

10 [287]

11 **Part 3A.9—Information-gathering powers**

12

13 **@298-288 Responsible Commonwealth Minister may obtain** 14 **information from applicants**

15 *Scope*

16 (1) This section applies if:
17 (a) an application for approval of the transfer of a title is made
18 under section @298-257; or
19 (b) an application is made under section @298-265 or @298-267
20 in relation to a title; or
21 (c) an application for approval of a dealing is made under section
22 @298-271; or
23 (d) a provisional application for approval of a dealing is made
24 under section @298-280; or
25 (e) an application is made under section @298-286 in relation to
26 a title.

27 *Requirement to give information*

28 (2) The responsible Commonwealth Minister may, by written notice
29 given to the applicant, require the applicant to give the responsible
30 Commonwealth Minister, within the period and in the manner
31 specified in the notice, such information about the matter to which

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1 the application relates as the responsible Commonwealth Minister
2 considers necessary or advisable.

3 (3) A period specified under subsection (2) must not be shorter than 14
4 days after the notice is given.

5 *Offences*

6 (4) A person commits an offence if:
7 (a) the person has been given a notice under subsection (2); and
8 (b) the person omits to do an act; and
9 (c) the omission contravenes a requirement in the notice.

10 Penalty: 50 penalty units.

11 (5) A person commits an offence if:
12 (a) the responsible Commonwealth Minister requires the person
13 to give information under subsection (2); and
14 (b) the person gives information; and
15 (c) the person does so knowing that the information is false or
16 misleading in a material particular.

17 Penalty: 50 penalty units.

18 *Notice to set out the effect of offence provisions*

19 (6) A notice under subsection (2) must set out the effect of the
20 following provisions:
21 (a) subsection (4);
22 (b) subsection (5).

23 Note: The same conduct may be an offence against both subsection (5) of
24 this section and section 137.1 of the *Criminal Code*.

25 [288]

26 **@298-289 Responsible Commonwealth Minister may obtain** 27 **information from a party to an approved dealing**

28 *Scope*

29 (1) This section applies if:
30 (a) a person is a party to a dealing relating to a title; and

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1 (b) the dealing has been approved under section @298-275.

2 *Requirement to give information*

3 (2) The responsible Commonwealth Minister may, by written notice
4 given to the person, require the person to give to the responsible
5 Commonwealth Minister, within the period and in the manner
6 specified in the notice, such information about alterations in the
7 interests or rights existing in relation to the title as the responsible
8 Commonwealth Minister considers necessary or advisable.

9 (3) A period specified under subsection (2) must not be shorter than 14
10 days after the notice is given.

11 *Offences*

12 (4) A person commits an offence if:

- 13 (a) the person has been given a notice under subsection (2); and
14 (b) the person omits to do an act; and
15 (c) the omission contravenes a requirement in the notice.

16 Penalty: 50 penalty units.

17 (5) A person commits an offence if:

- 18 (a) the responsible Commonwealth Minister requires the person
19 to give information under subsection (2); and
20 (b) the person gives information; and
21 (c) the person does so knowing that the information is false or
22 misleading in a material particular.

23 Penalty: 50 penalty units.

24 *Notice to set out the effect of offence provisions*

25 (6) A notice under subsection (2) must set out the effect of the
26 following provisions:

- 27 (a) subsection (4);
28 (b) subsection (5).

29 Note: The same conduct may be an offence against both subsection (5) of
30 this section and section 137.1 of the *Criminal Code*.

31 [289]

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1 **@298-290 Production and inspection of documents**

2 *Scope*

- 3 (1) This section applies if the responsible Commonwealth Minister has
4 reason to believe that a document:
- 5 (a) is in the possession or under the control of a person; and
 - 6 (b) relates to:
 - 7 (i) a transfer or dealing for which approval is sought under
8 this Chapter; or
 - 9 (ii) an application under section @298-265, @298-267 or
10 @298-268.

11 *Requirement*

- 12 (2) The responsible Commonwealth Minister may, by written notice
13 given to the person, require the person:
- 14 (a) to produce the document to the responsible Commonwealth
15 Minister, within the period and in the manner specified in the
16 notice; or
 - 17 (b) to make the document available for inspection by or on
18 behalf of the responsible Commonwealth Minister.
- 19 (3) A period specified under subsection (2) must not be shorter than 14
20 days after the notice is given.

21 *Offences*

- 22 (4) A person commits an offence if:
- 23 (a) the person has been given a notice under subsection (2); and
 - 24 (b) the person omits to do an act; and
 - 25 (c) the omission contravenes a requirement in the notice.

26 Penalty: 50 penalty units.

- 27 (5) An offence against subsection (4) is an offence of strict liability.

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

- 29 (6) A person commits an offence if:
- 30 (a) the person has been given a notice under subsection (2); and
 - 31 (b) the person:
-

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- 1 (i) produces a document to the responsible Commonwealth
2 Minister; or
3 (ii) makes a document available for inspection by or on
4 behalf of the responsible Commonwealth Minister; and
5 (c) the person does so knowing that the document is false or
6 misleading in a material particular; and
7 (d) the document is produced or made available in compliance or
8 purported compliance with the notice.

9 Penalty: 50 penalty units.

10 *Notice to set out the effect of offence provisions*

- 11 (7) A notice under subsection (2) must set out the effect of the
12 following provisions:
13 (a) subsection (4);
14 (b) subsection (6).

15 Note: The same conduct may be an offence against both subsection (6) of
16 this section and section 137.2 of the *Criminal Code*.

17 [290]

18 **@298-291 Responsible Commonwealth Minister may retain** 19 **documents**

- 20 (1) The responsible Commonwealth Minister may take possession of a
21 document produced under section @298-290, and retain it for as
22 long as is necessary.
- 23 (2) The person otherwise entitled to possession of the document is
24 entitled to be supplied, as soon as practicable, with a copy certified
25 by the responsible Commonwealth Minister to be a true copy.
- 26 (3) The certified copy must be received in all courts and tribunals as
27 evidence as if it were the original.
- 28 (4) Until a certified copy is supplied, the responsible Commonwealth
29 Minister must provide the person otherwise entitled to possession
30 of the document, or a person authorised by that person, reasonable
31 access to the document for the purposes of inspecting and making
32 copies of, or taking extracts from, the document.

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1 [291]

2 **Part 3A.10—Other provisions**
3

4 **@298-292 Responsible Commonwealth Minister not concerned with**
5 **the effect of instrument lodged under this Chapter**

6 The responsible Commonwealth Minister is not concerned with the
7 effect in law of an instrument lodged under this Chapter.

8 [292]

9 **@298-293 True consideration to be shown**

10 *Offence*

- 11 (1) A person commits an offence if:
12 (a) the person is a party to:
13 (i) a transfer of a title; or
14 (ii) a dealing to which Part 3A.6 applies; or
15 (iii) a dealing referred to in subsection @298-280(1); and
16 (b) the person gives the responsible Commonwealth Minister:
17 (i) an instrument of transfer; or
18 (ii) an instrument evidencing the dealing; or
19 (iii) a supplementary instrument; and
20 (c) the instrument contains a statement relating to:
21 (i) the consideration for the transfer or dealing; or
22 (ii) any other fact or circumstance affecting the amount of
23 the fee payable under the Registration Fees Act in
24 relation to the transfer or dealing; and
25 (d) the person gives the instrument knowing that the statement is
26 false or misleading in a material particular.

27 Penalty: 100 penalty units.

28 *Definition*

- 29 (2) In this section:
-

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1 *supplementary instrument* has the meaning given by subsection
2 @298-272(3) or @298-281(3).

3 Note: The same conduct may be an offence against both subsection (1) of
4 this section and section 137.2 of the *Criminal Code*.

5 [293]

6 @298-294 Making a false entry in the Register

7 A person commits an offence if:

8 (a) the person:

9 (i) makes an entry in the Register; or

10 (ii) causes an entry to be made in the Register; or

11 (iii) concurs in the making of an entry in the Register; and

12 (b) the person does so knowing that the entry is false.

13 Penalty: 50 penalty units.

14 Note: The same conduct may be an offence against both this section and
15 section 145.4 of the *Criminal Code*.

16 [294]

17 @298-295 Falsified documents

18 A person commits an offence if:

19 (a) the person produces or tenders in evidence a document; and

20 (b) the document falsely purports to be:

21 (i) a copy of or extract from an entry in the Register; or

22 (ii) a copy of or extract from an instrument given to the
23 responsible Commonwealth Minister under this
24 Chapter.

25 Penalty: 50 penalty units.

26 Note: The same conduct may be an offence against both this section and
27 section 137.2 of the *Criminal Code*.

28 [295]

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1 **@298-296 Inspection of Register and instruments**

2 *Inspection of Register*

- 3 (1) The responsible Commonwealth Minister must ensure that the
4 Register is open for inspection, at all convenient times, by any
5 person on payment of a fee calculated under the regulations.

6 *Instruments*

- 7 (2) The responsible Commonwealth Minister must ensure that all
8 instruments, or copies of instruments, subject to inspection under
9 this Chapter are open for inspection, at all convenient times, by any
10 person on payment of a fee calculated under the regulations.

11 [296]

12 **@298-297 Evidentiary provisions**

13 *Register*

- 14 (1) The Register is to be received in all courts and proceedings as
15 prima facie evidence of all matters required or authorised by this
16 Chapter to be entered in the Register.

17 *Certified copies and extracts*

- 18 (2) The responsible Commonwealth Minister may, on payment of a fee
19 calculated under the regulations, supply:
20 (a) a copy of or extract from the Register; or
21 (b) a copy of or extract from any instrument lodged with the
22 responsible Commonwealth Minister under this Chapter;
23 certified by the responsible Commonwealth Minister to be a true
24 copy or true extract, as the case may be.
- 25 (3) The certified copy or extract is admissible in evidence in all courts
26 and proceedings without further proof or production of the original.

27 *Evidentiary certificate*

- 28 (4) The responsible Commonwealth Minister may, on payment of a fee
29 calculated under the regulations, issue a written certificate:
-

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- 1 (a) stating that an entry, matter or thing required or permitted by
2 or under this Chapter to be made or done:
3 (i) has been made or done; or
4 (ii) has not been made or done; or
5 (b) stating that an entry, matter or thing required by or under this
6 Chapter not to be made or done:
7 (i) has not been made or done; or
8 (ii) has been made or done.

- 9 (5) The certificate is to be received in all courts and proceedings as
10 prima facie evidence of the statements in the certificate.

11 *Criminal proceedings—copy of certificate to be given to defendant*
12 *14 days before certificate admitted in evidence*

- 13 (6) A certificate must not be admitted in evidence under subsection (5)
14 in proceedings for an offence unless:
15 (a) the person charged with the offence; or
16 (b) a barrister or solicitor who has appeared for the person in
17 those proceedings;
18 has, at least 14 days before the certificate is sought to be so
19 admitted, been given a copy of the certificate together with notice
20 of the intention to produce the certificate as evidence in the
21 proceedings.

22 *Person signing the certificate may be called to give evidence*

- 23 (7) If, under subsection (5), a certificate is admitted in evidence in
24 proceedings for an offence, the person charged with the offence
25 may require the person who signed the certificate to be:
26 (a) called as a witness for the prosecution; and
27 (b) cross-examined as if the person who signed the certificate
28 had given evidence of the matters stated in the certificate.
- 29 (8) However, subsection (7) does not entitle the person charged to
30 require the person who signed the certificate to be called as a
31 witness for the prosecution unless:
32 (a) the prosecutor has been given at least 4 days notice of the
33 person's intention to require the person who signed the
34 certificate to be so called; or

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1 (b) the court, by order, allows the person charged to require the
2 person who signed the certificate to be so called.

3 *Evidence in support, or in rebuttal, of matters in certificate to be*
4 *considered on its merits*

5 (9) Any evidence given in support, or in rebuttal, of a matter stated in
6 a certificate issued under subsection (4) must be considered on its
7 merits, and the credibility and probative value of such evidence
8 must be neither increased nor diminished by reason of this section.

9 [297]

10 @298-298 Assessment of fee

11 *Original determination*

12 (1) The responsible Commonwealth Minister may determine the
13 amount of the fee payable under the Registration Fees Act in
14 relation to an entry in the Register.

15 *Fresh determination—false or misleading information given to*
16 *responsible Commonwealth Minister*

17 (2) If:

- 18 (a) the responsible Commonwealth Minister has determined the
19 amount of a fee payable under the Registration Fees Act in
20 relation to a transfer or dealing; and
21 (b) a person is convicted of an offence against section @298-293
22 in relation to giving the responsible Commonwealth Minister
23 an instrument that contains a statement about:
24 (i) the consideration for the transfer or dealing; or
25 (ii) any other fact or circumstance affecting the amount of
26 the fee payable under the Registration Fees Act in
27 relation to the transfer or dealing;

28 the responsible Commonwealth Minister may make a fresh
29 determination of the amount of the fee payable under the
30 Registration Fees Act in relation to the transfer or dealing.

31 Note: Section @298-293 is about giving an instrument that contains a false
32 or misleading statement.

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

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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.

[298]

192 After section 301

Insert:

@316-301 Work practices

- (1) The table has effect:

Item	This person...	must...
1	the registered holder of a greenhouse gas	(a) carry out all: (i) operations relating to the exploration for potential greenhouse gas storage

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Schedule 1 Amendments relating to greenhouse gas storage etc.

Work practices

Item	This person...	must...
	assessment permit, greenhouse gas holding lease, greenhouse gas injection licence or production licence	formations; or (ii) operations relating to the exploration for 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.

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

Work practices

Item	This person...	must...
3	the registered holder of a greenhouse gas special 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; 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.

- 1 (2) Paragraphs (a) to (g) of item 2 of the table in subsection (1) have
2 effect subject to any authorisation given, or requirement made, by
3 or under:

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Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 (a) this Act; or
2 (b) the regulations; or
3 (c) a direction under this Act.
- 4 (3) Paragraph (b) of item 1 of the table in subsection (1) does not limit
5 paragraph (a) of that item.
- 6 (4) Paragraphs (a) to (g) of item 2 of the table in subsection (1) do not
7 limit paragraph (a) of item 1 of the table.

8 *Offence*

- 9 (5) A person commits an offence if:
10 (a) the person is subject to a requirement under subsection (1);
11 and
12 (b) the person engages in conduct; and
13 (c) the person's conduct breaches the requirement.

14 Penalty: 100 penalty units.

15 *Defence*

- 16 (6) In:
17 (a) a prosecution for an offence against subsection (5) in relation
18 to a breach of a paragraph of an item of the table in
19 subsection (1); or
20 (b) an action arising out of a breach of a paragraph of an item of
21 the table in subsection (1);

22 it is a defence if the defendant proves that the defendant took all
23 reasonable steps to comply with that paragraph.

24 Note: In a prosecution for an offence, the defendant bears a legal burden in
25 relation to the matter in subsection (6)—see section 13.4 of the
26 *Criminal Code*.

27 *This section has effect subject to certain other provisions etc.*

- 28 (7) This section has effect subject to:
29 (a) any other provision of this Act; and
30 (b) the regulations; and
31 (c) a direction under section @316-305; and
32 (d) any other law.
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EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 [301]

2 **193 After subsection 302(2)**

3 Insert:

4 *Greenhouse gas titles*

5 (2A) The conditions of:

6 (a) a greenhouse gas assessment permit; or

7 (b) a greenhouse gas holding lease; or

8 (c) a greenhouse gas injection licence; or

9 (d) a greenhouse gas search authority; or

10 (e) a greenhouse gas special authority;

11 may include a condition that the registered holder maintain, as
12 directed by the responsible Commonwealth Minister from time to
13 time, insurance against:

14 (f) expenses; or

15 (g) liabilities; or

16 (h) specified things;

17 arising in connection with, or as a result of:

18 (i) the carrying out of work under the permit, lease, licence or
19 authority; or

20 (j) the doing of any other thing under the permit, lease, licence
21 or authority;

22 including insurance against expenses of complying with directions
23 relating to the clean-up or other remediation of the effects of the
24 escape of a greenhouse gas substance.

25 Note 1: The heading to subsection 302(1) is altered by omitting “*Permits*,” and substituting
26 “*Petroleum permits*,”.

27 Note 2: The heading to subsection 302(2) is replaced by the heading “*Petroleum authorities*”.

28 **194 Subsection 303(1) (table)**

29 At the end of the table, add:

30

8	a greenhouse gas assessment permit	the permittee	the permit area.
9	a greenhouse gas holding lease	the lessee	the lease area.

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

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.

1 **195 Paragraph 303(7)(c)**

2 After “305”, insert “or @316-305”.

3 **196 Part 4.2 (heading)**

4 Repeal the heading, substitute:

5 **Part 4.2—Directions relating to petroleum**

6 **197 Section 304**

7 Repeal the section, substitute:

8 **304 Simplified outline**

9 The following is a simplified outline of this Part:

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- 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.

23 **198 Paragraph 308(1)(a)**

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 After “a direction”, insert “given by the Joint Authority or the
2 Designated Authority”.

3 **199 Section 309**

4 After “a direction”, insert “given by the Joint Authority or the
5 Designated Authority”.

6 **200 After Part 4.2**

7 Insert:

8 **Part 4.2A—Directions relating to greenhouse gas**

9 **Division 1—Simplified outline**

10 **@316-304 Simplified outline**

11 The following is a simplified outline of this Part:

- | |
|--|
| <p>12 • The responsible Commonwealth Minister may give a direction
13 to a greenhouse gas titleholder. A direction may extend to
14 other persons.</p> <p>15 • If there is a breach of a direction given by the responsible
16 Commonwealth Minister under Chapter 2A, this Chapter or
17 the regulations, the responsible Commonwealth Minister may
18 do anything required by the direction to be done, and the
19 responsible Commonwealth Minister’s costs may be
20 recovered from the person to whom the direction was given.</p> <p>21 • In a prosecution for an offence relating to a breach of a
22 direction given by the responsible Commonwealth Minister
23 under Chapter 2A, this Chapter or the regulations, it is a
24 defence if the defendant proves that the defendant took all
25 reasonable steps to comply with the direction.</p> |
|--|

26 [304]

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1 Division 2—General power to give directions

2 @316-305 General power to give directions

3 *Definitions*

4 (1) In this section:

5 ***greenhouse gas matter*** means:

- 6 (a) exploring for a potential greenhouse gas storage formation;
7 or
8 (b) exploring for a potential greenhouse gas injection site; or
9 (c) the injection of a greenhouse gas substance into the seabed or
10 subsoil of an offshore area; or
11 (d) the storage of a greenhouse gas substance in the seabed or
12 subsoil of an offshore area.

13 ***title*** means:

- 14 (a) a greenhouse gas assessment permit; or
15 (b) a greenhouse gas holding lease; or
16 (c) a greenhouse gas injection licence; or
17 (d) a greenhouse gas search authority; or
18 (e) a greenhouse gas special authority.

19 *Direction to registered holder*

20 (2) The responsible Commonwealth Minister may, by written notice
21 given to the registered holder of a title, give the registered holder a
22 direction as to any matter in relation to which regulations may be
23 made.

24 Note 1: Section 444 is the main provision setting out matters in relation to
25 which regulations may be made.

26 Note 2: For enforcement, see section @316-307.

27 *Extended application of direction*

28 (3) A direction given under this section to a registered holder applies
29 to the registered holder and may also be expressed to apply to:

- 30 (a) a specified class of persons, so long as the class consists of,
31 or is included in, either or both of the following classes:

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (i) employees or agents of, or persons acting on behalf of,
2 the registered holder;
3 (ii) persons performing work or services, whether directly
4 or indirectly, for the registered holder; or
5 (b) any person (other than the registered holder or a person to
6 whom the direction applies in accordance with paragraph (a))
7 who is:
8 (i) in an offshore area for any reason touching, concerning,
9 arising out of, or connected with, a greenhouse gas
10 matter; or
11 (ii) in, on, above, below or in the vicinity of a vessel,
12 aircraft, structure or installation, or equipment or other
13 property, that is in the offshore area for a reason of that
14 kind.

- 15 (4) If a direction so expressed is given, the direction is taken to apply
16 to each person included in the specified class mentioned in
17 paragraph (3)(a) or to each person who is in the offshore area as
18 mentioned in paragraph (3)(b), as the case may be.

19 Note: For notification requirements, see section @316-306.

20 *Additional matters*

- 21 (5) A direction under this section has effect, and must be complied
22 with, despite:
23 (a) any previous direction under this section; and
24 (b) anything in the regulations or the applied provisions.

25 Note: For *applied provisions*, see subsection 59(2).

- 26 (6) A direction under this section may make provision in relation to a
27 matter by applying, adopting or incorporating (with or without
28 modification) a code of practice or standard contained in an
29 instrument:
30 (a) as in force or existing at the time when the direction takes
31 effect; or
32 (b) as in force or existing from time to time;
33 so long as the code of practice or standard is relevant to that matter.
- 34 (7) To avoid doubt, subsection (6) applies to an instrument, whether
35 issued or made in Australia or outside Australia.

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Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 (8) A direction under this section may prohibit the doing of an act or
2 thing:
3 (a) unconditionally; or
4 (b) subject to conditions, including conditions requiring the
5 consent or approval of a person specified in the direction.

6 *Directions*

- 7 (9) If paragraph (3)(b) applies to a direction under this section, the
8 direction is a legislative instrument.
9 (10) If paragraph (3)(b) does not apply to a direction under this section,
10 the direction is not a legislative instrument.

11 [305]

12 **@316-306 Notification of a direction that has an extended**
13 **application**

14 *Notification*

- 15 (1) If a direction under section @316-305 applies to:
16 (a) a registered holder; and
17 (b) a person referred to in paragraph @316-305(3)(a);
18 the registered holder must cause a copy of the notice by which the
19 direction was given to be:
20 (c) given to that other person; or
21 (d) displayed at a prominent position at a place in the offshore
22 area frequented by that other person.
23 (2) If a direction under section @316-305 applies to:
24 (a) a registered holder; and
25 (b) a person referred to in paragraph @316-305(3)(b);
26 the registered holder must cause a copy of the notice by which the
27 direction was given to be displayed at a prominent position at a
28 place in the offshore area.
29 (3) If a direction under section @316-305 applies to:
30 (a) a registered holder; and
31 (b) a person referred to in paragraph @316-305(3)(b);

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 the responsible Commonwealth Minister may, by written notice
2 given to the registered holder, require the registered holder to cause
3 to be displayed:

4 (c) at such places in the offshore area; and

5 (d) in such manner;

6 as are specified in the notice, copies of the notice by which the
7 direction was given.

8 *Offence*

9 (4) A person commits an offence if:

10 (a) the person is subject to a requirement under subsection (1),
11 (2) or (3); and

12 (b) the person omits to do an act; and

13 (c) the omission breaches the requirement.

14 Penalty for contravention of this subsection: 50 penalty units.

15 [306]

16 **@316-307 Compliance with directions**

17 *Offence*

18 (1) A person commits an offence if:

19 (a) the person is subject to a direction under section @316-305;
20 and

21 (b) the person engages in conduct; and

22 (c) the person's conduct breaches the direction.

23 Penalty: 100 penalty units.

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

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

26 *Defence*

27 (3) If:

28 (a) a direction under section @316-305 applies to:

29 (i) a registered holder; and

30 (ii) another person; and

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- 1 (b) the other person is prosecuted for an offence against
2 subsection (1) in relation to a breach of the direction; and
3 (c) the other person adduces evidence that the other person did
4 not know, and could not reasonably be expected to have
5 known, of the existence of the direction;
6 the other person is not to be convicted of the offence unless the
7 prosecution proves that the other person knew, or could reasonably
8 be expected to have known, of the existence of the direction.

9 [307]

10 **Division 3—Responsible Commonwealth Minister may**
11 **take action if there is a breach of a direction**

12 **@316-308 Responsible Commonwealth Minister may take action if**
13 **there is a breach of a direction**

14 *Action by responsible Commonwealth Minister*

- 15 (1) If:
16 (a) a person is subject to a direction given by the responsible
17 Commonwealth Minister under:
18 (i) Chapter 2A; or
19 (ii) this Chapter; or
20 (iii) Part 5A.1; or
21 (iv) the regulations; and
22 (b) the person engages in conduct; and
23 (c) the person's conduct breaches the direction;
24 the responsible Commonwealth Minister may do any or all of the
25 things required by the direction to be done.

26 *Recovery of costs and expenses incurred by the responsible*
27 *Commonwealth Minister*

- 28 (2) Costs or expenses incurred by the responsible Commonwealth
29 Minister under subsection (1) in relation to a direction are:
30 (a) a debt due to the Commonwealth by the person subject to the
31 direction; and
32 (b) recoverable in a court of competent jurisdiction.

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 *Exception—direction that has an extended application*

2 (3) If:

3 (a) a direction under section @316-305 applies to:

4 (i) a registered holder; and

5 (ii) another person; and

6 (b) an action under subsection (2) relating to the direction is
7 brought against the other person; and

8 (c) the other person adduces evidence that the other person did
9 not know, and could not reasonably be expected to have
10 known, of the existence of the direction;

11 the other person is not liable under subsection (2) unless the
12 plaintiff proves that the other person knew, or could reasonably be
13 expected to have known, of the existence of the direction.

14 *Defence*

15 (4) In an action under subsection (2), it is a defence if the defendant
16 proves that the defendant took all reasonable steps to comply with
17 the direction.

18 [308]

19 **Division 4—Defence of taking reasonable steps to comply** 20 **with a direction**

21 **@316-309 Defence of taking reasonable steps to comply with a** 22 **direction**

23 In a prosecution for an offence in relation to a breach of a direction
24 given by the responsible Commonwealth Minister under:

25 (a) Chapter 2A; or

26 (b) this Chapter; or

27 (c) Part 5A.1; or

28 (d) the regulations;

29 it is a defence if the defendant proves that the defendant took all
30 reasonable steps to comply with the direction.

31 Note: The defendant bears a legal burden in relation to the matter in this
32 section—see section 13.4 of the *Criminal Code*.

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1 [309]

2 **201 Before section 310**

3 Insert:

4 **Division 1—Petroleum**

5 **202 Section 310**

6 Omit “Part”, substitute “Division”.

7 **203 Section 310**

8 Before “titleholders” (wherever occurring), insert “petroleum”.

9 **204 After subsection 311(2)**

10 Insert:

11 (2A) In attaining a state of satisfaction for the purposes of
12 paragraph (2)(b), the Designated Authority:

13 (a) in the case of a declared exploration permit, declared
14 retention lease or declared production licence—must have
15 regard; or

16 (b) otherwise—may have regard;

17 to the principle that plugging or closing off wells should be carried
18 out in a way that restores or maintains the suitability of a part of a
19 geological formation for the permanent storage of greenhouse gas
20 substances.

21 **205 After subsection 312(3)**

22 Insert:

23 (3A) In attaining a state of satisfaction for the purposes of
24 paragraph (2)(b), the Designated Authority:

25 (a) in the case of a declared exploration permit, declared
26 retention lease or declared production licence—must have
27 regard; or

28 (b) otherwise—may have regard;

29 to the principle that plugging or closing off wells should be carried
30 out in a way that restores or maintains the suitability of a part of a
31 geological formation for the permanent storage of greenhouse gas
32 substances.

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 **205A Subsection 315(1)**

2 Omit “316”, substitute “442D”.

3 **206 Section 316**

4 Repeal the section.

5 **207 At the end of Part 4.3**

6 Add:

7 **Division 2—Greenhouse gas**

8 **@316-310 Simplified outline**

9 The following is a simplified outline of this Division:

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- 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.

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1 [310]

2 **@316-311 Remedial directions to current holders of permits, leases**
3 **and licences**

4 *Scope*

- 5 (1) This section applies to:
- 6 (a) a greenhouse gas assessment permit; or
 - 7 (b) a greenhouse gas holding lease; or
 - 8 (c) a greenhouse gas injection licence, if no operations for the
9 injection of a greenhouse gas substance into an identified
10 greenhouse gas storage formation have been carried on under
11 the licence.

12 *Direction to registered holder*

- 13 (2) The responsible Commonwealth Minister may, by written notice
14 given to the registered holder of the permit, lease or licence, direct
15 the holder to do any or all of the following things on or before the
16 applicable date:
- 17 (a) to:
 - 18 (i) remove, or cause to be removed, from the title area all
19 property brought into that area by any person engaged
20 or concerned in the operations authorised by the permit,
21 lease or licence; or
 - 22 (ii) make arrangements that are satisfactory to the
23 responsible Commonwealth Minister in relation to that
24 property;
 - 25 (b) to plug or close off, to the satisfaction of the responsible
26 Commonwealth Minister, all wells made in the title area by
27 any person engaged or concerned in those operations;
 - 28 (c) to provide, to the satisfaction of the responsible
29 Commonwealth Minister, for the conservation and protection
30 of the natural resources in the title area;
 - 31 (d) to make good, to the satisfaction of the responsible
32 Commonwealth Minister, any damage to the seabed or
33 subsoil in the title area caused by any person engaged or
34 concerned in those operations.

35 Note 1: For *applicable date* and *title area*, see subsection (6).

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 Note 2: For variation and revocation, see subsection 33(3) of the *Acts*
2 *Interpretation Act 1901*.

3 (3) Paragraph (2)(c) has effect subject to:

- 4 (a) Chapter 2A; and
5 (b) this Chapter; and
6 (c) the regulations.

7 (4) In attaining a state of satisfaction for the purposes of
8 paragraph (2)(b), the responsible Commonwealth Minister must
9 have regard to the principle that plugging or closing off wells
10 should be carried out in a way that minimises damage to the
11 petroleum-bearing qualities of geological formations.

12 *Offence*

13 (5) A person commits an offence if:

- 14 (a) the person is subject to a direction under subsection (2); and
15 (b) the person omits to do an act; and
16 (c) the omission breaches the direction.

17 Penalty: 100 penalty units.

18 *Applicable date and title area*

19 (6) For the purposes of this section, the table has effect:
20

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	the first date on which	the licence area.

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

Applicable date and title area

Item	In the case of..	the applicable date is..	and the title area is..
	injection licence	the licence can be terminated under this Act	

1 (7) A notice under subsection (2) need not identify the applicable date
2 as a particular calendar date.

3 [311]

4 **@316-311A Site closing directions to current holders of greenhouse**
5 **gas injection licences**

6 *Scope*

7 (1) This section applies if:

- 8 (a) an identified greenhouse gas storage formation is specified in
9 a greenhouse gas injection licence; and
10 (b) operations for the injection of a greenhouse gas substance
11 into the identified greenhouse gas storage formation have
12 been carried on under the licence; and
13 (c) the responsible Commonwealth Minister is satisfied that
14 operations for the injection of a greenhouse gas substance
15 into the identified greenhouse gas storage formation have
16 ceased; and
17 (d) any of the following conditions is satisfied:
18 (i) an application has been made for a site closing
19 certificate in relation to the identified greenhouse gas
20 storage formation;
21 (ii) the licensee has breached the requirement imposed by
22 subsection @249CZE(3) to make an application for a
23 site closing certificate in relation to the identified
24 greenhouse gas storage formation;
25 (iii) the licensee has breached a direction under subsection
26 @249CZE(8) to make an application for a site closing
27 certificate in relation to the identified greenhouse gas
28 storage formation.

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

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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 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
-

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 (vii) any activities being lawfully carried on, or that could be
2 lawfully carried on, by way of the construction or
3 operation of a pipeline; or
4 (viii) the enjoyment of native title rights (within the meaning
5 of the *Native Title Act 1993*); or
6 (ix) the conservation or exploitation of natural resources
7 (whether in an offshore area or elsewhere); or
8 (x) the geotechnical integrity of the whole or a part of a
9 geological formation or geological structure; or
10 (xi) the environment; or
11 (xii) human health or safety;
12 (g) to undertake such activities as are specified in the notice for
13 the purposes of:
14 (i) ensuring; or
15 (ii) increasing the likelihood;
16 that the greenhouse gas substance injected into the identified
17 greenhouse gas storage formation will behave as predicted in
18 Part A of the approved site plan for the identified greenhouse
19 gas storage formation.
- 20 Note: For variation and revocation, see subsection 33(3) of the *Acts*
21 *Interpretation Act 1901*.
- 22 (3) The period specified in the notice must be reasonable.
- 23 (4) Paragraph (2)(c) has effect subject to:
24 (a) Chapter 2A; and
25 (b) this Chapter; and
26 (c) the regulations.
- 27 (5) Paragraphs (2)(a), (b), (c), (d) and (e) do not limit paragraph (2)(f)
28 or (g).
- 29 (6) In attaining a state of satisfaction for the purposes of
30 paragraph (2)(b), the responsible Commonwealth Minister must
31 have regard to the principle that plugging or closing off wells
32 should be carried out in a way that minimises damage to the
33 petroleum-bearing qualities of geological formations.
- 34 (7) A paragraph (2)(f) or (g) direction may require the registered
35 holder of the licence to do something:
36 (a) in the licence area; or
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EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 (b) in an offshore area but outside the licence area.

2 *Offence*

3 (8) A person commits an offence if:

- 4 (a) the person is subject to a direction under subsection (2); and
5 (b) the person omits to do an act; and
6 (c) the omission breaches the direction.

7 Penalty: 100 penalty units.

8 *Section does not limit other powers*

9 (9) To avoid doubt, the powers conferred on the responsible
10 Commonwealth Minister by this section do not limit the powers
11 conferred on the responsible Commonwealth Minister by any other
12 provision of this Act.

13 **@316-311B Consultation—directions to do something outside the** 14 **licence area**

15 *Scope*

16 (1) This section applies if:

- 17 (a) the responsible Commonwealth Minister proposes to give a
18 direction under section @316-311A to a greenhouse gas
19 injection licensee; and
20 (b) the direction requires the licensee to do something in an area
21 (the *action area*) in an offshore area but outside the licence
22 area; and
23 (c) the action area is, to any extent, the subject of:
24 (i) a greenhouse gas assessment permit; or
25 (ii) a greenhouse gas holding lease; or
26 (iii) a greenhouse gas injection licence; or
27 (iv) a greenhouse gas search authority; and
28 (d) the licensee mentioned in paragraph (a) is not the registered
29 holder of the permit, lease, licence or authority mentioned in
30 paragraph (c); and
31 (e) the registered holder of the permit, lease, licence or authority
32 mentioned in paragraph (c) has not given written consent to
33 the giving of the direction.
-

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1

Consultation

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- (2) Before giving the direction, the responsible Commonwealth Minister must:

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- (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

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- (b) give a copy of the notice to such other persons (if any) as the responsible Commonwealth Minister thinks fit.

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- (3) The notice must:

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- (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.

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- (4) In deciding whether to give the direction, the responsible Commonwealth Minister must take into account any submissions made in accordance with the notice.

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Emergencies

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- (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).

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@316-312 Remedial directions to former holders of permits, leases, licences and authorities etc.

31

Scope

32

33

- (1) This section applies if an event specified in the table has happened:
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EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

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.

1

Direction

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(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:

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(a) to:

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(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

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(ii) make arrangements that are satisfactory to the responsible Commonwealth Minister in relation to that property;

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(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;

16

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18

(c) to provide, to the satisfaction of the responsible Commonwealth Minister, for the conservation and protection of the natural resources in the vacated area;

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EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 (d) to make good, to the satisfaction of the responsible
2 Commonwealth Minister, any damage to the seabed or
3 subsoil in the vacated area caused by any person engaged or
4 concerned in those operations.
- 5 (3) The period specified in the notice must be reasonable.
- 6 (4) Paragraph (2)(c) has effect subject to:
7 (a) Chapter 2A; and
8 (b) this Chapter; and
9 (c) the regulations.
- 10 (5) In attaining a state of satisfaction for the purposes of
11 paragraph (2)(b), the responsible Commonwealth Minister must
12 have regard to the principle that plugging or closing off wells
13 should be carried out in a way that minimises damage to the
14 petroleum-bearing qualities of geological formations.

Offence

- 15
- 16 (6) A person commits an offence if:
17 (a) the person is subject to a direction under subsection (2); and
18 (b) the person omits to do an act; and
19 (c) the omission breaches the direction.

20 Penalty for contravention of this subsection: 100 penalty units.

21 [312]

@316-313 Responsible Commonwealth Minister may take action if a direction has been breached

Scope

- 22
- 23
- 24
- 25 (1) This section applies if a direction is given under section
26 @316-311A or @316-312.

Responsible Commonwealth Minister may take action

- 27
- 28 (2) If:
29 (a) a direction under section @316-311A has been breached; or
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EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (b) an arrangement under section @316-311A has not been
2 carried out in relation to the licence area; or
3 (c) a direction under section @316-312 has been breached in
4 relation to the vacated area; or
5 (d) an arrangement under section @316-312 has not been carried
6 out in relation to the vacated area;
7 the responsible Commonwealth Minister may do any or all of the
8 things required by the direction or arrangement to be done.

9 *Direction to remove property*

- 10 (3) If:
11 (a) a direction is given under section @316-311A; and
12 (b) any property brought into the licence area by any person
13 engaged or concerned in the operations authorised by the
14 licence has not been removed in accordance with:
15 (i) the direction; or
16 (ii) an arrangement under section @316-311A in relation to
17 the licence area;
18 the responsible Commonwealth Minister may, by written notice
19 published in the *Gazette*, direct the owner or owners of that
20 property to:
21 (c) remove the property from the licence area; or
22 (d) dispose of the property to the satisfaction of the responsible
23 Commonwealth Minister;

24 within the period specified in the notice.

25 Note: For sanctions, see section @316-314.

- 26 (4) If:
27 (a) a direction is given under section @316-312; and
28 (b) any property brought into the vacated area by any person
29 engaged or concerned in the operations authorised by the
30 permit, lease, licence or authority has not been removed in
31 accordance with:
32 (i) a direction under section @316-312 in relation to the
33 vacated area; or
34 (ii) an arrangement under section @316-312 in relation to
35 the vacated area;

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Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 the responsible Commonwealth Minister may, by written notice
2 published in the *Gazette*, direct the owner or owners of that
3 property to:
- 4 (c) remove the property from the vacated area; or
 - 5 (d) dispose of the property to the satisfaction of the responsible
6 Commonwealth Minister;
- 7 within the period specified in the notice.
- 8 Note: For sanctions, see section @316-314.
- 9 (5) The period specified in the notice must be reasonable.
- 10 (6) If a direction is given under subsection (3) or (4) in relation to
11 property, the responsible Commonwealth Minister must give a
12 copy of the notice to each person whom the responsible
13 Commonwealth Minister believes to be an owner of the property or
14 of any part of the property.

15 [313]

16 **@316-314 Removal, disposal or sale of property by responsible**
17 **Commonwealth Minister—breach of direction**

18 *Power to remove, dispose of or sell property*

- 19 (1) If a direction under subsection @316-313(3) or (4) has been
20 breached in relation to property, the responsible Commonwealth
21 Minister may do any or all of the following things:
- 22 (a) in the case of a direction under subsection @316-313(3)—
23 remove, in such manner as the responsible Commonwealth
24 Minister thinks fit, any or all of that property from the licence
25 area concerned;
 - 26 (b) in the case of a direction under subsection @316-313(4)—
27 remove, in such manner as the responsible Commonwealth
28 Minister thinks fit, any or all of that property from the
29 vacated area concerned;
 - 30 (c) dispose of, in such manner as the responsible Commonwealth
31 Minister thinks fit, any or all of that property;
 - 32 (d) if, under subsection @316-313(6), a person was given a copy
33 of the notice of the direction—sell, by public auction or
34 otherwise, as the responsible Commonwealth Minister thinks
35 fit, any or all of that property that belongs, or that the

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 responsible Commonwealth Minister believes to belong, to
2 that person.

3 *Deduction of costs and expenses etc. from proceeds of sale*

4 (2) The responsible Commonwealth Minister may deduct, from the
5 proceeds of a sale under subsection (1) of property that belongs (or
6 that the responsible Commonwealth Minister believes to belong) to
7 a particular person, the whole or a part of:

- 8 (a) any costs and expenses incurred by the responsible
9 Commonwealth Minister under that subsection in relation to
10 that property; and
11 (b) any costs and expenses incurred by the responsible
12 Commonwealth Minister in relation to the doing of any thing
13 required by a direction under section @316-311A or
14 @316-312 to be done by that person; and
15 (c) any fees or amounts payable by that person under this Act, so
16 long as the fee or amount concerned is due and payable; and
17 (d) any amounts payable by that person under the Annual Fees
18 Act, so long as the amount concerned is due and payable.

19 *Balance of proceeds of sale to be paid to owner of property*

20 (3) The proceeds of a sale of property under subsection (1), less any
21 deductions under subsection (2), are to be paid to the owner of the
22 property.

23 *Recovery of costs and expenses—removal, disposal or sale of*
24 *property*

- 25 (4) If the responsible Commonwealth Minister incurs any costs or
26 expenses under subsection (1) in relation to the removal, disposal
27 or sale of property, the costs or expenses:
28 (a) are a debt due by the owner of the property to the
29 Commonwealth; and
30 (b) to the extent to which they are not recovered under
31 subsection (2)—are recoverable in a court of competent
32 jurisdiction.

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1

Recovery of costs and expenses—breach of direction

2

- (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:

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- (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.

13

[314]

14

@316-315 Removal, disposal or sale of property—limitation of action etc.

15

16

Limitation of action etc.

17

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19

20

- (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.

21

22

- (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.

23

Judicial review

24

- (3) This section does not affect:

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- (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
-

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (ii) conduct engaged in for the purpose of making a
2 decision; or
3 (iii) a failure to make a decision.

4 (4) An expression used in subsection (3) has the same meaning as in
5 section 10 of the *Administrative Decisions (Judicial Review) Act*
6 *1977*.

7 **208 Before section 317**

8 Insert:

9 **Division 1—Petroleum**

10 **209 Section 317**

11 Omit “Part”, substitute “Division”.

12 **210 Section 317**

13 Before “project” (wherever occurring), insert “petroleum”.

14 **211 Section 317**

15 Omit:

- 16

<ul style="list-style-type: none">• Proceedings in relation to an offence may be brought at any

17 time.

18 **212 Subsections 318(1), (2), (2A), (3) and (5)**

19 Before “project” (wherever occurring), insert “petroleum”.

20 Note: The heading to section 318 is altered by inserting “**petroleum**” before “**project**”.

21 **213 Subsections 319(1), (2), (3), (4), (5), (7) and (9)**

22 Before “project” (wherever occurring), insert “petroleum”.

23 Note 1: The heading to section 319 is altered by inserting “**petroleum**” before “**project**”.

24 Note 2: The heading to subsection 319(9) is altered by inserting “*petroleum*” before “*project*”.

25 **214 Subsections 320(1), (2) and (4)**

26 Before “project” (wherever occurring), insert “petroleum”.

27 **215 Subsection 321(2) (definition of *structure*)**

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Schedule 1 Amendments relating to greenhouse gas storage etc.

1 Omit “pipeline, pumping station, tank station or valve station”,
2 substitute “petroleum pipeline, petroleum pumping station, petroleum
3 tank station or petroleum valve station”.

4 **216 Before section 323**

5 Insert:

6 **Division 2—Greenhouse gas**

7 **@316-317 Simplified outline**

8 The following is a simplified outline of this Division:

- | | |
|----|---|
| 9 | • The responsible Commonwealth Minister may appoint |
| 10 | greenhouse gas project inspectors, and the greenhouse gas |
| 11 | project inspectors may exercise powers of access, inspection |
| 12 | and entry for the purposes of this Act and the regulations. |
| 13 | • A person must not interfere with greenhouse gas installations |
| 14 | or operations. |
| 15 | • A court may make a forfeiture order in relation to property |
| 16 | used in the commission of an offence. |

17 [317]

18 **@316-318 Appointment of greenhouse gas project inspectors**

19 *Appointment*

- 20 (1) The responsible Commonwealth Minister may, by writing, appoint
21 a person to be a greenhouse gas project inspector if:
- 22 (a) the person is an officer, or employee, of:
- 23 (i) the Commonwealth, a State or a Territory; or
- 24 (ii) an authority of the Commonwealth, a State or a
25 Territory; or
- 26 (b) the person is not covered by paragraph (a), but the
27 responsible Commonwealth Minister is satisfied that the
28 person has the knowledge, skills and experience to be a
29 greenhouse gas project inspector.

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

1

Identity cards

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- (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.

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- (3) A person commits an offence if:

7

(a) the person has been issued with an identity card; and

8

(b) the person ceases to be a greenhouse gas project inspector;

9

and

10

(c) the person does not immediately return the identity card to:

11

(i) the responsible Commonwealth Minister; or

12

(ii) if the responsible Commonwealth Minister, by written

13

notice given to the person, specifies another person to

14

whom the card is to be returned—that other person.

15

Penalty: 5 penalty units.

16

- (4) Subsection (3) does not apply if the identity card was lost or destroyed.

17

18

Note: The defendant bears an evidential burden in relation to the matter in subsection (4)—see subsection 13.3(3) of the *Criminal Code*.

19

20

- (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.

21

22

23

[318]

24

@316-319 Monitoring powers of greenhouse gas project inspectors

25

Powers

26

- (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).

27

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- (2) The powers a greenhouse gas project inspector may exercise under this section are as follows:

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(a) to have access to any part of an offshore area;

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 (b) to have access to any structure, vessel, aircraft or building in
2 an offshore area that the greenhouse gas project inspector has
3 reasonable grounds to believe has been, is being or is to be
4 used in connection with any of the following operations in an
5 offshore area:
- 6 (i) operations relating to exploration for a potential
7 greenhouse gas storage formation or a potential
8 greenhouse gas injection site;
 - 9 (ii) operations relating to the injection of a greenhouse gas
10 substance into the seabed or subsoil;
 - 11 (iii) operations relating to the storage of a greenhouse gas
12 substance in the seabed or subsoil;
 - 13 (iv) operations relating to the processing, compression or
14 pre-injection storage of a greenhouse gas substance;
 - 15 (v) operations relating to the preparation of a greenhouse
16 gas substance for transport;
- 17 (c) to inspect and test any equipment that the greenhouse gas
18 project inspector has reasonable grounds to believe has been,
19 is being or is to be used in an offshore area in connection
20 with any of those operations;
- 21 (d) to enter any structure, vessel, aircraft, building or place that is
22 in:
- 23 (i) an offshore area; or
 - 24 (ii) a State or Territory;
- 25 and in which the greenhouse gas project inspector has
26 reasonable grounds to believe there are any documents
27 relating to any of those operations, and to inspect, take
28 extracts from and make copies of any of those documents.

29 *Residential premises*

- 30 (3) A greenhouse gas project inspector may exercise powers under
31 paragraph (2)(d) to enter residential premises in a State or Territory
32 only:
- 33 (a) in accordance with a warrant issued under section @316-320;
 - 34 or
 - 35 (b) after obtaining the consent of the occupier of the premises.
- 36 (4) If:

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (a) a greenhouse gas project inspector enters residential premises
2 in accordance with a warrant issued under section @316-320;
3 and
4 (b) the occupier of the premises is present at the premises;
5 the greenhouse gas project inspector must make available to the
6 occupier a copy of the warrant or a copy of the form of the warrant.

7 (5) Before obtaining the consent of a person as mentioned in
8 paragraph (3)(b), a greenhouse gas project inspector must inform
9 the person that the person may refuse consent.

10 (6) A consent of a person is not effective for the purposes of
11 subsection (3) unless the consent is voluntary.

12 *Facilities and assistance to be provided by occupier or person in*
13 *charge*

14 (7) A person who is:

15 (a) the occupier or person in charge of any building, structure or
16 place referred to in subsection (2); or

17 (b) the person in charge of any vessel, aircraft or equipment
18 referred to in subsection (2);

19 must provide a greenhouse gas project inspector with all
20 reasonable facilities and assistance for the effective exercise of the
21 greenhouse gas project inspector's powers under this section.

22 (8) A person commits an offence if:

23 (a) the person is subject to a requirement under subsection (7);
24 and

25 (b) the person omits to do an act; and

26 (c) the omission breaches the requirement.

27 Penalty: 50 penalty units.

28 *Obstructing or hindering a greenhouse gas project inspector*

29 (9) A person commits an offence if:

30 (a) the person engages in conduct; and

31 (b) the conduct obstructs or hinders a greenhouse gas project
32 inspector in the exercise of the greenhouse gas project
33 inspector's powers under this section.

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1 Penalty: 50 penalty units.

2 (10) Subsection (9) does not apply if the person has a reasonable
3 excuse.

4 Note 1: The defendant bears an evidential burden in relation to the matter in
5 subsection (10)—see subsection 13.3(3) of the *Criminal Code*.

6 Note 2: See also Part 2.3 of the *Criminal Code* (circumstances in which there
7 is no criminal responsibility).

8 Note 3: The same conduct may be an offence against both subsection (9) of
9 this section and section 149.1 of the *Criminal Code*.

10 [319]

11 @316-320 Warrants to enter residential premises

12 (1) A greenhouse gas project inspector may apply to a Magistrate for a
13 warrant authorising the greenhouse gas project inspector, with such
14 assistance as the greenhouse gas project inspector thinks necessary,
15 to exercise the power referred to in paragraph @316-319(2)(d) in
16 relation to particular residential premises.

17 (2) The application must be supported by an information on oath or
18 affirmation that sets out the grounds on which the greenhouse gas
19 project inspector is applying for the warrant.

20 (3) If the Magistrate is satisfied that there are reasonable grounds for
21 issuing the warrant, the Magistrate may issue the warrant.

22 (4) A warrant issued under subsection (3) must state:

- 23 (a) the name of the greenhouse gas project inspector; and
24 (b) whether the inspection may be carried out at any time or only
25 during specified hours of the day; and
26 (c) the day on which the warrant ceases to have effect; and
27 (d) the purposes for which the warrant is issued.

28 (5) The day specified under paragraph (4)(c) is not to be more than 7
29 days after the day on which the warrant is issued.

30 (6) The purposes specified under paragraph (4)(d) must include the
31 identification of the premises in relation to which the warrant is
32 issued.

33 [320]

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 **@316-321 Interfering with greenhouse gas installations or**
2 **operations**

- 3 (1) A person commits an offence if:
4 (a) the person engages in conduct; and
5 (b) the person's conduct results in:
6 (i) damage to, or interference with, any structure or vessel
7 that is in an offshore area and that is, or is to be, used in
8 greenhouse gas operations in an offshore area; or
9 (ii) damage to, or interference with, any equipment on, or
10 attached to, such a structure or vessel; or
11 (iii) interference with any operations or activities being
12 carried out, or any works being executed, on, by means
13 of, or in connection with, such a structure or vessel.

14 Penalty: Imprisonment for 10 years.

- 15 (2) In this section:

16 **greenhouse gas operations** means:

- 17 (a) operations relating to exploration for a potential greenhouse
18 gas formation or a potential greenhouse gas injection site; or
19 (b) operations relating to the injection of a greenhouse gas
20 substance into the seabed or subsoil; or
21 (c) operations relating to the storage of a greenhouse gas
22 substance in the seabed or subsoil; or
23 (d) operations relating to the processing, compression or
24 pre-injection storage of a greenhouse gas substance; or
25 (e) operations relating to the preparation of a greenhouse gas
26 substance for transport.

27 **structure** means any fixed, moveable or floating structure or
28 installation, and includes a greenhouse gas pipeline, greenhouse
29 gas pumping station, greenhouse gas tank station or greenhouse gas
30 valve station.

31 [321]

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1 **@316-322 Forfeiture orders etc.**

2 *Scope*

- 3 (1) This section applies if a person is convicted by a court of:
- 4 (a) an offence against section @249AC or @249CC; or
- 5 (b) an offence against section 6 of the *Crimes Act 1914* in
- 6 relation to an offence referred to in paragraph (a) of this
- 7 subsection.

8 Note: For ancillary offences, see section 11.6 of the *Criminal Code*.

9 *Orders*

- 10 (2) The court may, in addition to imposing a penalty, make either or
- 11 both of the following orders:
- 12 (a) an order for the forfeiture of a specified aircraft or vessel
- 13 used in the commission of the offence;
- 14 (b) an order for the forfeiture of specified equipment used in the
- 15 commission of the offence.
- 16 (3) The court may, before making an order under this section:
- 17 (a) require notice to be given to such persons as the court thinks
- 18 fit; and
- 19 (b) hear such persons as the court thinks fit.
- 20 (4) Goods in relation to which an order is made under this section:
- 21 (a) must be dealt with as the Attorney-General directs; and
- 22 (b) pending the Attorney-General's direction, may be detained in
- 23 such custody as the court directs.

24 [322]

25 **Division 3—Time for bringing proceedings for offences**

26 **217 After subparagraph 323(1)(a)(i)**

27 Insert:

- 28 (ia) Chapter 2A; or

29 **218 After subparagraph 323(1)(a)(ii)**

30 Insert:

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 (ia) Chapter 3A; or

2 **219 After subparagraph 323(1)(a)(iv)**

3 Insert:

4 (iva) Part 5A.1; or

5 **220 Section 324**

6 Omit:

- 7
- 8
- 9
- 10
- 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.

11 substitute:

- 12
- 13
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- 19
- 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.

20 **221 Section 326 (paragraph (a) of the definition of exempt**

21 **vessel)**

22 Before “that is”, insert “in the case of a petroleum safety zone—”.

23 **222 Section 326 (paragraph (b) of the definition of exempt**

24 **vessel)**

25 Before “for which”, insert “in the case of a petroleum safety zone—”.

26 **223 Section 326 (at the end of the definition of exempt**

27 **vessel)**

28 Add:

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 ; or (c) in the case of a greenhouse gas safety zone—that is excluded
2 from the operation of section @335-329 in relation to that
3 safety zone because:
- 4 (i) the vessel is specified in the notice establishing the
5 safety zone; or
 - 6 (ii) the vessel is included in a class of vessels specified in
7 the notice establishing the safety zone; or
- 8 (d) in the case of a greenhouse gas safety zone—for which a
9 written consent of the responsible Commonwealth Minister
10 under subsection @335-329(1) is in force in relation to the
11 safety zone.

224 Section 326

12 Insert:

13 *greenhouse gas safety zone* means an area that is a safety zone for
14 the purposes of section @335-329.
15

225 Section 326

16 Insert:

17 *greenhouse gas well* means a hole in the seabed or subsoil made
18 by drilling, boring or any other means in connection with:
19 (a) exploration for potential greenhouse gas storage formations;
20 or
21 (b) exploration for potential greenhouse gas injection sites; or
22 (c) the injection of a greenhouse gas substance into an identified
23 greenhouse gas storage formation; or
24 (d) the injection, on an appraisal basis, of:
25 (i) a greenhouse gas substance; or
26 (ii) air; or
27 (iii) petroleum; or
28 (iv) water;
29 into a part of a geological formation.
30

226 Section 326

31 Insert:

32 *petroleum safety zone* means an area that is a safety zone for the
33 purposes of section 329.
34

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 **227 Section 326**

2 Insert:

3 *petroleum well* means a hole in the seabed or subsoil made by
4 drilling, boring or any other means in connection with:

- 5 (a) exploration for petroleum; or
6 (b) petroleum recovery operations;

7 but does not include a seismic shot hole.

8 **228 Section 326 (at the end of the definition of *relevant***
9 ***vessel*)**

10 Add:

11 ; or (d) a vessel that satisfies the following conditions:

12 (i) the vessel is not a vessel to which paragraph (a) or (b)
13 applies;

14 (ii) the vessel is in the offshore area for the purpose of
15 exploring the seabed or subsoil of the offshore area for a
16 potential greenhouse gas storage formation or a
17 potential greenhouse gas injection site;

18 (iii) the vessel is not a Government vessel; or

19 (e) a vessel that satisfies the following conditions:

20 (i) the vessel is not a vessel to which paragraph (a) or (b)
21 applies;

22 (ii) the vessel is in the offshore area for purposes relating to
23 the injection of a greenhouse gas substance into, or the
24 storage of a greenhouse gas substance in, the seabed or
25 subsoil of the offshore area;

26 (iii) the vessel is not a Government vessel.

27 **229 Section 326 (definition of *safety zone*)**

28 Repeal the definition, substitute:

29 *safety zone* means:

- 30 (a) a greenhouse gas safety zone; or
31 (b) a petroleum safety zone.

32 **230 At the end of paragraph 328(1)(e)**

33 Add “or (2A)”.

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1 **231 After subsection 328(2)**

2 Insert:

3 (2A) The responsible Commonwealth Minister may, by notice published
4 in the *Gazette*, declare that a person, or a person included in a
5 specified class of persons, is an authorised person for the purposes
6 of this Part.

7 **232 Subsection 328(3)**

8 After “(2)”, insert “or (2A)”.

9 **233 Division 2 of Part 4.5 (heading)**

10 Repeal the heading, substitute:

11 **Division 2—Petroleum safety zones**

12 **234 Subsection 329(1)**

13 Omit “well or structure”, substitute “petroleum well, a structure”.

14 Note: The heading to section 329 is altered by omitting “**Safety**” and substituting “**Petroleum**
15 **safety**”.

16 **235 Subsection 329(1)**

17 Omit “*safety zone*”, substitute “*petroleum safety zone*”.

18 **236 Subsection 329(1)**

19 After “surrounding the”, insert “petroleum”.

20 **237 Subsections 329(2), (3), (5), (7) and (9)**

21 Omit “safety zone”, substitute “petroleum safety zone”.

22 **238 After Division 2 of Part 4.5**

23 Insert:

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 **Division 2A—Greenhouse gas safety zones**

2 **@335-329 Greenhouse gas safety zones**

3 *Prohibition*

4 (1) For the purpose of protecting a greenhouse gas well, a structure, or
5 any equipment, in an offshore area, the responsible Commonwealth
6 Minister may, by notice published in the *Gazette*, prohibit:

7 (a) all vessels; or

8 (b) all vessels other than specified vessels; or

9 (c) all vessels other than the vessels included in specified classes
10 of vessels;

11 from entering or being present in a specified area (the ***greenhouse***
12 ***gas safety zone***) surrounding the greenhouse gas well, structure or
13 equipment without the written consent of the responsible
14 Commonwealth Minister.

15 (2) A greenhouse gas safety zone specified in a notice under
16 subsection (1) may extend to a distance of 500 metres around the
17 well, structure or equipment specified in the notice, where that
18 distance is measured from each point of the outer edge of the well,
19 structure or equipment.

20 *Offences*

21 (3) A person commits an offence if:

22 (a) the person is the owner or master of a vessel; and

23 (b) the vessel is subject to a notice under subsection (1); and

24 (c) in breach of the notice, the vessel enters or is present in the
25 greenhouse gas safety zone specified in the notice.

26 Penalty: Imprisonment for 15 years.

27 (4) The fault element for paragraph (3)(c) is intention.

28 (5) A person commits an offence if:

29 (a) the person is the owner or master of a vessel; and

30 (b) the vessel is subject to a notice under subsection (1); and

31 (c) in breach of the notice, the vessel enters or is present in the
32 greenhouse gas safety zone specified in the notice.

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 Penalty: Imprisonment for 12.5 years.
- 2 (6) The fault element for paragraph (5)(c) is recklessness.
- 3 (7) A person commits an offence if:
- 4 (a) the person is the owner or master of a vessel; and
- 5 (b) the vessel is subject to a notice under subsection (1); and
- 6 (c) in breach of the notice, the vessel enters or is present in the
- 7 greenhouse gas safety zone specified in the notice.
- 8 Penalty: Imprisonment for 10 years.
- 9 (8) The fault element for paragraph (7)(c) is negligence.
- 10 (9) A person commits an offence if:
- 11 (a) the person is the owner or master of a vessel; and
- 12 (b) the vessel is subject to a notice under subsection (1); and
- 13 (c) in breach of the notice, the vessel enters or is present in the
- 14 greenhouse gas safety zone specified in the notice.
- 15 Penalty: Imprisonment for 5 years.
- 16 (10) An offence against subsection (9) is an offence of strict liability.
- 17 Note: For *strict liability*, see section 6.1 of the *Criminal Code*.
- 18 *Notice*
- 19 (11) A notice under subsection (1) is not a legislative instrument.

20 [329]

21 **239 Paragraph 333(1)(a)**

22 After “329”, insert “, @335-329”.

23 **240 Subparagraph 333(1)(b)(ii)**

24 After “329(1)”, insert “or @335-329(1)”.

25 **241 Paragraph 333(1)(d)**

26 After “329”, insert “, @335-329”.

27 **242 Paragraph 334(1)(a)**

28 After “329”, insert “, @335-329”.

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 **243 Subparagraph 335(a)(i)**

2 After “329”, insert “, @335-329”.

3 **244 At the end of subsection 336(1)**

4 Add:

5 ; or (g) a work-bid greenhouse gas assessment permit; or

6 (h) a greenhouse gas holding lease; or

7 (i) a greenhouse gas injection licence.

8 **245 Paragraph 339(a)**

9 After “under”, insert “section 4 of”.

10 **246 At the end of paragraph 339(b)**

11 Add “of this Act, where the late payment penalty is attributable to a fee
12 under section 4 of the Annual Fees Act”.

13 **247 At the end of Division 1 of Part 4.6**

14 Add:

15 **339A Amounts payable to the Commonwealth**

16 The following amounts are payable to the Commonwealth:

17 (a) an amount of a fee under section 4A of the Annual Fees Act;
18 or

19 (b) an amount of late payment penalty under section 337 of this
20 Act, where the late payment penalty is attributable to a fee
21 under section 4A of the Annual Fees Act.

22 **248 Section 340**

23 After “under”, insert “section 5 or 6 of”.

24 **249 At the end of Division 2 of Part 4.6**

25 Add:

26 **340A Fees payable to the Commonwealth**

27 A fee under section 6A or 6B of the Registration Fees Act is
28 payable to the Commonwealth.

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1 **250 Section 346**

2 Before “Each”, insert “(1)”.

3 **251 At the end of section 346**

4 Add:

5 (2) Each of the following fees is payable to the Commonwealth:

- 6 (a) a fee under subsection @249JB(2);
- 7 (b) a fee under subsection @298-266(2);
- 8 (c) a fee under subsection @298-268(2);
- 9 (d) a fee under subsection @298-296(1) or (2);
- 10 (e) a fee under subsection @298-297(2) or (4);
- 11 (f) a fee under regulations made for the purposes of paragraph
- 12 @406-422(2)(c);
- 13 (g) a fee under regulations made for the purposes of paragraph
- 14 @406-423(2)(c).

15 **252 Paragraph 348(1)(a)**

16 After “321”, insert “or @316-321”.

17 **253 Section 352**

18 Omit:

- 19
- 20
- 21
- The Safety Authority has functions in relation to the occupational health and safety of persons engaged in offshore petroleum operations.

22 substitute:

- 23
- 24
- 25
- 26
- 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.

27 **254 Section 353**

28 Insert:

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

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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.

11
12

255 Section 353

Insert:

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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).

22
23

256 Section 353

Insert:

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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

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 (v) the monitoring of a greenhouse gas substance stored in
2 the seabed or subsoil; and
3 (b) if the operations are diving operations—take place in Safety
4 Authority waters; and
5 (c) if the operations are not diving operations—take place:
6 (i) in Safety Authority waters; and
7 (ii) at a facility.

257 Section 353 (definition of *Safety Levies Act*)

8 After “*Offshore Petroleum*”, insert “*and Greenhouse Gas Storage*”.

258 Section 353

10 Insert:

11 *State Greenhouse Gas Storage Minister*, in relation to a State,
12 means:

- 13 (a) the Minister of that State who is responsible for matters
14 relating to:
15 (i) the injection of greenhouse gas substances into parts of
16 geological formations; and
17 (ii) the permanent storage of greenhouse gas substances in
18 parts of geological formations; or
19 (b) another Minister of that State acting for and on behalf of the
20 Minister referred to in paragraph (a).
21

259 Section 356

22 After “offshore petroleum operations” (wherever occurring), insert “or
23 offshore greenhouse gas storage operations”.
24

260 After paragraph 364(1)(b)

25 Insert:

- 26 (ba) to give advice, and make recommendations, to:
27 (i) the responsible Commonwealth Minister; and
28 (ii) a State Greenhouse Gas Storage Minister; and
29 (iii) the Northern Territory Greenhouse Gas Storage
30 Minister; and
31 (iv) the Greenhouse Gas Storage Ministerial Council;
32 about either or both of the following:
33

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (v) policy or strategic matters relating to the occupational
2 health and safety of persons engaged in offshore
3 greenhouse gas storage operations;
4 (vi) the performance by the Safety Authority of its
5 functions;

6 **261 At the end of section 364**

7 Add:

- 8 (4) As soon as practicable after the Board gives advice, or makes
9 recommendations, under paragraph (1)(ba) to:
10 (a) a State Greenhouse Gas Storage Minister; and
11 (b) the Northern Territory Greenhouse Gas Storage Minister; and
12 (c) the Greenhouse Gas Storage Ministerial Council;
13 the Board must give the responsible Commonwealth Minister a
14 written copy of that advice or those recommendations.

15 **262 Paragraph 388(4)(e)**

16 After “offshore petroleum operations”, insert “or offshore greenhouse
17 gas storage operations”.

18 **263 At the end of subsection 389(3)**

19 Add “or particular offshore greenhouse gas storage operations”.

20 **264 At the end of subsection 405(7)**

21 Add “or offshore greenhouse gas storage operations”.

22 **265 Chapter 5 (heading)**

23 Repeal the heading, substitute:

24 **Chapter 5—Information relating to**
25 **petroleum**

26 **266 Section 406**

27 Before “titleholder”, insert “petroleum”.

28 **267 Section 406**

29 Before “project”, insert “petroleum”.

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Schedule 1 Amendments relating to greenhouse gas storage etc.

1 **268 Subsections 409(1) and (2)**

2 Before “project” (wherever occurring), insert “petroleum”.

3 Note: The heading to section 409 is altered by inserting “**petroleum**” before “**project**”.

4 **269 Section 411**

5 Before “project” (wherever occurring), insert “petroleum”.

6 **270 Section 413**

7 Before “project”, insert “petroleum”.

8 **271 Subsections 414(1), (2) and (4)**

9 Before “project”, insert “petroleum”.

10 Note: The heading to section 414 is altered by inserting “**petroleum**” before “**project**”.

11 **272 Paragraph 415(a)**

12 Before “project”, insert “petroleum”.

13 **273 Paragraph 416(b)**

14 Before “project”, insert “petroleum”.

15 **274 After Chapter 5**

16 Insert:

17 **Chapter 5A—Information relating to**
18 **greenhouse gas**

19 **Part 5A.1—Data management and gathering of**
20 **information**

21 **Division 1—Introduction**

22 **@406-406 Simplified outline**

23 The following is a simplified outline of this Part:

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1
- 2
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- 4
- 5
- 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.

6 [406]

7 **Division 2—Data management**

8 **@406-407 Direction to keep records**

9 *Scope*

- 10 (1) This section applies if a person is carrying on operations in an
- 11 offshore area under:
- 12 (a) a greenhouse gas assessment permit; or
- 13 (b) a greenhouse gas holding lease; or
- 14 (c) a greenhouse gas injection licence; or
- 15 (d) a greenhouse gas search authority; or
- 16 (e) a greenhouse gas special authority; or
- 17 (f) a greenhouse gas research consent.

18 *Direction by responsible Commonwealth Minister*

- 19 (2) The responsible Commonwealth Minister may, by written notice
- 20 given to the person, direct the person to do any or all of the
- 21 following things:
- 22 (a) to keep such accounts, records and other documents in
- 23 connection with those operations as are specified in the
- 24 notice;
- 25 (b) to collect and retain such cores, cuttings and samples in
- 26 connection with those operations as are specified in the
- 27 notice;
- 28 (c) to give to:
- 29 (i) the responsible Commonwealth Minister; or
- 30 (ii) a person specified in the notice;

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1 in the manner specified in the notice, such reports, returns,
2 other documents, cores, cuttings and samples in connection
3 with those operations as are specified in the notice.

4 *Offence*

- 5 (3) A person commits an offence if:
6 (a) the person is subject to a direction under subsection (2); and
7 (b) the person omits to do an act; and
8 (c) the omission breaches the direction.

9 Penalty: 100 penalty units.

10 *Direction is not a legislative instrument*

- 11 (4) A direction under subsection (2) is not a legislative instrument.

12 [407]

13 **@406-408 Regulations about data management**

- 14 (1) The regulations may make provision for and in relation to:
15 (a) the keeping of accounts, records and other documents in
16 connection with operations in an offshore area under:
17 (i) a greenhouse gas assessment permit; or
18 (ii) a greenhouse gas holding lease; or
19 (iii) a greenhouse gas injection licence; or
20 (iv) a greenhouse gas search authority; or
21 (v) a greenhouse gas special authority; or
22 (vi) a greenhouse gas research consent; and
23 (b) the collection and retention of cores, cuttings and samples in
24 connection with those operations; and
25 (c) the giving to the responsible Commonwealth Minister, or a
26 specified person, of reports, returns, other documents, cores,
27 cuttings and samples in connection with those operations.

28 *Data management plans*

- 29 (2) In particular, the regulations may establish a scheme that:
30 (a) applies in relation to operations in an offshore area under:
31 (i) a greenhouse gas assessment permit; or
-

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (ii) a greenhouse gas holding lease; or
2 (iii) a greenhouse gas injection licence; or
3 (iv) a greenhouse gas search authority; or
4 (v) a greenhouse gas special authority; or
5 (vi) a greenhouse gas research consent;
6 held by a person (the *holder*); and
7 (b) requires the holder to prepare and submit a plan (a *data*
8 *management plan*) that deals with any or all of the
9 following:
10 (i) the keeping of accounts, records and other documents in
11 connection with those operations;
12 (ii) the collection and retention of cores, cuttings and
13 samples in connection with those operations;
14 (iii) the giving to the responsible Commonwealth Minister,
15 or to a person specified in the data management plan, of
16 reports, returns, other documents, cores, cuttings and
17 samples in connection with those operations; and
18 (c) empowers the responsible Commonwealth Minister to make
19 decisions about the approval of:
20 (i) a data management plan; and
21 (ii) variations of a data management plan; and
22 (d) requires the holder to comply with an approved data
23 management plan submitted by the holder.
24 (3) A scheme referred to in subsection (2) may provide that the holder
25 must not commence the relevant operations unless:
26 (a) an approved data management plan is in force; or
27 (b) the responsible Commonwealth Minister gives consent to the
28 commencement of those operations.
29 (4) Subsections (2) and (3) do not limit subsection (1).
30 *Directions are in addition to regulations*
31 (5) A requirement under section @406-407 is in addition to a
32 requirement under regulations made for the purposes of this
33 section.

34 [408]

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1 **Division 3—Information-gathering powers**

2 **@406-409 Responsible Commonwealth Minister or greenhouse gas** 3 **project inspector may obtain information and documents**

4 *Scope*

5 (1) This section applies to a person if:

6 (a) the responsible Commonwealth Minister; or

7 (b) a greenhouse gas project inspector;

8 believes on reasonable grounds that the person has information or a
9 document, or is capable of giving evidence, that relates to any or
10 all of the following operations in an offshore area:

11 (c) operations relating to exploration for a potential greenhouse
12 gas storage formation or a potential greenhouse gas injection
13 site;

14 (d) operations relating to the injection of a greenhouse gas
15 substance into the seabed or subsoil;

16 (e) operations relating to the storage of a greenhouse gas
17 substance in the seabed or subsoil;

18 (f) operations relating to the processing, compression or
19 pre-injection storage of a greenhouse gas substance;

20 (g) operations relating to the preparation of a greenhouse gas
21 substance for transport.

22 *Requirement*

23 (2) The responsible Commonwealth Minister or the greenhouse gas
24 project inspector may, by written notice given to the person,
25 require the person:

26 (a) to give to the responsible Commonwealth Minister or the
27 greenhouse gas project inspector, within the period and in the
28 manner specified in the notice, any such information; or

29 (b) to produce to the responsible Commonwealth Minister or the
30 greenhouse gas project inspector, within the period and in the
31 manner specified in the notice, any such documents; or

32 (c) to make copies of any such documents and to produce to the
33 responsible Commonwealth Minister or the greenhouse gas
34 project inspector, within the period and in the manner
35 specified in the notice, those copies; or

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

- 1 (d) if the person is an individual—to appear before the
2 responsible Commonwealth Minister or the greenhouse gas
3 project inspector at a time and place specified in the notice
4 to:
5 (i) give any such evidence, either orally or in writing; and
6 (ii) produce any such documents; or
7 (e) if the person is a body corporate—to cause a competent
8 officer of the body to appear before the responsible
9 Commonwealth Minister or the greenhouse gas project
10 inspector at a time and place specified in the notice to:
11 (i) give any such evidence, either orally or in writing; and
12 (ii) produce any such documents.
- 13 (3) A period specified under paragraph (2)(a), (b) or (c) must not be
14 shorter than 14 days after the notice is given.
- 15 (4) A time specified under paragraph (2)(d) or (e) must not be earlier
16 than 14 days after the notice is given.

Offence

- 17
- 18 (5) A person commits an offence if:
19 (a) the person has been given a notice under subsection (2); and
20 (b) the person omits to do an act; and
21 (c) the omission contravenes a requirement in the notice.

22 Penalty: 100 penalty units.

Notice to set out the effect of offence provisions

- 23
- 24 (6) A notice under subsection (2) must set out the effect of the
25 following provisions:
26 (a) subsection (5);
27 (b) section @406-415;
28 (c) section @406-416;
29 (d) section @406-417.

30 Note 1: Section @406-415 is about giving false or misleading information.

31 Note 2: Section @406-416 is about producing false or misleading documents.

32 Note 3: Section @406-417 is about giving false or misleading evidence.

33 [409]

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Schedule 1 Amendments relating to greenhouse gas storage etc.

1 **@406-410 Copying documents—reasonable compensation**

2 A person is entitled to be paid reasonable compensation for
3 complying with a requirement covered by paragraph
4 @406-409(2)(c).

5 [410]

6 **@406-411 Power to examine on oath or affirmation**

7 The responsible Commonwealth Minister or a greenhouse gas
8 project inspector may:

- 9 (a) administer an oath or affirmation to a person required to
10 appear before the responsible Commonwealth Minister or the
11 greenhouse gas project inspector under section @406-409;
12 and
13 (b) examine that person on oath or affirmation.

14 [411]

15 **@406-412 Self-incrimination**

16 (1) A person is not excused from giving information or evidence or
17 producing a document under section @406-409 on the ground that
18 the information or evidence or the production of the document
19 might tend to incriminate the person or expose the person to a
20 penalty.

21 (2) However:

- 22 (a) the information or evidence given or the document produced;
23 or
24 (b) giving the information or evidence or producing the
25 document; or
26 (c) any information, document or thing obtained as a direct or
27 indirect consequence of giving the information or evidence or
28 producing the document;

29 is not admissible in evidence against the person:

- 30 (d) in any civil proceedings; or
31 (e) in criminal proceedings other than:

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- 1 (i) proceedings for an offence against subsection
2 @406-409(5) or section @406-415, @406-416 or
3 @406-417; or
4 (ii) proceedings for an offence against section 137.1 or
5 137.2 of the *Criminal Code* that relates to this Division.

6 [412]

7 **@406-413 Copies of documents**

8 The responsible Commonwealth Minister or a greenhouse gas
9 project inspector may inspect a document produced under this
10 Division and may make and retain copies of, or take and retain
11 extracts from, such a document.

12 [413]

13 **@406-414 Responsible Commonwealth Minister or greenhouse gas**
14 **project inspector may retain documents**

- 15 (1) The responsible Commonwealth Minister or a greenhouse gas
16 project inspector may take possession of a document produced
17 under this Division, and retain it for as long as is reasonably
18 necessary.
- 19 (2) The person otherwise entitled to possession of the document is
20 entitled to be supplied, as soon as practicable, with a copy certified
21 by the responsible Commonwealth Minister or a greenhouse gas
22 project inspector to be a true copy.
- 23 (3) The certified copy must be received in all courts and tribunals as
24 evidence as if it were the original.
- 25 (4) Until a certified copy is supplied, the responsible Commonwealth
26 Minister or a greenhouse gas project inspector must provide the
27 person otherwise entitled to possession of the document, or a
28 person authorised by that person, reasonable access to the
29 document for the purposes of inspecting and making copies of, or
30 taking extracts from, the document.

31 [414]

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

1 **@406-415 False or misleading information**

2 A person commits an offence if:

- 3 (a) the responsible Commonwealth Minister or a greenhouse gas
4 project inspector requires the person to give information
5 under subsection @406-409(2); and
6 (b) the person gives information; and
7 (c) the person does so knowing that the information is false or
8 misleading in a material particular.

9 Penalty: 100 penalty units.

10 Note: The same conduct may be an offence against both this section and
11 section 137.1 of the *Criminal Code*.

12 [415]

13 **@406-416 False or misleading documents**

14 A person commits an offence if:

- 15 (a) the person has been given a notice under subsection
16 @406-409(2); and
17 (b) the person produces a document to the responsible
18 Commonwealth Minister or a greenhouse gas project
19 inspector; and
20 (c) the person does so knowing that the document is false or
21 misleading in a material particular; and
22 (d) the document is produced in compliance or purported
23 compliance with the notice.

24 Penalty: 100 penalty units.

25 Note: The same conduct may be an offence against both this section and
26 section 137.2 of the *Criminal Code*.

27 [416]

28 **@406-417 False or misleading evidence**

29 A person commits an offence if:

- 30 (a) the person gives evidence to another person; and
31 (b) the person does so knowing that the evidence is false or
32 misleading in a material particular; and
-

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1 (c) the evidence is given under section @406-409.

2 Penalty: Imprisonment for 12 months.

3 [417]

4 **Part 5A.2—Release of regulatory information**

6 **@406-418 Notifiable events—*Gazette* notice**

7 If an event specified in the table happens, the responsible
8 Commonwealth Minister must cause notice of:

9 (a) the event; and

10 (b) such details of the event as the responsible Commonwealth
11 Minister thinks fit;

12 to be published in the *Gazette*.

13

Notifiable events	
Item	Event
1	The grant of a greenhouse gas assessment permit or greenhouse gas injection licence.
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).
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

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Notifiable events	
Item	Event
	identified greenhouse gas storage formation.

1 [418]

2 **Part 5A.3—Release of technical information**

3 **Division 1—Introduction**

4 **@406-420 Simplified outline**

5 The following is a simplified outline of this Part:

- | | |
|----|--|
| 6 | • This Part deals with the confidentiality and release of: |
| 7 | (a) information (<i>documentary information</i>) contained |
| 8 | in certain documents given to the responsible |
| 9 | Commonwealth Minister; and |
| 10 | (b) petroleum mining samples given to the responsible |
| 11 | Commonwealth Minister. |

12 [420]

13 **@406-421 Definitions**

14 In this Part:

15 *applicable document* means:

- 16 (a) an application made to the responsible Commonwealth
17 Minister under this Act; or
- 18 (b) a document accompanying such an application; or
- 19 (c) a report, return or other document that relates to a block and
20 that was given to the responsible Commonwealth Minister
21 under:
- 22 (i) this Act; or
- 23 (ii) regulations made for the purposes of section @406-408
24 of this Act.

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 *documentary information* means information contained in an
2 applicable document.

3 *eligible sample* means:

- 4 (a) a core or cutting from, or a sample of, the seabed or subsoil;
5 or
6 (b) a sample of petroleum recovered; or
7 (c) a sample of fluid recovered (other than fluid petroleum);
8 that has been given at any time to the responsible Commonwealth
9 Minister, and includes a portion of such a core, cutting or sample.

10 [421]

11 **@406-421A Documents and samples given to the responsible**
12 **Commonwealth Minister**

- 13 (1) For the purposes of this Part, in determining whether a document is
14 an applicable document, disregard an application made, or a
15 document given, to the responsible Commonwealth Minister:
16 (a) in his or her capacity as, or as a member of, the Joint
17 Authority for an offshore area; or
18 (b) in his or her capacity as the Designated Authority for an
19 offshore area.
- 20 (2) For the purposes of this Part, in determining whether a core,
21 cutting or sample is an eligible sample, disregard anything that was
22 given to the responsible Commonwealth Minister:
23 (a) in his or her capacity as, or as a member of, the Joint
24 Authority for an offshore area; or
25 (b) in his or her capacity as the Designated Authority for an
26 offshore area.

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Schedule 1 Amendments relating to greenhouse gas storage etc.

1 **Division 2—Protection of confidentiality of information**
2 **and samples**

3 **Subdivision A—Information and samples obtained by the**
4 **responsible Commonwealth Minister**

5 **@406-422 Protection of confidentiality of documentary information**
6 **obtained by the responsible Commonwealth Minister**

- 7 (1) This section restricts what the responsible Commonwealth Minister
8 may do with documentary information.
- 9 (2) The responsible Commonwealth Minister must not:
10 (a) make the information publicly known; or
11 (b) make the information available to a person (other than a
12 Minister, a Minister of a State or a Minister of the Northern
13 Territory);
14 unless the responsible Commonwealth Minister does so:
15 (c) in accordance with regulations made for the purposes of this
16 paragraph; or
17 (d) for the purposes of the administration of this Act or the
18 regulations.

19 [422]

20 **@406-423 Protection of confidentiality of eligible samples obtained**
21 **by the responsible Commonwealth Minister**

- 22 (1) This section restricts what the responsible Commonwealth Minister
23 may do with an eligible sample.
- 24 (2) The responsible Commonwealth Minister must not:
25 (a) make publicly known any details of the sample; or
26 (b) permit a person (other than a Minister, a Minister of a State
27 or a Minister of the Northern Territory) to inspect the sample;
28 unless the responsible Commonwealth Minister does so:
29 (c) in accordance with regulations made for the purposes of this
30 paragraph; or
31 (d) for the purposes of the administration of this Act or the
32 regulations.

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 [423]

2 **@406-424 Responsible Commonwealth Minister may make**
3 **information or samples available to a Minister, a State**
4 **Minister or a Northern Territory Minister**

5 The responsible Commonwealth Minister may make documentary
6 information or an eligible sample available to:

- 7 (a) a Minister; or
8 (b) a Minister of a State; or
9 (c) a Minister of the Northern Territory.

10 [424]

11 **Subdivision B—Miscellaneous**

12 **@406-427 Fees**

13 (1) This section applies to regulations made for the purposes of any of
14 the following:

- 15 (a) paragraph @406-422(2)(c);
16 (b) paragraph @406-423(2)(c).

17 (2) The regulations may make provision for fees relating to:

- 18 (a) making information available to a person; or
19 (b) permitting a person to inspect a sample.

20 [427]

21 **@406-429 Privacy Act**

22 This Part does not override any requirements of the *Privacy Act*
23 *1988*. In particular, this Part is not to be taken, for the purposes of
24 that Act, to require or authorise the disclosure of information.

25 [429]

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Schedule 1 Amendments relating to greenhouse gas storage etc.

1 **Division 3—Copyright**

2 **@406-430 Publishing or making copies of applicable documents not**
3 **an infringement of copyright**

4 The copyright in a literary or artistic work contained in an
5 applicable document is not infringed by anything done:

- 6 (a) by, or with the authority of, the responsible Commonwealth
7 Minister; and
8 (b) for the purpose of the exercise of any of the powers of the
9 responsible Commonwealth Minister under this Part.

10 *[430]*

11 **274A Section 433 (after subparagraph (b)(ii) of the definition**
12 **of reviewable Ministerial decision)**

13 Insert:

- 14 (ia) regulations made for the purposes of paragraph
15 @406-422(2)(c) or @406-423(2)(c); or

16 **275 Before paragraph 436(1)(a)**

17 Insert:

- 18 (aa) the responsible Commonwealth Minister;

19 **276 Paragraph 436(1)(f)**

20 Before “project”, insert “petroleum”.

21 **277 After paragraph 436(1)(f)**

22 Insert:

- 23 (fa) a greenhouse gas project inspector appointed under section
24 @316-318;

25 **278 Paragraph 436(1)(h)**

26 After “of”, insert “the responsible Commonwealth Minister,”.

27 **279 Subsection 436(2)**

28 After “of”, insert “the responsible Commonwealth Minister,”.

29 **280 Subsection 436(4)**

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 Omit “section 287”, substitute “sections 287 and @298-287”.

2 **281 Subsection 436(4) (note)**

3 Repeal the note, substitute:

4 Note: Sections 287 and @298-287 deal with rectification of Registers.

5 **282 Subsection 439(1) (cell at table item 1, column headed “A**
6 **document required or permitted by this Act to be given**
7 **to...”)**

8 Repeal the cell, substitute:

a person other than:

(a) the responsible
Commonwealth Minister; or

(b) the Designated Authority; or

(c) a corporation

9 **283 Subsection 439(1) (after table item 1)**

10 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. |

11 **284 After section 440**

12 Insert:

13 **440A Service of documents on responsible Commonwealth Minister**

14 A document required or permitted by this Act to be given to the
15 responsible Commonwealth Minister is taken to have been given to
16 the responsible Commonwealth Minister if it is given to a delegate
17 of the responsible Commonwealth Minister.

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Schedule 1 Amendments relating to greenhouse gas storage etc.

1 [440]

2 **285 Subsections 441(1), (2), (4), (5) and (6)**

3 Omit “title” (wherever occurring), substitute “petroleum title”.

4 Note: The heading to section 441 is altered by inserting “**petroleum**” after “**of a**”.

5 **286 Subsection 441(7)**

6 Repeal the subsection, substitute:

7 *Definition*

8 (7) In this section:

9 *petroleum title* means:

- 10 (a) an exploration permit; or
11 (b) a retention lease; or
12 (c) a production licence; or
13 (d) an infrastructure licence; or
14 (e) a pipeline licence; or
15 (f) a special prospecting authority; or
16 (g) an access authority.

17 **287 At the end of Part 6.4**

18 Add:

19 **441A Service of documents on 2 or more registered holders of a**
20 **greenhouse gas title**

21 *Scope*

22 (1) This section applies if there are 2 or more registered holders of a
23 greenhouse gas title.

24 *Nomination of one of the registered holders*

25 (2) Those registered holders may, by joint written notice given to the
26 responsible Commonwealth Minister, nominate one of them as
27 being the person to whom documents may be given in any case
28 where the documents:

- 29 (a) relate to the greenhouse gas title; and
-

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1 (b) are required or permitted by this Act to be given.

2 (3) The joint written notice must be executed in an approved manner
3 by or on behalf of each of the registered holders.

4 *Document may be given to nominated person*

5 (4) If:

6 (a) a document relating to a greenhouse gas title is required or
7 permitted by this Act to be given to the registered holder; and

8 (b) there are 2 or more registered holders of the greenhouse gas
9 title; and

10 (c) a nomination of a person under subsection (2) is in force in
11 relation to the greenhouse gas title; and

12 (d) the document is given to the nominated person;

13 the document is taken to have been given to each of those
14 registered holders.

15 *Revocation of nomination*

16 (5) If:

17 (a) a person has been nominated under subsection (2) in relation
18 to a greenhouse gas title; and

19 (b) one of the registered holders of the greenhouse gas title, by
20 written notice given to the responsible Commonwealth
21 Minister, revokes the nomination;

22 the nomination ceases to be in force.

23 *Cessation of nomination—nominee ceases to be a registered holder*

24 (6) If:

25 (a) a person has been nominated under subsection (2) in relation
26 to a greenhouse gas title; and

27 (b) the nominated person ceases to be one of the registered
28 holders of the greenhouse gas title;

29 the nomination ceases to be in force.

30 *Definition*

31 (7) In this section:

32 ***greenhouse gas title*** means:

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Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 (a) a greenhouse gas assessment permit; or
- 2 (b) a greenhouse gas holding lease; or
- 3 (c) a greenhouse gas injection licence; or
- 4 (d) a greenhouse gas search authority; or
- 5 (e) a greenhouse gas special authority.

6 [441]

7 **288 After Part 6.5**

8 Insert:

9 **Part 6.5A—Delegation by responsible**
10 **Commonwealth Minister**
11

12 **442B Delegation by responsible Commonwealth Minister**

- 13 (1) The responsible Commonwealth Minister may, by writing,
14 delegate any or all of his or her functions or powers under this Act
15 or the regulations to:
- 16 (a) the Secretary of the Department; or
 - 17 (b) an SES employee, or acting SES employee, in the
18 Department.

19 Note: The expressions *SES employee* and *acting SES employee* are defined
20 in section 17AA of the *Acts Interpretation Act 1901*.

- 21 (2) In performing functions or exercising powers under a delegation,
22 the delegate must comply with any directions of the responsible
23 Commonwealth Minister.

24 Note: See sections 34AA to 34A of the *Acts Interpretation Act 1901*.

- 25 (3) Subsection (1) does not apply to the responsible Commonwealth
26 Minister's functions or powers under this Act or the regulations:
- 27 (a) as, or as a member of, the Joint Authority for an offshore
28 area; or
 - 29 (b) as the Designated Authority for an offshore area.

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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)

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Schedule 1 Amendments relating to greenhouse gas storage etc.

1 Insert:
2

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.

3 **289AA Subsection 444(1) (after table item 3)**

4 Insert:
5

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

6 **289A Subsection 444(1) (table item 4)**

7 After “secondary lines,” insert “greenhouse gas facility lines,
8 greenhouse gas infrastructure lines, greenhouse gas injection lines,”.

9 **289B Subsection 444(1) (paragraph (a) of table item 6)**

10 After “petroleum,”, insert “a greenhouse gas substance,”.

11 **289C Subsection 444(1) (paragraph (b) of table item 6)**

12 After “petroleum”, insert “, a greenhouse gas substance”.

13 **289D Subsection 444(1) (at the end of table item 7)**

14 Add “or a greenhouse gas substance”.

15 **289E Subsection 444(1) (table item 8)**

16 Omit “or production licence”, substitute “, production licence,
17 greenhouse gas assessment permit, greenhouse gas holding lease or
18 greenhouse gas injection licence”.

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 **289F Subsection 444(1) (paragraphs (a) and (b) of table**
2 **item 9)**

3 Omit “or a production licence area”, substitute “, a production licence
4 area, a greenhouse gas assessment permit area, a greenhouse gas
5 holding lease area or a greenhouse gas injection licence area”.

6 **289G Subsection 444(1) (table item 11)**

7 Before “pipeline”, insert “petroleum”.

8 **289H Subsection 444(1) (table item 11)**

9 Omit “pumping station, tank station or valve station”, substitute
10 “petroleum pumping station, petroleum tank station or petroleum valve
11 station”.

12 **289J Subsection 444(1) (after table item 11)**

13 Insert:

14

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.

15 **289K Subsection 444(1) (after table item 12)**

16 Insert:

17

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.

18 **289L Subsection 444(1) (at the end of the table)**

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Schedule 1 Amendments relating to greenhouse gas storage etc.

1

Add:

2

- 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, 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, 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.
-

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Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 **290 After section 446**

2 Insert:

3 **446A Regulations not limited by conditions provisions**

4 (1) To avoid doubt, nothing in section 79, 114, 138, 167, 181, 196,
5 204, 217, @249AE, @249BC, @249CE, @249GC, @249HC or
6 @249HO limits the regulations that may be made under this Act.

7 (2) Subsection (1) does not limit the operation of subsection 33(3B) of
8 the *Acts Interpretation Act 1901*.

9 **290A After section 447**

10 Insert:

11 **447A Exercise of Australia's rights under international law—**
12 **injection and storage of greenhouse gas substances in the**
13 **continental shelf**

14 The regulations may, to the extent to which this Act does not do so,
15 provide for the exercise of Australia's rights, and compliance with
16 Australia's obligations, under international law in relation to:

- 17 (a) the injection of a greenhouse gas substance into a part of a
18 geological formation, where that part is wholly situated
19 within the continental shelf (whether in an offshore area or
20 not); and
21 (b) the storage of a greenhouse gas substance in a part of a
22 geological formation, where that part is wholly situated
23 within the continental shelf (whether in an offshore area or
24 not).

25 Note: The heading to section 447 is altered by inserting "**petroleum in the**" before
26 "**continental shelf**".

27 **290B After section 448**

28 Insert:

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1 **448A Exercise of Australia’s rights under international law—**
2 **injection and storage of greenhouse gas substances within**
3 **territorial limits**

4 The regulations may, to the extent to which this Act does not do so,
5 provide for the exercise of Australia’s rights under international
6 law in relation to:

- 7 (a) the injection of a greenhouse gas substance into a part of a
8 geological formation, where that part is wholly situated
9 within the territorial limits of the Commonwealth and the
10 Territories; and
11 (b) the storage of a greenhouse gas substance in a part of a
12 geological formation, where that part is wholly situated
13 within the territorial limits of the Commonwealth and the
14 Territories.

15 **291 Clause 3 of Schedule 3**

16 Insert:

17 *offshore greenhouse gas storage operations* has the same meaning
18 as in Part 4.8 of this Act.

19 **292 Clause 3 of Schedule 3 (at the end of subparagraph (b)(ii)**
20 **of the definition of *regulated business premises*)**

21 Add “or offshore greenhouse gas storage operations”.

22 **293 After subclause 4(5) of Schedule 3**

23 Insert:

24 *Vessels or structures that are facilities—offshore greenhouse gas*
25 *storage operations*

26 (5A) A vessel or structure is taken to be a facility for the purposes of this
27 Schedule while that vessel or structure:

- 28 (a) is located at a site in Commonwealth waters; and
29 (b) is being used, or prepared for use, at that site:
30 (i) for the injection of a greenhouse gas substance into the
31 seabed or subsoil; or
32 (ii) for the storage of a greenhouse gas substance in the
33 seabed or subsoil; or
-

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- 1 (iii) for the compression of a greenhouse gas substance; or
2 (iv) for the processing of a greenhouse gas substance; or
3 (v) for the pre-injection storage of a greenhouse gas
4 substance; or
5 (vi) for the offloading of a greenhouse gas substance; or
6 (vii) for the monitoring of a greenhouse gas substance stored
7 in the seabed or subsoil; or
8 (viii) for any combination of activities covered by any of the
9 preceding subparagraphs; or
10 (ix) for the provision of accommodation for persons
11 working on another facility, whether connected by a
12 walkway to that other facility or not; or
13 (x) for drilling or servicing a well for injecting a
14 greenhouse gas substance into the seabed or subsoil or
15 doing work associated with the drilling or servicing
16 process; or
17 (xi) for laying pipes for conveying a greenhouse gas
18 substance, including any manufacturing of such pipes,
19 or for doing work on an existing pipe; or
20 (xii) for the erection, dismantling or decommissioning of a
21 vessel or structure referred to in a previous
22 subparagraph of this paragraph; or
23 (xiii) for any other purpose related to offshore greenhouse gas
24 storage operations that is prescribed for the purposes of
25 this subparagraph.
- 26 (5B) Subclause (5A) applies to a vessel or structure:
27 (a) whether it is floating or fixed; and
28 (b) whether or not it is capable of independent navigation.
- 29 (5C) Subclause (5A) has effect subject to subclauses (6) and (7).
- 30 (5D) A vessel or structure used for a purpose referred to in
31 subparagraph (5A)(b)(i), (ii), (iii), (iv), (v), (vi), (vii) or (viii)
32 includes:
33 (a) any wells and associated plant and equipment by means of
34 which a greenhouse gas substance processed or temporarily
35 stored at the vessel or structure is injected into the seabed or
36 subsoil; and
-

EXPOSURE DRAFT

Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 (b) any pipe or system of pipes through which a greenhouse gas
2 substance is conveyed from the vessel or structure to a well;
3 and
4 (c) any greenhouse gas injection line associated with the vessel
5 or structure.

6 (5E) For the purposes of subclause (5A), a vessel or structure that is
7 located offshore for the purpose of laying pipes as described in
8 subparagraph (5A)(b)(xi) is taken to be located at a site, despite the
9 fact that the vessel or structure moves as the pipe laying process
10 proceeds.

11 Note: The heading to subclause 4(1) of Schedule 3 is altered by adding at the end “—*offshore*
12 *petroleum operations*”.

13 **294 Subclause 4(6) of Schedule 3**

14 Omit “subclause (1)”, substitute “subclauses (1) and (5A)”.

15 **295 Subclause 4(7) of Schedule 3**

16 After “(1)(b)”, insert “or (5A)(b)”.

17 **296 At the end of subclause 4(8) of Schedule 3**

18 Add:

- 19 ; (c) if a pipeline subject to a pipeline licence conveys a
20 greenhouse gas substance to a well without the greenhouse
21 gas substance having passed through another facility—that
22 pipeline, together with:
23 (i) that well and associated plant and equipment; and
24 (ii) any pipe or system of pipes through which a greenhouse
25 gas substance is conveyed to that well from that
26 pipeline.

27 **297 At the end of subclause 13(1) of Schedule 6**

28 Add:

29 ; and (c) Schedule 1 to the *Offshore Petroleum Amendment*
30 *(Greenhouse Gas Storage) Act 2008* does not commence
31 immediately after the commencement of item 32 of
32 Schedule 1 to the *Offshore Petroleum Amendment*
33 *(Miscellaneous Measures) Act 2008*.

34 Note: The heading to clause 13 of Schedule 6 is altered by adding at the end “—**late**
35 **commencement of greenhouse gas provisions**”.

EXPOSURE DRAFT

Amendments relating to greenhouse gas storage etc. **Schedule 1**

1 **298 After clause 13 of Schedule 6**

2 Insert:

3 **13A Petroleum project inspectors—early commencement of**
4 **greenhouse gas provisions**

5 (1) This clause applies to an appointment of a person as an inspector in
6 respect of an adjacent area if:

7 (a) the appointment was in force immediately before the
8 commencement of section 318 of this Act; and

9 (b) the appointment was made under section 125 of the
10 *Petroleum (Submerged Lands) Act 1967*; and

11 (c) Schedule 1 to the *Offshore Petroleum Amendment*
12 *(Greenhouse Gas Storage) Act 2008* commences
13 immediately after the commencement of item 32 of
14 Schedule 1 to the *Offshore Petroleum Amendment*
15 *(Miscellaneous Measures) Act 2008*.

16 (2) The appointment has effect, after the commencement of this
17 clause, as if it had been an appointment of the person as a
18 petroleum project inspector under section 318 of this Act in respect
19 of the corresponding offshore area.

20 **13B Petroleum project inspectors—late commencement of**
21 **greenhouse gas provisions**

22 (1) This clause applies to an appointment of a person as a project
23 inspector in respect of an offshore area if:

24 (a) the appointment was in force immediately before the
25 commencement of this clause; and

26 (b) the appointment was made under section 318 of this Act; and

27 (c) Schedule 1 to the *Offshore Petroleum Amendment*
28 *(Greenhouse Gas Storage) Act 2008* does not commence
29 immediately after the commencement of item 32 of
30 Schedule 1 to the *Offshore Petroleum Amendment*
31 *(Miscellaneous Measures) Act 2008*.

32 (2) The appointment has effect, after the commencement of this
33 clause, as if it had been an appointment of the person as a
34 petroleum project inspector under section 318 of this Act in respect
35 of the offshore area.

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Schedule 1 Amendments relating to greenhouse gas storage etc.

- 1 **299 Subclause 15(1) of Schedule 6**
2 Before “Register” (first occurring), insert “section 253”.
- 3 **300 Subclauses 15(1A) and (1B) of Schedule 6**
4 Before “Register” (first occurring), insert “section 253”.
- 5 **301 Clause 27 of Schedule 6**
6 Omit “and 188”, substitute “, 187A, 188 and 188A”.

EXPOSURE DRAFT

Amendments to change references to petroleum titles etc. **Schedule 2**
Definitions **Part 1**

1
2 **Schedule 2—Amendments to change**
3 **references to petroleum titles etc.**

4 **Part 1—Definitions**

5 *Offshore Petroleum and Greenhouse Gas Storage Act 2006*

6 **1 Section 6 (definition of access authority)**

7 Repeal the definition.

8 **2 Section 6 (definition of cash-bid exploration permit)**

9 Repeal the definition.

10 **3 Section 6**

11 Insert:

12 *cash-bid petroleum exploration permit* means:

- 13 (a) a petroleum exploration permit granted under Division 3 of
14 Part 2.2 of this Act; or
15 (b) an exploration permit granted under section 22B of the
16 repealed *Petroleum (Submerged Lands) Act 1967*; or
17 (c) a petroleum exploration permit granted under Division 5 of
18 Part 2.2 of this Act by way of the renewal of a permit
19 referred to in paragraph (a) or (b); or
20 (d) an exploration permit granted under section 32 of the
21 repealed *Petroleum (Submerged Lands) Act 1967* by way of
22 the renewal of a permit referred to in paragraph (b).

23 **3A Section 6 (definition of declared exploration permit)**

24 Repeal the definition.

25 **3AD Section 6**

26 Insert:

27 *declared petroleum exploration permit* has the meaning given by
28 section 79B.

29 **3AE Section 6**

EXPOSURE DRAFT

Schedule 2 Amendments to change references to petroleum titles etc.

Part 1 Definitions

1 Insert:

2 *declared petroleum production licence* has the meaning given by
3 section 138B.

4 **3AF Section 6**

5 Insert:

6 *declared petroleum retention lease* has the meaning given by
7 section 114B.

8 **3B Section 6 (definition of *declared production licence*)**

9 Repeal the definition.

10 **3C Section 6 (definition of *declared retention lease*)**

11 Repeal the definition.

12 **4 Section 6 (definition of *exploration permit*)**

13 Repeal the definition.

14 **5 Section 6 (definition of *exploration permit area*)**

15 Repeal the definition.

16 **6 Section 6 (definition of *exploration permittee*)**

17 Repeal the definition.

18 **7 Section 6**

19 Insert:

20 *fixed-term petroleum production licence* means a petroleum
21 production licence covered by item 2 or 3 of the table in subsection
22 139(1).

23 **8 Section 6 (definition of *fixed-term production licence*)**

24 Repeal the definition.

25 **8A Section 6 (definition of *Greater Sunrise unit reservoir 26 production licence*)**

27 Repeal the definition.

EXPOSURE DRAFT

Amendments to change references to petroleum titles etc. **Schedule 2**
Definitions **Part 1**

1 **8B Section 6**

2 Insert:

3 *Greater Sunrise unit reservoir petroleum production licence*
4 means a petroleum production licence in respect of one or more
5 blocks within the Eastern Greater Sunrise offshore area that would
6 allow the licensee to recover petroleum from either or both of the
7 Greater Sunrise unit reservoirs.

8 **9 Section 6**

9 Insert:

10 *life-of-field petroleum production licence* means a petroleum
11 production licence covered by item 1, 3A or 4 of the table in
12 subsection 139(1).

13 **10 Section 6 (definition of *life-of-field production licence*)**

14 Repeal the definition.

15 **11 Section 6 (definition of *original exploration permit*)**

16 Repeal the definition.

17 **12 Section 6**

18 Insert:

19 *original petroleum exploration permit* means a petroleum
20 exploration permit granted otherwise than by way of renewal.

21 **13 Section 6**

22 Insert:

23 *original petroleum production licence* means a petroleum
24 production licence granted otherwise than by way of renewal.

25 **13A Section 6**

26 Insert:

27 *original petroleum retention lease* means a petroleum retention
28 lease granted otherwise than by way of renewal.

29 **14 Section 6 (definition of *original production licence*)**

EXPOSURE DRAFT

Schedule 2 Amendments to change references to petroleum titles etc.

Part 1 Definitions

1 Repeal the definition.

2 **14A Section 6 (definition of *original retention lease*)**

3 Repeal the definition.

4 **15 Section 6**

5 Insert:

6 *petroleum access authority* means:

7 (a) a petroleum access authority granted under Part 2.8 of this
8 Act; or

9 (b) an access authority granted under section 112 of the repealed
10 *Petroleum (Submerged Lands) Act 1967*.

11 **16 Section 6**

12 Insert:

13 *petroleum exploration permit* means:

14 (a) a work-bid petroleum exploration permit; or

15 (b) a cash-bid petroleum exploration permit; or

16 (c) a special petroleum exploration permit.

17 **17 Section 6**

18 Insert:

19 *petroleum exploration permit area* means the permit area of a
20 petroleum exploration permit.

21 **18 Section 6**

22 Insert:

23 *petroleum exploration permittee* means the registered holder of a
24 petroleum exploration permit.

25 **19 Section 6**

26 Insert:

27 *petroleum production licence* means:

28 (a) a petroleum production licence granted under Part 2.4 of this
29 Act; or

EXPOSURE DRAFT

Amendments to change references to petroleum titles etc. **Schedule 2**
Definitions **Part 1**

- 1 (b) a production licence granted under Division 3 of Part III of
2 the repealed *Petroleum (Submerged Lands) Act 1967*; or
3 (c) a production licence granted under section 148 of the
4 repealed *Petroleum (Submerged Lands) Act 1967*.

5 **20 Section 6**

6 Insert:

7 *petroleum production licence area* means the licence area of a
8 petroleum production licence.

9 **21 Section 6**

10 Insert:

11 *petroleum production licensee* means the registered holder of a
12 petroleum production licence.

13 **22 Section 6**

14 Insert:

15 *petroleum retention lease* means:

- 16 (a) a petroleum retention lease granted under Part 2.3 of this Act;
17 or
18 (b) a retention lease granted under Division 2A of Part III of the
19 repealed *Petroleum (Submerged Lands) Act 1967*.

20 **23 Section 6**

21 Insert:

22 *petroleum retention lease area* means the lease area of a petroleum
23 retention lease.

24 **24 Section 6**

25 Insert:

26 *petroleum retention lessee* means the registered holder of a
27 petroleum retention lease.

28 **25 Section 6**

29 Insert:

EXPOSURE DRAFT

Schedule 2 Amendments to change references to petroleum titles etc.

Part 1 Definitions

1 *petroleum scientific investigation consent* means:

- 2 (a) a petroleum scientific investigation consent granted under
3 Part 2.9 of this Act; or
4 (b) a scientific investigation consent granted under section 123
5 of the repealed *Petroleum (Submerged Lands) Act 1967*.

6 **25A Section 6**

7 Insert:

8 *petroleum special prospecting authority* means:

- 9 (a) a petroleum special prospecting authority granted under
10 Part 2.7 of this Act; or
11 (b) a special prospecting authority granted under section 111 of
12 the repealed *Petroleum (Submerged Lands) Act 1967*.

13 **25B Section 6 (definition of *post-commencement exploration permit*)**

14 Repeal the definition.
15

16 **25C Section 6**

17 Insert:

18 *post-commencement petroleum exploration permit* means:

- 19 (a) an original petroleum exploration permit that was granted
20 after the commencement of this section; or
21 (b) a petroleum exploration permit that was granted by way of
22 renewal, where the original petroleum exploration permit was
23 granted after the commencement of this section.

24 **25D Section 6**

25 Insert:

26 *post-commencement petroleum production licence* means:

- 27 (a) a petroleum production licence that was granted to the
28 registered holder of:
29 (i) a post-commencement petroleum exploration permit; or
30 (ii) a post-commencement petroleum retention lease;
31 that was in force over the block or blocks to which the
32 petroleum production licence relates; or
33 (b) a petroleum production licence granted under section 153; or
-

EXPOSURE DRAFT

Amendments to change references to petroleum titles etc. **Schedule 2**
Definitions **Part 1**

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

25E Section 6

5
6 Insert:

7 *post-commencement petroleum retention lease* means:

- 8 (a) an original petroleum retention lease that was granted to the
9 registered holder of:
10 (i) a post-commencement petroleum exploration permit; or
11 (ii) a post-commencement petroleum production licence;
12 that was in force over the block or blocks to which the
13 original petroleum retention lease relates; or
14 (b) a petroleum retention lease that was granted by way of
15 renewal, where the original petroleum retention lease was
16 granted to the registered holder of:
17 (i) a post-commencement petroleum exploration permit; or
18 (ii) a post-commencement petroleum production licence;
19 that was in force over the block or blocks to which the
20 original petroleum retention lease related.

21 25G Section 6 (definition of *post-commencement petroleum* 22 *title*)

23 Repeal the definition, substitute:

24 *post-commencement petroleum title* means:

- 25 (a) a post-commencement petroleum exploration permit; or
26 (b) a post-commencement petroleum retention lease; or
27 (c) a post-commencement petroleum production licence.

28 25GAA Section 6 (definition of *post-commencement* 29 *production licence*)

30 Repeal the definition.

31 25GAB Section 6 (definition of *post-commencement* 32 *retention lease*)

33 Repeal the definition.

EXPOSURE DRAFT

Schedule 2 Amendments to change references to petroleum titles etc.

Part 1 Definitions

1 **25GA Section 6 (definition of *pre-commencement exploration***
2 ***permit*)**

3 Repeal the definition.

4 **25GB Section 6**

5 Insert:

6 *pre-commencement petroleum exploration permit* means a
7 petroleum exploration permit other than a post-commencement
8 petroleum exploration permit.

9 **25GL Section 6**

10 Insert:

11 *pre-commencement petroleum production licence* means a
12 petroleum production licence other than a post-commencement
13 petroleum production licence.

14 **25GN Section 6**

15 Insert:

16 *pre-commencement petroleum retention lease* means a petroleum
17 retention lease other than a post-commencement petroleum
18 retention lease.

19 **25J Section 6 (definition of *pre-commencement petroleum***
20 ***title*)**

21 Repeal the definition, substitute:

22 *pre-commencement petroleum title* means:
23 (a) a pre-commencement petroleum exploration permit; or
24 (b) a pre-commencement petroleum retention lease; or
25 (c) a pre-commencement petroleum production licence.

26 **25K Section 6 (definition of *pre-commencement production***
27 ***licence*)**

28 Repeal the definition.

29 **25M Section 6 (definition of *pre-commencement retention***
30 ***lease*)**

EXPOSURE DRAFT

Amendments to change references to petroleum titles etc. **Schedule 2**
Definitions **Part 1**

1 Repeal the definition.

2 **26 Section 6 (definition of *production licence*)**

3 Repeal the definition.

4 **27 Section 6 (definition of *production licence area*)**

5 Repeal the definition.

6 **28 Section 6 (definition of *production licensee*)**

7 Repeal the definition.

8 **29 Section 6 (definition of *retention lease*)**

9 Repeal the definition.

10 **30 Section 6 (definition of *retention lease area*)**

11 Repeal the definition.

12 **31 Section 6 (definition of *retention lessee*)**

13 Repeal the definition.

14 **32 Section 6 (definition of *scientific investigation consent*)**

15 Repeal the definition.

16 **33 Section 6 (definition of *special exploration permit*)**

17 Repeal the definition.

18 **34 Section 6**

19 Insert:

20 *special petroleum exploration permit* means:

21 (a) a petroleum exploration permit granted under Division 4 of
22 Part 2.2 of this Act; or

23 (b) an exploration permit granted under section 27 of the
24 repealed *Petroleum (Submerged Lands) Act 1967*; or

25 (c) a petroleum exploration permit granted under Division 5 of
26 Part 2.2 of this Act by way of the renewal of a permit
27 referred to in paragraph (a) or (b); or

EXPOSURE DRAFT

Schedule 2 Amendments to change references to petroleum titles etc.

Part 1 Definitions

- 1 (d) an exploration permit granted under section 32 of the
2 repealed *Petroleum (Submerged Lands) Act 1967* by way of
3 the renewal of a permit referred to in paragraph (b).

4 **36 Section 6 (definition of *special prospecting authority*)**

5 Repeal the definition.

6 **37 Section 6 (definition of *work-bid exploration permit*)**

7 Repeal the definition.

8 **38 Section 6**

9 Insert:

10 ***work-bid petroleum exploration permit*** means:

- 11 (a) a petroleum exploration permit granted under Division 2 of
12 Part 2.2 of this Act; or
13 (b) an exploration permit granted under section 22 of the
14 repealed *Petroleum (Submerged Lands) Act 1967*; or
15 (c) a petroleum exploration permit granted under Division 5 of
16 Part 2.2 of this Act by way of the renewal of a permit
17 referred to in paragraph (a) or (b); or
18 (d) an exploration permit granted under section 32 of the
19 repealed *Petroleum (Submerged Lands) Act 1967* by way of
20 the renewal of a permit referred to in paragraph (b).

21 **38A Clause 1 of Schedule 4**

22 Insert:

23 ***primary petroleum production licence*** means a petroleum
24 production licence granted as a result of an application under any
25 of the following provisions:

- 26 (a) subclause 2(2) of this Schedule;
27 (b) subclause 2(4) of this Schedule;
28 (c) subclause 4(2) of this Schedule;
29 (d) subclause 4(4) of this Schedule;
30 (e) subsection 40(1) or (2) or 40B(2) or (3) of the repealed
31 *Petroleum (Submerged Lands) Act 1967*.

32 **38B Clause 1 of Schedule 4 (definition of *primary production*** 33 ***licence*)**

EXPOSURE DRAFT

Amendments to change references to petroleum titles etc. **Schedule 2**
Definitions **Part 1**

1 Repeal the definition.

2 **38C Clause 1 of Schedule 4**

3 Insert:

4 *secondary petroleum production licence* means a petroleum
5 production licence granted as a result of an application under any
6 of the following provisions:

7 (a) subclause 2(6) of this Schedule;

8 (b) subclause 4(6) of this Schedule;

9 (c) subsection 40(3) or 40B(4) of the repealed *Petroleum*
10 (*Submerged Lands*) Act 1967.

11 **38D Clause 1 of Schedule 4 (definition of *secondary***
12 ***production licence*)**

13 Repeal the definition.

EXPOSURE DRAFT

Schedule 2 Amendments to change references to petroleum titles etc.

Part 2 References to petroleum titles etc.

1

2 **Part 2—References to petroleum titles etc.**

3 *Offshore Petroleum and Greenhouse Gas Storage Act 2006*

4 **39 Bulk amendments—references to exploration permits etc.**

5 The *Offshore Petroleum and Greenhouse Gas Storage Act 2006* other
6 than the following provisions:

7 (a) the following definitions in section 6 of that Act:

8 (i) the definition of *cash-bid exploration permit*;

9 (ii) the definition of *declared exploration permit*;

10 (iii) the definition of *exploration permit*;

11 (iv) the definition of *exploration permit area*;

12 (v) the definition of *exploration permittee*;

13 (vi) the definition of *original exploration permit*;

14 (vii) the definition of *post-commencement exploration*
15 *permit*;

16 (viii) the definition of *pre-commencement exploration*
17 *permit*;

18 (ix) the definition of *special exploration permit*;

19 (x) the definition of *work-bid exploration permit*;

20 (b) the definition of *old title* in clause 1 of Schedule 6 to that
21 Act;

22 is amended as follows:

23 (c) by omitting “An exploration permit” (wherever occurring)
24 and substituting “A petroleum exploration permit”;

25 (d) by omitting “an exploration permit” (wherever occurring)
26 and substituting “a petroleum exploration permit”;

27 (e) by omitting “**an exploration permit**” (wherever occurring)
28 and substituting “**a petroleum exploration permit**”;

29 (f) by omitting “exploration permit” (wherever that expression
30 occurs without being preceded by “an” or “An”) and
31 substituting “petroleum exploration permit”;

32 (g) by omitting “Exploration permit” (wherever occurring) and
33 substituting “Petroleum exploration permit”;

EXPOSURE DRAFT

Amendments to change references to petroleum titles etc. **Schedule 2**
References to petroleum titles etc. **Part 2**

- 1 (h) by omitting “**exploration permit**” (wherever that expression
2 occurs without being preceded by “**an**” or “**An**”) and
3 substituting “**petroleum exploration permit**”;
- 4 (i) by omitting “*exploration permit*” (wherever that expression
5 occurs without being preceded by “an” or “An”) and
6 substituting “*petroleum exploration permit*”;
- 7 (j) by omitting “**Exploration permits**” (wherever occurring)
8 and substituting “**Petroleum exploration permits**”;
- 9 (k) by omitting “**exploration permits**” (wherever occurring) and
10 substituting “**petroleum exploration permits**”;
- 11 (l) by omitting “exploration permits” (wherever occurring) and
12 substituting “petroleum exploration permits”;
- 13 (m) by omitting “An exploration permittee” (wherever occurring)
14 and substituting “A petroleum exploration permittee”;
- 15 (n) by omitting “**an exploration permittee**” (wherever
16 occurring) and substituting “**a petroleum exploration**
17 **permittee**”;
- 18 (o) by omitting “an exploration permittee” (wherever occurring)
19 and substituting “a petroleum exploration permittee”;
- 20 (p) by omitting “exploration permittee” (wherever that
21 expression occurs without being preceded by “an” or “An”)
22 and substituting “petroleum exploration permittee”.

23 Note: The headings to sections, subsections, clauses and subclauses of the *Offshore Petroleum*
24 *and Greenhouse Gas Storage Act 2006* are altered as follows:

- 25 (a) by omitting “**an exploration permit**” (wherever occurring) and
26 substituting “**a petroleum exploration permit**”;
- 27 (b) by omitting “*an exploration permit*” (wherever occurring) and
28 substituting “*a petroleum exploration permit*”;
- 29 (c) by omitting “**exploration permit**” (wherever that expression
30 occurs without being preceded by “**an**” or “**An**”) and substituting
31 “**petroleum exploration permit**”;
- 32 (d) by omitting “**Exploration permit**” (wherever occurring) and
33 substituting “**Petroleum exploration permit**”;
- 34 (e) by omitting “*exploration permit*” (wherever that expression
35 occurs without being preceded by “*an*” or “*An*”) and substituting
36 “*petroleum exploration permit*”;
- 37 (f) by omitting “**exploration permits**” (wherever occurring) and
38 substituting “**petroleum exploration permits**”;
- 39 (g) by omitting “*exploration permits*” (wherever occurring) and
40 substituting “*petroleum exploration permits*”.

EXPOSURE DRAFT

Schedule 2 Amendments to change references to petroleum titles etc.

Part 2 References to petroleum titles etc.

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*”;

EXPOSURE DRAFT

Amendments to change references to petroleum titles etc. **Schedule 2**
References to petroleum titles etc. **Part 2**

- 1 (c) by omitting “**retention leases**” (wherever occurring) and
2 substituting “**petroleum retention leases**”;
- 3 (d) by omitting “*retention leases*” and substituting “*petroleum*
4 *retention leases*”.

5 **41 Bulk amendments—references to production licences etc.**

6 The *Offshore Petroleum and Greenhouse Gas Storage Act 2006* other
7 than the following provisions:

- 8 (a) the following definitions in section 6 of that Act:
9 (i) the definition of *declared production licence*;
10 (ii) the definition of *fixed-term production licence*;
11 (iii) the definition of *Greater Sunrise unit reservoir*
12 *production licence*;
13 (iv) the definition of *life-of-field production licence*;
14 (v) the definition of *original production licence*;
15 (vi) the definition of *post-commencement production*
16 *licence*;
17 (vii) the definition of *pre-commencement production*
18 *licence*;
19 (viii) the definition of *production licence*;
20 (ix) the definition of *production licence area*;
21 (x) the definition of *production licensee*;
- 22 (b) the following definitions in clause 1 of Schedule 4 to that
23 Act:
24 (i) the definition of *primary production licence*;
25 (ii) the definition of *secondary production licence*;
- 26 (c) the definition of *old title* in clause 1 of Schedule 6 to that
27 Act;

28 is amended as follows:

- 29 (d) by omitting “Production licence” and substituting “Petroleum
30 production licence”;
- 31 (e) by omitting “production licence” (wherever occurring) and
32 substituting “petroleum production licence”;
- 33 (f) by omitting “**production licence**” (wherever occurring) and
34 substituting “**petroleum production licence**”;
- 35 (g) by omitting “*production licence*” (wherever occurring) and
36 substituting “*petroleum production licence*”;

EXPOSURE DRAFT

Schedule 2 Amendments to change references to petroleum titles etc.

Part 2 References to petroleum titles etc.

- 1 (h) by omitting “**Production licences**” (wherever occurring) and
2 substituting “**Petroleum production licences**”;
- 3 (i) by omitting “**production licences**” (wherever occurring) and
4 substituting “**petroleum production licences**”;
- 5 (j) by omitting “production licences” (wherever occurring) and
6 substituting “petroleum production licences”;
- 7 (k) by omitting “production licensee” (wherever occurring) and
8 substituting “petroleum production licensee”.

9 Note: The headings to sections, subsections, clauses and subclauses of the *Offshore Petroleum*
10 *and Greenhouse Gas Storage Act 2006* are altered as follows:

- 11 (a) by omitting “**production licence**” (wherever occurring) and
12 substituting “**petroleum production licence**”;
- 13 (b) by omitting “*production licence*” (wherever occurring) and
14 substituting “*petroleum production licence*”;
- 15 (c) by omitting “*Production licence*” and substituting “*Petroleum*
16 *production licence*”;
- 17 (d) by omitting “**Production licence**” (wherever occurring) and
18 substituting “**Petroleum production licence**”;
- 19 (e) by omitting “**production licences**” (wherever occurring) and
20 substituting “**petroleum production licences**”;
- 21 (f) by omitting “**Production licences**” and substituting “**Petroleum**
22 **production licences**”;
- 23 (g) by omitting “*production licences*” and substituting “*petroleum*
24 *production licences*”;
- 25 (h) by omitting “**production licensees**” and substituting “**petroleum**
26 **production licensees**”;
- 27 (i) by omitting “*production licensee*” (wherever occurring) and
28 substituting “*petroleum production licensee*”.

29 **42 Bulk amendments—references to special prospecting** 30 **authorities**

31 The *Offshore Petroleum and Greenhouse Gas Storage Act 2006* other
32 than the following provisions:

- 33 (a) the definition of *special prospecting authority* in section 6 of
34 that Act;
- 35 (b) the definition of *old title* in clause 1 of Schedule 6 to that
36 Act;

37 is amended as follows:

- 38 (c) by omitting “**special prospecting authority**” and
39 substituting “**petroleum special prospecting authority**”;
-

EXPOSURE DRAFT

Amendments to change references to petroleum titles etc. **Schedule 2**
References to petroleum titles etc. **Part 2**

- 1 (d) by omitting “special prospecting authority” (wherever
2 occurring) and substituting “petroleum special prospecting
3 authority”;
4 (e) by omitting “Special prospecting authority” and substituting
5 “Petroleum special prospecting authority”;
6 (f) by omitting “**Special prospecting authorities**” and
7 substituting “**Petroleum special prospecting authorities**”;
8 (g) by omitting “**special prospecting authorities**” (wherever
9 occurring) and substituting “**petroleum special prospecting**
10 **authorities**”;
11 (h) by omitting “special prospecting authorities” (wherever
12 occurring) and substituting “petroleum special prospecting
13 authorities”.

14 Note: The headings to sections of the *Offshore Petroleum and Greenhouse Gas Storage Act*
15 *2006* are altered as follows:

- 16 (a) by omitting “**special prospecting authority**” (wherever
17 occurring) and substituting “**petroleum special prospecting**
18 **authority**”;
19 (b) by omitting “**Special prospecting authority**” and substituting
20 “**Petroleum special prospecting authority**”;
21 (c) by omitting “**special prospecting authorities**” (wherever
22 occurring) and substituting “**petroleum special prospecting**
23 **authorities**”.

24 **43 Bulk amendments—references to access authorities**

25 The *Offshore Petroleum and Greenhouse Gas Storage Act 2006* other
26 than the following provisions:

- 27 (a) the definition of **access authority** in section 6 of that Act;
28 (b) the definition of **old title** in clause 1 of Schedule 6 to that
29 Act;

30 is amended as follows:

- 31 (c) by omitting “**an access authority**” (wherever occurring) and
32 substituting “**a petroleum access authority**”;
33 (d) by omitting “An access authority” (wherever occurring) and
34 substituting “A petroleum access authority”;
35 (e) by omitting “an access authority” (wherever occurring) and
36 substituting “a petroleum access authority”;
37 (f) by omitting “access authority” (wherever that expression
38 occurs without being preceded by “an” or “An”) and
39 substituting “petroleum access authority”;
-

EXPOSURE DRAFT

Schedule 2 Amendments to change references to petroleum titles etc.

Part 2 References to petroleum titles etc.

- 1 (g) by omitting “**access authority**” (wherever that expression
2 occurs without being preceded by “**an**” or “**An**”) and
3 substituting “**petroleum access authority**”;
4 (h) by omitting “Access authority” and substituting “Petroleum
5 access authority”;
6 (i) by omitting “**Access authorities**” and substituting
7 “**Petroleum access authorities**”;
8 (j) by omitting “**access authorities**” (wherever occurring) and
9 substituting “**petroleum access authorities**”;
10 (k) by omitting “access authorities” and substituting “petroleum
11 access authorities”.

12 Note: The headings to sections and clauses of the *Offshore Petroleum and Greenhouse Gas*
13 *Storage Act 2006* are altered as follows:

- 14 (a) by omitting “**access authority**” (wherever occurring) and
15 substituting “**petroleum access authority**”;
16 (b) by omitting “**access authorities**” (wherever occurring) and
17 substituting “**petroleum access authorities**”.

18 **44 Bulk amendments—references to scientific investigation** 19 **consents**

20 The *Offshore Petroleum and Greenhouse Gas Storage Act 2006* other
21 than the following provisions:

- 22 (a) the definition of *scientific investigation consent* in section 6
23 of that Act;
24 (b) the definition of *old title* in clause 1 of Schedule 6 to that
25 Act;

26 is amended as follows:

- 27 (c) by omitting “scientific investigation consent” (wherever
28 occurring) and substituting “petroleum scientific
29 investigation consent”;
30 (d) by omitting “**Scientific investigation consents**” and
31 substituting “**Petroleum scientific investigation consents**”;
32 (e) by omitting “scientific investigation consents” (wherever
33 occurring) and substituting “petroleum scientific
34 investigation consents”.

35 Note: The headings to sections of the *Offshore Petroleum and Greenhouse Gas Storage Act*
36 *2006* are altered as follows:

- 37 (a) by omitting “**scientific investigation consent**” (wherever
38 occurring) and substituting “**petroleum scientific investigation**
39 **consent**”;
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EXPOSURE DRAFT

Amendments to change references to petroleum titles etc. **Schedule 2**
References to petroleum titles etc. **Part 2**

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- (b) by omitting “**scientific investigation consents**” and substituting
“**petroleum scientific investigation consents**”.

EXPOSURE DRAFT

Schedule 2 Amendments to change references to petroleum titles etc.

Part 3 Consequential amendments

1

2 Part 3—Consequential amendments

3 *Offshore Petroleum (Royalty) Act 2006*

4 **44A Section 4 (definition of *North West Shelf production*** 5 ***licence*)**

6 Before “production licence that”, insert “petroleum”.

7 **44B Section 4 (definition of *North West Shelf retention lease*)**

8 Before “retention lease that”, insert “petroleum”.

9 **44C Section 4**

10 Insert:

11 *primary petroleum production licence* has the same meaning as in
12 Schedule 4 to the *Offshore Petroleum and Greenhouse Gas*
13 *Storage Act 2006*.

14 **45 Section 4 (definition of *primary production licence*)**

15 Repeal the definition.

16 **45A Section 4**

17 Insert:

18 *secondary petroleum production licence* has the same meaning as
19 in Schedule 4 to the *Offshore Petroleum and Greenhouse Gas*
20 *Storage Act 2006*.

21 **46 Section 4 (definition of *secondary production licence*)**

22 Repeal the definition.

23 **47 Subsection 6(1)**

24 Omit “a production licence is”, substitute “a petroleum production
25 licence is”.

26 Note: The heading to section 6 is altered by inserting “**petroleum**” before “**production**”.

27 **48 Subsection 6(1) (table items 1, 2, 3, 4 and 5)**

28 Before “production” (wherever occurring), insert “petroleum”.

EXPOSURE DRAFT

Amendments to change references to petroleum titles etc. **Schedule 2**
Consequential amendments **Part 3**

1 **49 Subsections 6(2) and (6)**

2 Before “production” (wherever occurring), insert “petroleum”.

3 Note: The heading to subsection 6(2) is altered by inserting “*petroleum*” before “*production*”.

4 **50 Subsections 7(1) and (2)**

5 Omit “an exploration”, substitute “a petroleum exploration”.

6 Note: The heading to section 7 is altered by inserting “**petroleum**” before “**exploration**”.

7 **51 Subsections 8(1) and (2)**

8 Before “retention”, insert “petroleum”.

9 Note: The heading to section 8 is altered by inserting “**petroleum**” before “**retention**”.

10 **52 Paragraph 10(1)(b)**

11 Omit “exploration permit, retention lease or production licence”,
12 substitute “petroleum exploration permit, petroleum retention lease or
13 petroleum production licence”.

14 **53 Subsection 10(2)**

15 Omit “an exploration permit, retention lease or production licence”,
16 substitute “a petroleum exploration permit, petroleum retention lease or
17 petroleum production licence”.

18 **54 Sections 11 and 12**

19 Omit “exploration permit, retention lease or production licence”,
20 substitute “petroleum exploration permit, petroleum retention lease or
21 petroleum production licence”.

22 **55 Section 13**

23 Omit “an exploration permit, retention lease or production licence”,
24 substitute “a petroleum exploration permit, petroleum retention lease or
25 petroleum production licence”.

26 **56 Subsection 14(2)**

27 Omit “exploration permit, retention lease or production licence”,
28 substitute “petroleum exploration permit, petroleum retention lease or
29 petroleum production licence”.

30 **57 Paragraph 5(2)(b) of Schedule 1**

EXPOSURE DRAFT

Schedule 2 Amendments to change references to petroleum titles etc.

Part 3 Consequential amendments

1 Before “production”, insert “petroleum”.

2 ***Petroleum Excise (Prices) Act 1987***

3 **58 Subsection 4(1) (paragraph (b) of the definition of *oil***
4 ***producer*)**

5 Before “production”, insert “petroleum”.

6 ***Petroleum Resource Rent Tax Assessment Act 1987***

7 **59 Section 2 (definition of *access authority*)**

8 Omit “has the same meaning as in”, substitute “means a petroleum
9 access authority within the meaning of”.

10 **60 Section 2 (definition of *exploration permit*)**

11 Omit “has the same meaning as in”, substitute “means a petroleum
12 exploration permit within the meaning of”.

13 **61 Section 2 (definition of *exploration permit area*)**

14 Omit “has the same meaning as in”, substitute “means a petroleum
15 exploration permit area within the meaning of”.

16 **62 Section 2 (paragraph (a) of the definition of *production***
17 ***licence*)**

18 Before “production”, insert “petroleum”.

19 **63 Section 2 (definition of *production licence area*)**

20 After “means a”, insert “petroleum”.

21 **64 Section 2 (definition of *retention lease*)**

22 Omit “has the same meaning as in”, substitute “means a petroleum
23 retention lease within the meaning of”.

24 **65 Section 2 (definition of *retention lease area*)**

25 Omit “has the same meaning as in”, substitute “means a petroleum
26 retention lease area within the meaning of”.

EXPOSURE DRAFT

Other consequential amendments **Schedule 3**

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Schedule 3—Other consequential amendments

5

Australian Energy Market Act 2004

6

1 Subsection 3(1) (definition of coastal waters)

7 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
8 *and Greenhouse Gas Storage Act 2006*”.

9

2 Subsection 3(1) (definition of offshore area)

10 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
11 *and Greenhouse Gas Storage Act 2006*”.

12

Australian Postal Corporation Act 1989

13

3 Subsection 9(4) (definition of offshore area)

14 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
15 *and Greenhouse Gas Storage Act 2006*”.

16

Coral Sea Islands Act 1969

17

4 Subsection 8(3)

18 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
19 *and Greenhouse Gas Storage Act 2006*”.

20

Corporations Act 2001

21

5 Section 9 (paragraph (b) of the definition of coastal sea)

22 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
23 *and Greenhouse Gas Storage Act 2006*”.

24

Crimes at Sea Act 2000

25

6 Clause 14 of Schedule 1

26 Omit “*Offshore Petroleum Act 2006*” (wherever occurring), substitute
27 “*Offshore Petroleum and Greenhouse Gas Storage Act 2006*”.

EXPOSURE DRAFT

Schedule 3 Other consequential amendments

1 ***Customs Act 1901***

2 **9 Subsection 4(1) (subparagraph (a)(i) of the definition of**
3 ***Australian seabed*)**

4 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
5 *and Greenhouse Gas Storage Act 2006*”.

6 **10 Subsection 4(1) (definition of *Coral Sea area*)**

7 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
8 *and Greenhouse Gas Storage Act 2006*”.

9 **11 Paragraphs 8(2)(a) and (3)(a)**

10 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
11 *and Greenhouse Gas Storage Act 2006*”.

12 ***Customs Tariff Act 1995***

13 **12 Subsection 3(1) (paragraph (e) of the definition of**
14 ***petroleum activity*)**

15 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
16 *and Greenhouse Gas Storage Act 2006*”.

17 **13 Schedule 4 (item 22A, the description of goods in column**
18 **2)**

19 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
20 *and Greenhouse Gas Storage Act 2006*”.

21 ***Environment Protection and Biodiversity Conservation Act***
22 ***1999***

23 **14 Paragraph 524(3)(f)**

24 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
25 *and Greenhouse Gas Storage Act 2006*”.

26 ***Gas Pipelines Access (Commonwealth) Act 1998***

27 **14A Subsection 5(1) (definition of *offshore area*)**

EXPOSURE DRAFT

Other consequential amendments **Schedule 3**

1 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
2 *and Greenhouse Gas Storage Act 2006*”.

3 **14B Section 9**

4 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
5 *and Greenhouse Gas Storage Act 2006*”.

6 Note: The heading to section 9 is altered by omitting “*Offshore Petroleum Act 2006*” and
7 substituting “*Offshore Petroleum and Greenhouse Gas Storage Act 2006*”.

8 **14C Section 10**

9 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
10 *and Greenhouse Gas Storage Act 2006*”.

11 Note: The heading to section 10 is altered by omitting “*Offshore Petroleum Act 2006*” and
12 substituting “*Offshore Petroleum and Greenhouse Gas Storage Act 2006*”.

13 **14D Subsection 11(1)**

14 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
15 *and Greenhouse Gas Storage Act 2006*”.

16 ***Income Tax Assessment Act 1936***

17 **15 Subparagraph 6AA(4)(e)(i)**

18 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
19 *and Greenhouse Gas Storage Act 2006*”.

20 ***International Tax Agreements Act 1953***

21 **16 Subsection 3(7A)**

22 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
23 *and Greenhouse Gas Storage Act 2006*”.

24 ***Maritime Transport and Offshore Facilities Security Act*** 25 ***2003***

26 **17 Section 10 (definition of petroleum)**

27 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
28 *and Greenhouse Gas Storage Act 2006*”.

29 **18 Paragraph 17C(2)(d)**

EXPOSURE DRAFT

Schedule 3 Other consequential amendments

1 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
2 *and Greenhouse Gas Storage Act 2006*”.

3 ***Migration Act 1958***

4 **19 Subsection 5(1) (subparagraph (a)(i) of the definition of** 5 ***Australian seabed*)**

6 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
7 *and Greenhouse Gas Storage Act 2006*”.

8 **20 Subsection 5(1) (definition of *Coral Sea area*)**

9 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
10 *and Greenhouse Gas Storage Act 2006*”.

11 ***Navigation Act 1912***

12 **22 Subsection 283K(1)**

13 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
14 *and Greenhouse Gas Storage Act 2006*”.

15 Note: The heading to section 283K is altered by omitting “*Offshore Petroleum Act 2006*” and
16 substituting “*Offshore Petroleum and Greenhouse Gas Storage Act 2006*”.

17 ***Occupational Health and Safety (Maritime Industry) Act*** 18 ***1993***

19 **23 Section 4 (paragraph (a) of the definition of *prescribed*** 20 ***ship*)**

21 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
22 *and Greenhouse Gas Storage Act 2006*”.

23 ***Offshore Minerals Act 1994***

24 **24 Readers guide (first asterisk-point under the heading** 25 **“*Basic concepts*”)**

26 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
27 *and Greenhouse Gas Storage Act 2006*”.

28 **25 Section 3**

EXPOSURE DRAFT

Other consequential amendments **Schedule 3**

1 Omit “*Offshore Petroleum Act 2006*” (wherever occurring), substitute
2 “*Offshore Petroleum and Greenhouse Gas Storage Act 2006*”.

3 **26 Subsection 13(1)**

4 Omit “*Offshore Petroleum Act 2006*” (wherever occurring), substitute
5 “*Offshore Petroleum and Greenhouse Gas Storage Act 2006*”.

6 **28 Subsection 14(1)**

7 Omit “*Offshore Petroleum Act 2006*” (wherever occurring), substitute
8 “*Offshore Petroleum and Greenhouse Gas Storage Act 2006*”.

9 **29 Subsection 14(2) (note)**

10 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
11 *and Greenhouse Gas Storage Act 2006*”.

12 **30 Subsection 16(1)**

13 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
14 *and Greenhouse Gas Storage Act 2006*”.

15 **31 Section 35 (note 2)**

16 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
17 *and Greenhouse Gas Storage Act 2006*”.

18 ***Offshore Petroleum Amendment (Greater Sunrise) Act 2007***

19 **31AA Subitem 97(4) of Schedule 1 (definition of *Greater***
20 ***Sunrise unitisation agreement*)**

21 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
22 *and Greenhouse Gas Storage Act 2006*”.

23 ***Offshore Petroleum (Repeals and Consequential***
24 ***Amendments) Act 2006***

25 **31AB Paragraphs 95(d), (e), (f), (g) and (h) of Schedule 2**

26 Omit “*Offshore Petroleum Act 2006*” (wherever occurring), substitute
27 “*Offshore Petroleum and Greenhouse Gas Storage Act 2006*”.

28 ***Offshore Petroleum (Royalty) Act 2006***

EXPOSURE DRAFT

Schedule 3 Other consequential amendments

1 **31A Section 3**

2 Omit “*Offshore Petroleum Act 2006*” (wherever occurring), substitute
3 “*Offshore Petroleum and Greenhouse Gas Storage Act 2006*”.

4 Note: The heading to section 3 is altered by omitting “*Offshore Petroleum Act 2006*” and
5 substituting “*Offshore Petroleum and Greenhouse Gas Storage Act 2006*”.

6 **31D Section 5 (note 2)**

7 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
8 *and Greenhouse Gas Storage Act 2006*”.

9 **31E Subsection 6(1) (table item 4)**

10 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
11 *and Greenhouse Gas Storage Act 2006*”.

12 **31F Paragraphs 5(2)(a) and (b) of Schedule 1**

13 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
14 *and Greenhouse Gas Storage Act 2006*”.

15 *Petroleum Excise (Prices) Act 1987*

16 **32 Subsection 4(1) (paragraph (b) of the definition of oil**
17 **producer)**

18 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
19 *and Greenhouse Gas Storage Act 2006*”.

20 *Petroleum Resource Rent Tax Assessment Act 1987*

21 **33 Section 2 (definition of access authority)**

22 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
23 *and Greenhouse Gas Storage Act 2006*”.

24 **34 Section 2 (definition of block)**

25 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
26 *and Greenhouse Gas Storage Act 2006*”.

27 **35 Section 2 (definition of certifying Minister)**

28 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
29 *and Greenhouse Gas Storage Act 2006*”.

EXPOSURE DRAFT

Other consequential amendments **Schedule 3**

1 **36 Section 2 (definition of *designated frontier expenditure*)**

2 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
3 *and Greenhouse Gas Storage Act 2006*”.

4 **37 Section 2 (definition of *excluded fee*)**

5 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
6 *and Greenhouse Gas Storage Act 2006*”.

7 **38 Section 2 (definition of *exploration permit*)**

8 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
9 *and Greenhouse Gas Storage Act 2006*”.

10 **39 Section 2 (definition of *exploration permit area*)**

11 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
12 *and Greenhouse Gas Storage Act 2006*”.

13 **39A Section 2 (definition of *Greater Sunrise unit area*)**

14 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
15 *and Greenhouse Gas Storage Act 2006*”.

16 **39B Section 2 (definition of *Greater Sunrise unit reservoirs*)**

17 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
18 *and Greenhouse Gas Storage Act 2006*”.

19 **40 Section 2 (definition of *holder of a registered interest*)**

20 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
21 *and Greenhouse Gas Storage Act 2006*”.

22 **41 Section 2 (definition of *infrastructure licence*)**

23 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
24 *and Greenhouse Gas Storage Act 2006*”.

25 **42 Section 2 (definition of *petroleum*)**

26 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
27 *and Greenhouse Gas Storage Act 2006*”.

28 **43 Section 2 (definition of *pipeline licence*)**

29 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
30 *and Greenhouse Gas Storage Act 2006*”.

EXPOSURE DRAFT

Schedule 3 Other consequential amendments

- 1 **44 Section 2 (paragraph (a) of the definition of *production***
2 ***licence*)**
3 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
4 *and Greenhouse Gas Storage Act 2006*”.
- 5 **45 Section 2 (definition of *production licence area*)**
6 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
7 *and Greenhouse Gas Storage Act 2006*”.
- 8 **46 Section 2 (definition of *registered holder*)**
9 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
10 *and Greenhouse Gas Storage Act 2006*”.
- 11 **47 Section 2 (definition of *retention lease*)**
12 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
13 *and Greenhouse Gas Storage Act 2006*”.
- 14 **48 Section 2 (definition of *retention lease area*)**
15 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
16 *and Greenhouse Gas Storage Act 2006*”.
- 17 **48A Section 2 (definition of *Western Greater Sunrise Area*)**
18 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
19 *and Greenhouse Gas Storage Act 2006*”.
- 20 **48B Subsection 2C(1)**
21 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
22 *and Greenhouse Gas Storage Act 2006*”.
- 23 **49 Section 3**
24 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
25 *and Greenhouse Gas Storage Act 2006*”.
- 26 **49A Subsection 23(4)**
27 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
28 *and Greenhouse Gas Storage Act 2006*”.
- 29 **50 Paragraph 34A(1)(a)**
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EXPOSURE DRAFT

Other consequential amendments **Schedule 3**

1 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
2 *and Greenhouse Gas Storage Act 2006*”.

3 **52 Subsection 36B(1)**

4 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
5 *and Greenhouse Gas Storage Act 2006*”.

6 **53 Subsection 36B(6) (definition of *potential exploration***
7 ***permit area*)**

8 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
9 *and Greenhouse Gas Storage Act 2006*”.

10 **54 Clause 1 of the Schedule (paragraphs (a) and (b) of the**
11 **definition of *relevant pre-commencement day*)**

12 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
13 *and Greenhouse Gas Storage Act 2006*”.

14 ***Quarantine Act 1908***

15 **55 Subsection 5(1) (subparagraph (a)(i) of the definition of**
16 ***Australian seabed*)**

17 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
18 *and Greenhouse Gas Storage Act 2006*”.

19 **56 Subsection 5(1) (definition of *Coral Sea area*)**

20 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
21 *and Greenhouse Gas Storage Act 2006*”.

22 ***Radiocommunications Act 1992***

23 **57 Subsection 17(3) (definition of *offshore area*)**

24 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
25 *and Greenhouse Gas Storage Act 2006*”.

26 **57A Subsection 17A(3) (definition of *Greater Sunrise unit***
27 ***reservoirs*)**

28 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
29 *and Greenhouse Gas Storage Act 2006*”.

EXPOSURE DRAFT

Schedule 3 Other consequential amendments

1 **57B Subsection 17A(3) (definition of *Western Greater Sunrise***
2 ***area*)**

3 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
4 *and Greenhouse Gas Storage Act 2006*”.

5 ***Sea Installations Act 1987***

6 **58 Subsection 4(1) (definition of *Petroleum Act*)**

7 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
8 *and Greenhouse Gas Storage Act 2006*”.

9 ***Telecommunications Act 1997***

10 **59 Subsection 11(5) (definition of *offshore area*)**

11 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
12 *and Greenhouse Gas Storage Act 2006*”.

13 ***Trade Practices Act 1974***

14 **60 Paragraph 4N(1)(b)**

15 Omit “*Offshore Petroleum Act 2006*”, substitute “*Offshore Petroleum*
16 *and Greenhouse Gas Storage Act 2006*”.

EXPOSURE DRAFT

Renumbering the Offshore Petroleum and Greenhouse Gas Storage Act 2006 **Schedule**

4

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

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

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

7

Offshore Petroleum and Greenhouse Gas Storage Act 2006

8
9

1 Renumbering the Offshore Petroleum and Greenhouse Gas Storage Act 2006

10 (1) The Chapters of the *Offshore Petroleum and Greenhouse Gas Storage*
11 *Act 2006* are renumbered so that they bear consecutive Arabic numerals
12 starting with “1”.

13 Note: For example, Chapter 3A would be renumbered as Chapter 5.

14 (2) The Parts of each Chapter of the *Offshore Petroleum and Greenhouse*
15 *Gas Storage Act 2006* are renumbered so that they bear decimal
16 numbers consisting of:

17 (a) the number of the Chapter (as renumbered under subitem (1)
18 of this item); and

19 (b) then, a decimal point; and

20 (c) then, consecutive Arabic numerals starting with “1”.

21 Note: For example, the Parts of Chapter 3A would be renumbered as
22 Parts 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9 and 5.10.

23 (3) The Divisions of each Part of the *Offshore Petroleum and Greenhouse*
24 *Gas Storage Act 2006* are renumbered so that they bear consecutive
25 Arabic numerals starting with “1”.

26 (4) The sections of the *Offshore Petroleum and Greenhouse Gas Storage*
27 *Act 2006* are renumbered in a single series so that they bear consecutive
28 Arabic numerals starting with “1”.

29 (5) The subsections of each section of the *Offshore Petroleum and*
30 *Greenhouse Gas Storage Act 2006* are renumbered so that they bear
31 consecutive Arabic numerals enclosed in parentheses starting with
32 “(1)”.

EXPOSURE DRAFT

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

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

- 1 (6) The paragraphs of each:
2 (a) section; or
3 (b) subsection; or
4 (c) definition;
5 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* are
6 relettered so that they bear lower-case letters in alphabetical order
7 enclosed in parentheses starting with “(a)”.
- 8 (7) The subparagraphs of each paragraph of each:
9 (a) section; or
10 (b) subsection; or
11 (c) definition;
12 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* are
13 renumbered so that they bear consecutive lower-case Roman numerals
14 enclosed in parentheses starting with “(i)”.
- 15 (8) Each provision of the *Offshore Petroleum and Greenhouse Gas Storage*
16 *Act 2006* that refers to a provision that has been renumbered or
17 relettered under this item is amended by omitting the reference and
18 substituting a reference to the last-mentioned provision as renumbered
19 or relettered.
- 20 Note: Each heading to a section, clause, subsection or subclause of the *Offshore Petroleum*
21 *and Greenhouse Gas Storage Act 2006* that refers to a provision that has been
22 renumbered or relettered under this item is amended by omitting the reference and
23 substituting a reference to the provision as so renumbered or relettered.

EXPOSURE DRAFT

Renumbering the Offshore Petroleum and Greenhouse Gas Storage Act 2006 **Schedule**

4

Consequential amendments **Part 2**

1

2

Part 2—Consequential amendments

3

Australian Energy Market Amendment (Gas Legislation) Act 2007

4

5

1A After section 3

6

Insert:

7

4 Renumbering of the *Offshore Petroleum Act 2006*

8

(1) In this section:

9

designated item means item 5, 6, 7 or 8 of Schedule 2.

10

(2) If, before the commencement of a designated item, a provision referred to in the designated item was renumbered under item 1 of Schedule 4 to the *Offshore Petroleum Amendment (Greenhouse Gas Storage) Act 2008*, the amendment made, or repeal effected, by the designated item has effect, after that commencement, as an amendment or repeal of the renumbered provision.

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Note: Schedule 1 to the *Offshore Petroleum Amendment (Greenhouse Gas Storage) Act 2008* amends the short title of the *Offshore Petroleum Act 2006*. 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 that Schedule as an amendment of the Act under its amended short title (see section 10 of the *Acts Interpretation Act 1901*).

23

Gas Pipelines Access (Commonwealth) Act 1998

24

2 Section 9

25

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.

26

27

28

29

3 Section 10

EXPOSURE DRAFT

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

Part 2 Consequential amendments

1 Omit the reference to a provision of the *Offshore Petroleum and*
2 *Greenhouse Gas Storage Act 2006* that has been renumbered under
3 item 1 of this Schedule, substitute a reference to that provision as so
4 renumbered.

5 **4 Subsection 11(1)**

6 Omit the reference to a provision of the *Offshore Petroleum and*
7 *Greenhouse Gas Storage Act 2006* that has been renumbered under
8 item 1 of this Schedule, substitute a reference to that provision as so
9 renumbered.

10 ***Offshore Petroleum (Repeals and Consequential***
11 ***Amendments) Act 2006***

12 **5 Paragraphs 95(e) and (h) of Schedule 2**

13 Omit each reference to a provision of the *Offshore Petroleum and*
14 *Greenhouse Gas Storage Act 2006* that has been renumbered under
15 item 1 of this Schedule, substitute a reference to that provision as so
16 renumbered.

17 ***Offshore Petroleum (Royalty) Act 2006***

18 **5A Section 5 (note 2)**

19 Omit the reference to a provision of the *Offshore Petroleum and*
20 *Greenhouse Gas Storage Act 2006* that has been renumbered under
21 item 1 of this Schedule, substitute a reference to that provision as so
22 renumbered.

23 **5B Subsection 6(1) (table item 4)**

24 Omit the reference to a provision of the *Offshore Petroleum and*
25 *Greenhouse Gas Storage Act 2006* that has been renumbered under
26 item 1 of this Schedule, substitute a reference to that provision as so
27 renumbered.

28 **5C Paragraphs 5(2)(a) and (b) of Schedule 1**

29 Omit each reference to a provision of the *Offshore Petroleum and*
30 *Greenhouse Gas Storage Act 2006* that has been renumbered under
31 item 1 of this Schedule, substitute a reference to that provision as so
32 renumbered.

EXPOSURE DRAFT

Renumbering the Offshore Petroleum and Greenhouse Gas Storage Act 2006 **Schedule**

4

Consequential amendments **Part 2**

1 ***Petroleum Resource Rent Tax Assessment Act 1987***

2 **6 Section 2 (definition of *excluded fee*)**

3 Omit each reference to a provision of the *Offshore Petroleum and*
4 *Greenhouse Gas Storage Act 2006* that has been renumbered or
5 relettered under item 1 of this Schedule, substitute a reference to that
6 provision as so renumbered or relettered.

7 **7 Section 2 (definition of *holder of a registered interest*)**

8 Omit the reference to a provision of the *Offshore Petroleum and*
9 *Greenhouse Gas Storage Act 2006* that has been renumbered under
10 item 1 of this Schedule, substitute a reference to that provision as so
11 renumbered.

12 **7A Subsection 2C(1)**

13 Omit the reference to a provision of the *Offshore Petroleum and*
14 *Greenhouse Gas Storage Act 2006* that has been renumbered under
15 item 1 of this Schedule, substitute a reference to that provision as so
16 renumbered.

17 **7B Subsection 23(4)**

18 Omit the reference to a provision of the *Offshore Petroleum and*
19 *Greenhouse Gas Storage Act 2006* that has been renumbered under
20 item 1 of this Schedule, substitute a reference to that provision as so
21 renumbered.

22 **8 Paragraph 34A(1)(a)**

23 Omit the reference to a provision of the *Offshore Petroleum and*
24 *Greenhouse Gas Storage Act 2006* that has been renumbered under
25 item 1 of this Schedule, substitute a reference to that provision as so
26 renumbered.

27 **9 Clause 1 of the Schedule (paragraphs (a) and (b) of the**
28 **definition of *relevant pre-commencement day*)**

29 Omit each reference to a provision of the *Offshore Petroleum and*
30 *Greenhouse Gas Storage Act 2006* that has been renumbered under
31 item 1 of this Schedule, substitute a reference to that provision as so
32 renumbered.

EXPOSURE DRAFT

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

Part 3 References in other Acts etc. to renumbered provisions

1

2

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

3

4

10 References in other Acts etc. to renumbered provisions

5

After the commencement of this item, a reference in:

6

- (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

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- (b) an instrument or document;

11

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.

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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.

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