2008

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Offshore Petroleum Amendment (Greenhouse Gas Storage) Bill 2008

(Government)

(1) Clause 2, page 1 (line 8) to page 8 (line 3), omit subclause (1), substitute:

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

<table>
<thead>
<tr>
<th>Commencement information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Column 1</td>
</tr>
<tr>
<td>Provision(s)</td>
</tr>
<tr>
<td>1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table</td>
</tr>
<tr>
<td>2. Schedule 1</td>
</tr>
<tr>
<td>3. Schedule 2</td>
</tr>
<tr>
<td>4. Schedule 3</td>
</tr>
<tr>
<td>5. Schedule 4, Part 1</td>
</tr>
<tr>
<td>6. Schedule 4, Part 2</td>
</tr>
<tr>
<td>7. Schedule 4, Part 3</td>
</tr>
</tbody>
</table>
Note: This table relates only to the provisions of this Act as originally passed by both Houses of the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

[commencement]

(2) Schedule 1, page 9 (after line 15), after item 2, insert:

2A After section 2

Insert:

2A Object

The object of this Act is to provide an effective regulatory framework for:
(a) petroleum exploration and recovery; and
(b) the injection and storage of greenhouse gas substances;
in offshore areas.

[object]

(3) Schedule 1, page 13 (after line 11), after item 14, insert:

14A Section 6

Insert:

*designated agreement* has the meaning given by section 15J.

[designated agreement]

(4) Schedule 1, page 13 (after line 25), after item 15A, insert:

15B Section 6

Insert:

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

15C Section 6

Insert:

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

[expert advisory committees]

(5) Schedule 1, page 21 (after line 16), after item 49, insert:

49A Section 6

Insert:

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

[renewal of greenhouse gas assessment permit]

(6) Schedule 1, item 79, page 27 (line 12), after “in relation to a”, insert “greenhouse gas
assessment permit or”.

[renewal of greenhouse gas assessment permit]
(7) Schedule 1, item 81, page 27 (line 20), omit “15E”, substitute “15F”.  

[significant risk of significant adverse impact]

(8) Schedule 1, page 27 (after line 28), after item 83, insert:

83A Section 6  
Insert:

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

[spatial extent]

(9) Schedule 1, page 27 (after line 28), after item 83, insert:

87A Section 6  
Insert:

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

[greenhouse gas holding lease granted to the holder of a retention lease]

(10) Schedule 1, item 98, page 31 (line 6), omit “holding lease”, substitute “titles”.  

[renewal of greenhouse gas assessment permit]

(11) Schedule 1, item 98, page 31 (before table item 1), insert:

1A the renewal, or the grant of a renewal, of a greenhouse gas assessment permit the grant of a greenhouse gas assessment permit over all of the blocks in relation to which the permit mentioned in column 1 was in force, to begin on the day after the expiry date of the permit mentioned in column 1.

[renewal of greenhouse gas assessment permit]

(12) Schedule 1, page 32 (after line 5), after item 100, insert:

100A After section 11  
Insert:

11A Tied titles  

Scope  

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

Tied titles  

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

(a) the greenhouse gas lease;
(b) a greenhouse gas holding lease granted by way of renewal of the greenhouse gas lease;
(c) a greenhouse gas injection licence derived from a lease referred to in paragraph (a) or (b);

is **tied** to each of the following:
(d) the petroleum lease;
(e) a retention lease granted by way of renewal of the petroleum lease;
(f) a production licence derived from a lease referred to in paragraph (d) or (e).

**[greenhouse gas holding lease granted to the holder of a retention lease]**

(13) Schedule 1, item 101, page 32 (table item 11), after “was in force”, insert “but has not been renewed”.

**[renewal of greenhouse gas assessment permit]**

(14) Schedule 1, item 109, page 36 (line 27) to page 37 (line 1), omit subsection 15B(3), substitute:

*Spatial extent*

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

(a) beginning at the start of the particular period referred to in whichever of paragraph (1)(a) or (b) is applicable; and
(b) ending at the notional site closing certificate time;

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

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

(a) the fundamental suitability determinants; and
(b) such other matters as are relevant.

**[spatial extent]**

(15) Schedule 1, item 109, page 37 (lines 8 to 11), omit subsection 15B(5).

**[spatial extent]**

(16) Schedule 1, item 109, page 37 (line 13), omit “subsection (5)”, substitute “this section”.

**[spatial extent]**

(17) Schedule 1, item 109, page 38 (line 1), omit “subsection (5)”, substitute “this section”.

**[spatial extent]**

(18) Schedule 1, item 109, page 40 (lines 17 to 23), omit section 15F, substitute:

15F **Significant risk of a significant adverse impact**

**Impact of petroleum operations**

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

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

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

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

(a) a greenhouse gas assessment permit; or
(b) a greenhouse gas holding lease; or
(c) a greenhouse gas injection licence;

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

Impact of greenhouse gas operations

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

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

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

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

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

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

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

(a) operations to recover petroleum; or
(b) the commercial viability of the recovery of petroleum;

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

Schedule 1, item 109, page 41 (after line 27), after section 15H, insert:
15J Designated agreements

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

(a) paragraph 79A(5)(f);
(b) paragraph 79A(6)(d);
(c) subsection 79A(10);
(d) paragraph 114A(5)(f);
(e) paragraph 114A(6)(d);
(f) subsection 114A(10);
(g) paragraph 138A(5)(f);
(h) paragraph 138A(6)(d);
(i) subsection 138A(10);
(j) paragraph 249AF(5)(d);
(k) paragraph 249AF(6)(d);
(l) subsection 249AF(11);
(m) subsection 249AF(12);
(n) paragraph 249BD(5)(d);
(o) paragraph 249BD(6)(d);
(p) subsection 249BD(11);
(q) subsection 249BD(12);
(r) subparagraph 249CI(1)(d)(iii);
(s) subparagraph 249CI(1)(e)(iii);
(t) subparagraph 249CI(2)(d)(iii);
(u) subparagraph 249CI(2)(e)(iii);
(v) paragraph 249CI(3)(a);
(w) subparagraph 249CR(d)(v);
(x) paragraph 249CR(e);
(y) paragraph 249CR(f);
(z) paragraph 249CR(g);
(za) paragraph 249CZC(1)(e).

[designated agreement]

(20) Schedule 1, page 41 (before line 28), before item 110, insert:

109A Section 21

Insert:

*greenhouse gas title* means:

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

109B Section 21

Insert:

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

109C Section 21 (definition of title)
Repeal the definition, substitute:

*title* means:
(a) a greenhouse gas title; or
(b) a petroleum title.

(21) Schedule 1, page 43 (after line 23), after item 117, insert:

117A After subsection 78(1)
Insert:

(1A) Express references in this Act to the injection or storage of a substance do not imply that subsection (1) does not operate so as to authorise the permittee:
(a) to carry on operations to inject a substance into the seabed or subsoil of an offshore area; or
(b) to carry on operations to store (whether on a permanent basis or otherwise) a substance in the seabed or subsoil of an offshore area.

(1B) The regulations may provide that an exploration permit authorises the permittee, in accordance with the conditions (if any) to which the permit is subject:
(a) to explore in the permit area for a potential greenhouse gas storage formation; and
(b) to explore in the permit area for a potential greenhouse gas injection site; and
(c) to carry on such operations, and execute such works, in the permit area as are necessary for those purposes.

117B Subsection 78(2)
Omit “subsection (1)”, substitute “or under subsection (1) or (1B)”.

(22) Schedule 1, page 49 (after line 15), after item 120, insert:

120A After subsection 113(1)
Insert:

(1A) Express references in this Act to the injection or storage of a substance do not imply that subsection (1) does not operate so as to authorise the lessee:
(a) to carry on operations to inject a substance into the seabed or subsoil of an offshore area; or
(b) to carry on operations to store (whether on a permanent basis or otherwise) a substance in the seabed or subsoil of an offshore area.
(1B) The regulations may provide that a retention lease authorises the lessee, in accordance with the conditions (if any) to which the lease is subject:
(a) to explore in the lease area for a potential greenhouse gas storage formation; and
(b) to explore in the lease area for a potential greenhouse gas injection site; and
(c) to carry on such operations, and execute such works, in the lease area as are necessary for those purposes.

120B Subsection 113(2)
Omit “subsection (1)”, substitute “or under subsection (1) or (1B)”.

[rights conferred by retention lease]

(23) Schedule 1, item 125, page 54 (line 30) to page 55 (line 2), omit the item, substitute:

125 After subsection 137(1)
Insert:

(1A) Express references in this Act to the injection or storage of a substance do not imply that subsection (1) does not operate so as to authorise the licensee:
(a) to carry on operations to inject a substance into the seabed or subsoil of an offshore area; or
(b) to carry on operations to store (whether on a permanent basis or otherwise) a substance in the seabed or subsoil of an offshore area.

(1B) The regulations may provide that a production licence authorises the licensee, in accordance with the conditions (if any) to which the licence is subject:
(a) to explore in the licence area for a potential greenhouse gas storage formation; and
(b) to explore in the licence area for a potential greenhouse gas injection site; and
(c) to carry on such operations, and execute such works, in the licence area as are necessary for those purposes.

(1C) The regulations may provide that, if:
(a) petroleum is recovered in the licence area of a production licence (the first licence); and
(b) operations for the recovery or processing of the petroleum are carried on using a facility located in the licence area of another production licence (the second licence); and
(c) a prescribed substance (which may be a hydrocarbon) is recovered as an incidental consequence of the recovery of the petroleum;
the second licence authorises the licensee of the second licence, in accordance with the conditions (if any) to which the second licence is subject:
(d) to inject the substance into the seabed or subsoil of the licence area of the second licence; and
(e) to store (whether on a permanent basis or otherwise) the substance in the seabed or subsoil of the licence area of the second licence; and
(f) to carry on such operations, and execute such works, in the licence area of the second licence as are necessary for those purposes.

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

125A Subsection 137(2)
Omit “subsection (1)”, substitute “or under subsection (1), (1B) or (1C)”.
(24) Schedule 1, page 87 (before line 8), before item 165A, insert:

165AA At the end of Part 2.10
Add:

226A Responsible Commonwealth Minister may require information about negotiations for a designated agreement

Scope

(1) This section applies to the following applications:
   (a) an application under subsection 79A(1) for approval to carry on one or more key petroleum operations under a declared exploration permit;
   (b) an application under section 114A for approval to carry on one or more key petroleum operations under a declared retention lease;
   (c) an application under subsection 138A(1) for approval to carry on one or more key petroleum operations under a declared production licence;
where either or both of the following are relevant to the responsible Commonwealth Minister’s decision on the application:
   (d) the existence or non-existence of a designated agreement;
   (e) the terms of a designated agreement.

Report about negotiations

(2) The responsible Commonwealth Minister may, by written notice given to the applicant, require the applicant to give to the responsible Commonwealth Minister, within the period specified in the notice, a written report about negotiations, or attempts at negotiations, relating to:
   (a) the entering into of the designated agreement; and
   (b) the terms of the designated agreement.

Consequences of breach of requirement

(3) If the applicant breaches the requirement, the responsible Commonwealth Minister may, by written notice given to the applicant:
   (a) refuse to consider the application; or
   (b) refuse to take any action, or any further action, in relation to the application.

(4) Subsection (3) has effect despite any provision of this Act that requires the responsible Commonwealth Minister to:
   (a) consider the application; or
   (b) take any particular action in relation to the application.

(25) Schedule 1, item 169, page 97 (lines 2 to 6), omit subsection 249AH(1), substitute:

(1) The duration of a greenhouse gas assessment permit is worked out using the table:
### Duration of greenhouse gas assessment permits

<table>
<thead>
<tr>
<th>Item</th>
<th>This kind of permit...</th>
<th>remains in force...</th>
</tr>
</thead>
</table>
| 1    | an original greenhouse gas assessment permit | for the period of 6 years beginning on:  
|      |                        | (a) the day on which the permit is granted; or  
|      |                        | (b) if a later day is specified in the permit as the day on which the permit is to come into force— that later day. |
| 2    | a greenhouse gas assessment permit granted by way of renewal | for the period of 3 years beginning on:  
|      |                        | (a) the day on which the permit is granted; or  
|      |                        | (b) if a later day is specified in the permit as the day on which the permit is to come into force— that later day. |

### [renewal of greenhouse gas assessment permit]

(26) Schedule 1, item 169, page 97 (after line 10), after note 1, insert:

Note 1A: For a special rule about the extension of the duration of a greenhouse gas assessment permit pending a decision on a renewal application, see subsection 249ASA(6).

### [renewal of greenhouse gas assessment permit]

(27) Schedule 1, item 169, page 102 (after line 9), after subsection 249AL(3), insert:

(3A) Criteria under subsection (3) must consist of, or include, criteria relating to proposals for work and expenditure in relation to the block or blocks concerned.

(3B) Criteria under subsection (3) may include criteria relating to any or all of the following matters:  
- (a) economic matters;  
- (b) commercial matters;  
- (c) public interest matters.

(3C) Subsection (3B) does not limit subsection (3).

### [ranking of applicants for greenhouse gas assessment permit]

(28) Schedule 1, item 169, page 102 (line 20) to page 103 (line 11), omit subsections 249AL(6), (7) and (8), substitute:

Applicants who are equally deserving of the grant of the greenhouse gas assessment permit

(6) If the responsible Commonwealth Minister:  
- (a) has considered the information accompanying the applications; and  
- (b) is of the opinion that 2 or more of the applicants are equally deserving of the grant of the greenhouse gas assessment permit;  
the responsible Commonwealth Minister may, by written notice given to each of those applicants, invite them to give the responsible Commonwealth Minister:
(c) details (the work/expenditure details) of their proposals for additional work and expenditure in relation to the block or blocks concerned; and
(d) any other information that is relevant in determining which of the applicants is most deserving of the grant of the greenhouse gas assessment permit.

(7) A notice under subsection (6) must:
(a) specify the kinds of work/expenditure details that the responsible Commonwealth Minister considers to be relevant in determining which of the applicants is most deserving of the grant of the greenhouse gas assessment permit; and
(b) specify the kinds of other information that the responsible Commonwealth Minister considers to be relevant in determining which of the applicants is most deserving of the grant of the greenhouse gas assessment permit; and
(c) specify the period within which the work/expenditure details and the other information must be given to the responsible Commonwealth Minister.

(8) If an applicant gives work/expenditure details or other information to the responsible Commonwealth Minister, and those details are or that information is:
(a) of a kind specified in the notice; and
(b) given within the period specified in the notice;
the responsible Commonwealth Minister must have regard to the details or information in determining which of the applicants is most deserving of the grant of the greenhouse gas assessment permit.

[ranking of applicants for greenhouse gas assessment permit]

(29) Schedule 1, item 169, page 111 (after line 16), after Division 3, insert:

Division 3A—Renewal of greenhouse gas assessment permits

249ASA Application for renewal of greenhouse gas assessment permit

Application for renewal

(1) The registered holder of a greenhouse gas assessment permit may apply to the responsible Commonwealth Minister for the renewal by the responsible Commonwealth Minister of the permit.

(2) A greenhouse gas assessment permit cannot be renewed more than once.

(3) An application to renew a greenhouse gas assessment permit must be made:
(a) not more than 12 months before the expiry date of the permit; and
(b) at least 180 days before the expiry date of the permit.

(4) Despite subsection (3), the responsible Commonwealth Minister may accept an application to renew a greenhouse gas assessment permit if the application is made:
(a) later than 180 days before the expiry date of the permit; and
(b) before the expiry date of the permit.

(5) An application to renew a greenhouse gas assessment permit must be accompanied by details of:
(a) the permittee’s proposals for work and expenditure in relation to the permit area; and
(b) such other information (if any) as is specified in the regulations.

Note 1: Part 2A.8 contains additional provisions about application procedures.
Note 2: Section 249JB requires the application to be accompanied by an application fee.

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

Extension of duration of greenhouse gas assessment permit pending decision on application

(6) If:
   (a) a greenhouse gas assessment permittee makes an application to renew the permit; and
   (b) the permit would, apart from this subsection, expire:
      (i) before the responsible Commonwealth Minister grants, or refuses to grant, the renewal of the permit; or
      (ii) before the application lapses as provided by section 249JF;
   the permit continues in force:
   (c) until the responsible Commonwealth Minister grants, or refuses to grant, the renewal of the permit; or
   (d) until the application so lapses;
   whichever happens first.

(7) Subsection (6) has effect subject to this Chapter but despite section 249AH.

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

249ASB Renewal of greenhouse gas assessment permit—offer document

Scope

(1) This section applies if an application to renew a greenhouse gas assessment permit has been made under section 249ASA.

Offer document—compliance with conditions etc.

(2) If:
   (a) each of the following has been complied with:
      (i) the conditions to which the greenhouse gas assessment permit is, or has from time to time been, subject;
      (ii) the provisions of this Chapter, Chapter 3A, Chapter 4 and Part 5A.1;
      (iii) the provisions of the regulations; and
   (b) during the period when the permit was in force, at least one notice was given under section 249NA about a part of a geological formation wholly situated in the permit area;
   the responsible Commonwealth Minister must give the applicant a written notice (called an offer document) telling the applicant that the responsible Commonwealth Minister is prepared to renew the permit.

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

Offer document—non-compliance with conditions etc.

(3) If:
   (a) any of:
(i) the conditions to which the greenhouse gas assessment permit is, or has from 
time to time been, subject; or 
(ii) the provisions of this Chapter, Chapter 3A, Chapter 4 and Part 5A.1; or 
(iii) the provisions of the regulations; 
have not been complied with; and 

(b) in a case where: 
(i) the permit is a work-bid greenhouse gas assessment permit; and 
(ii) the permit is subject to one or more conditions of the kind mentioned in 
subsection 249AE(5); and 
(iii) one or more of those conditions have not been complied with; 
the responsible Commonwealth Minister is satisfied that the non-compliance is 
attributable to unavoidable delays caused by the unavailability of essential services 
or essential equipment, or both; and 
(c) the responsible Commonwealth Minister is satisfied that there are sufficient 
grounds to warrant the granting of the renewal of the greenhouse gas assessment 
permit; 

the responsible Commonwealth Minister may give the applicant a written notice (called 
an **offer document**) telling the applicant that the responsible Commonwealth Minister is 
prepared to renew the permit. 

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

**Offer document—no section 249NA notice** 

(4) If: 
(a) each of the following has been complied with: 
   (i) the conditions to which the greenhouse gas assessment permit is, or has from 
time to time been, subject; 
   (ii) the provisions of this Chapter, Chapter 3A, Chapter 4 and Part 5A.1; 
   (iii) the provisions of the regulations; and 

(b) during the period when the greenhouse gas assessment permit was in force, no 
otice under section 249NA was given about a part of a geological formation 
wholly situated in the permit area; and 
(c) the responsible Commonwealth Minister is satisfied that there are sufficient 
grounds to warrant the granting of the renewal of the greenhouse gas assessment 
permit; 

the responsible Commonwealth Minister may give the applicant a written notice (called 
an **offer document**) telling the applicant that the responsible Commonwealth Minister is 
prepared to renew the permit. 

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

**Work program condition** 

(5) For the purposes of this section, if; 
(a) the greenhouse gas assessment permit is subject to a condition requiring the 
permittee to carry out work in, or in relation to, the permit area during a particular 
period; and 
(b) the application for renewal of the permit was made during that period; 
then, in determining whether the condition has been complied with, assume that the 
period had ended immediately before the application for renewal was made.
249ASC  Refusal to renew greenhouse gas assessment permit

Scope

(1) This section applies if an application to renew a greenhouse gas assessment permit has been made under section 249ASA.

Refusal to renew

(2) If:

(a) any of:
   (i) the conditions to which the greenhouse gas assessment permit is, or has from time to time been, subject; or
   (ii) the provisions of this Chapter, Chapter 3A, Chapter 4 and Part 5A.1; or
   (iii) the provisions of the regulations;
   have not been complied with; and
(b) in a case where:
   (i) the permit is a work-bid greenhouse gas assessment permit; and
   (ii) the permit is subject to one or more conditions of the kind mentioned in subsection 249AE(5); and
   (iii) one or more of those conditions have not been complied with;
   the responsible Commonwealth Minister is not satisfied that the non-compliance is attributable to unavoidable delays caused by the unavailability of essential services or essential equipment or both; and
(c) the responsible Commonwealth Minister is not satisfied that there are sufficient grounds to warrant the granting of the renewal of the greenhouse gas assessment permit;

the responsible Commonwealth Minister must, by written notice given to the applicant, refuse to renew the permit.

Note:  Consultation procedures apply—see section 249JH.

(3) If:

(a) each of the following has been complied with:
   (i) the conditions to which the greenhouse gas assessment permit is, or has from time to time been, subject;
   (ii) the provisions of this Chapter, Chapter 3A, Chapter 4 and Part 5A.1;
   (iii) the provisions of the regulations; and
(b) during the period when the permit was in force, no notice was given under section 249NA about a part of a geological formation wholly situated in the permit area; and
(c) the responsible Commonwealth Minister is not satisfied that there are sufficient grounds to warrant the granting of the renewal of the greenhouse gas assessment permit;

the responsible Commonwealth Minister must, by written notice given to the applicant, refuse to renew the permit.

Note:  Consultation procedures apply—see section 249JH.

Work program condition

(4) For the purposes of this section, if;
(a) the greenhouse gas assessment permit is subject to a condition requiring the permittee to carry out work in, or in relation to, the permit area during a particular period; and
(b) the application for renewal of the permit was made during that period; then, in determining whether the condition has been complied with, assume that the period had ended immediately before the application for renewal was made.

249ASD Renewal of greenhouse gas assessment permit

If:
(a) an applicant has been given an offer document under section 249ASB; and
(b) the applicant has made a request under section 249JF in relation to the offer document within the period applicable under that section; and
(c) if the offer document specified the form and amount of a security to be lodged by the applicant—the applicant has lodged the security within the period applicable under section 249JGAA;

the responsible Commonwealth Minister must renew the greenhouse gas assessment permit.

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

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

[renewal of greenhouse gas assessment permit]

(30) Schedule 1, item 169, page 111 (line 23), after “greenhouse gas injection licence”, insert “, retention lease”.

[identified greenhouse gas storage formation]

(31) Schedule 1, item 169, page 112 (after line 14), after subsection 249AU(3), insert:

(3A) An estimate of spatial extent must comply with such requirements as are specified in the regulations.

[identified greenhouse gas storage formation]

(32) Schedule 1, item 169, page 115 (line 1), at the end of subparagraph 249AUA(3)(a)(iv), add “or”.

[identified greenhouse gas storage formation]

(33) Schedule 1, item 169, page 115 (after line 1), after subparagraph 249AUA(3)(a)(iv), insert:

(v) the lease area of a retention lease;

[identified greenhouse gas storage formation]

(34) Schedule 1, item 169, page 115 (line 28), omit “licensee.”, substitute “licensee; or”.

[identified greenhouse gas storage formation]

(35) Schedule 1, item 169, page 115 (after line 28), at the end of subsection 249AUA(6), add:

(e) if the part is wholly situated in the lease area of a retention lease—the lessee.

[identified greenhouse gas storage formation]

(36) Schedule 1, item 169, page 116 (line 27), omit “licensee.”, substitute “licensee; or”.

[identified greenhouse gas storage formation]
(37) Schedule 1, item 169, page 116 (after line 27), at the end of subsection 249AUB(4), add:
   
   (e) if the part is wholly situated in the lease area of a retention lease—the lessee.

   [identified greenhouse gas storage formation]

(38) Schedule 1, item 169, page 119 (lines 10 to 18), omit the dot-point beginning with “A greenhouse gas holding lease may be granted to”, substitute:

   • A greenhouse gas holding lease may be granted to:
     
     (a) the holder of a greenhouse gas assessment permit; or
     
     (b) the holder of a greenhouse gas injection licence, where no greenhouse gas injection or permanent storage operations have been carried on under the licence; or
     
     (c) an unsuccessful applicant for a greenhouse gas injection licence; or
     
     (d) the holder of a retention lease.

   [greenhouse gas holding lease granted to the holder of a retention lease]

(39) Schedule 1, item 169, page 125 (after line 34), after note 2, insert:

   Note 2A: For a special rule about the cancellation of a greenhouse gas holding lease granted to the holder of a retention lease, see section 249BZC.

   [greenhouse gas holding lease granted to the holder of a retention lease]

(40) Schedule 1, item 169, page 132 (line 4), omit “each”, substitute “at least one”.

   [grant of greenhouse gas holding lease]

(41) Schedule 1, item 169, page 132 (line 7), omit “each”, substitute “at least one”.

   [grant of greenhouse gas holding lease]

(42) Schedule 1, item 169, page 135 (line 27), omit “formation or formations”, substitute “formation, or at least one of the identified greenhouse gas storage formations,”.

   [grant of greenhouse gas holding lease]

(43) Schedule 1, item 169, page 135 (line 30), omit “formation or formations”, substitute “formation, or at least one of the identified greenhouse gas storage formations,”.

   [grant of greenhouse gas holding lease]

(44) Schedule 1, item 169, page 142 (after line 10), at the end of Division 2, add:

   **Subdivision D—Application for greenhouse gas holding lease by the holder of a retention lease**

   **249BSG Application for greenhouse gas holding lease by the holder of a retention lease**

   (1) If:

   (a) a retention lease is in force over a block or blocks; and
   
   (b) one or more identified greenhouse gas storage formations are wholly situated in the lease area;
the lessee may apply to the responsible Commonwealth Minister for the grant of a greenhouse gas holding lease over the block or blocks.

(2) An application under this section must be accompanied by such information (if any) as is specified in the regulations.

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

Note 2: Section 249IB requires the application to be accompanied by an application fee.

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

Variation of application

(3) At any time before an offer document relating to the application is given to the applicant, the applicant may, by written notice given to the responsible Commonwealth Minister, vary the application.

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

(5) A variation of an application may be made:
   (a) on the applicant's own initiative; or
   (b) at the request of the responsible Commonwealth Minister.

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

(7) If an application under this section is varied, a reference in this Act to the application is a reference to the application as varied.

249BSH Grant of greenhouse gas holding lease—offer document

Scope

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

Offer document

(2) The responsible Commonwealth Minister must give the applicant a written notice (called an offer document) telling the applicant that the responsible Commonwealth Minister is prepared to grant the applicant a greenhouse gas holding lease over the block or blocks covered by the application.

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

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

249BSI Grant of greenhouse gas holding lease

If:
   (a) an applicant has been given an offer document under section 249BSH; and
   (b) the applicant has made a request under section 249JF in relation to the offer document within the period applicable under that section; and
(c) if the offer document specified the form and amount of a security to be lodged by
the applicant—the applicant has lodged the security within the period applicable
under section 249JGAA;
the responsible Commonwealth Minister must grant the applicant a greenhouse gas
holding lease over the block or blocks specified in the offer document.

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

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

249BSJ Retention lease transfer—transferee to be treated as applicant

Scope

(1) This section applies if a transfer of a retention lease is registered under section 262:
(a) after an application has been made under section 249BSG for the grant of a
greenhouse gas holding lease over a block or blocks in relation to which the
retention lease is in force; and
(b) before any action has been taken by the responsible Commonwealth Minister under
section 249BSH in relation to the application.

Transferee to be treated as applicant

(2) After the transfer, sections 249BSH and 249BSI and Part 2A.8 have effect in relation to
the application as if any reference in those sections and that Part to the applicant were a
reference to the transferee.

[greenhouse gas holding lease granted to the holder of a retention lease]

(45) Schedule 1, item 169, page 144 (line 11), omit “formation or formations”, substitute
“formation, or at least one of the identified greenhouse gas storage formations,”.

[renewal of greenhouse gas holding lease]

(46) Schedule 1, item 169, page 144 (lines 14 and 15), omit “formation or formations”, substitute
“formation, or at least one of the identified greenhouse gas storage formations,”.

[renewal of greenhouse gas holding lease]

(47) Schedule 1, item 169, page 144 (line 16), omit “15”, substitute “10”.

[renewal of greenhouse gas holding lease]

(48) Schedule 1, item 169, page 145 (line 2), omit “formation or formations”, substitute
“formation, or at least one of the identified greenhouse gas storage formations,”.

[renewal of greenhouse gas holding lease]

(49) Schedule 1, item 169, page 145 (lines 5 and 6), omit “formation or formations”, substitute
“formation, or at least one of the identified greenhouse gas storage formations,”.

[renewal of greenhouse gas holding lease]

(50) Schedule 1, item 169, page 145 (line 7), omit “15”, substitute “10”.

[renewal of greenhouse gas holding lease]

(51) Schedule 1, item 169, page 146 (line 6), omit “formation or formations”, substitute
“formation, or at least one of the identified greenhouse gas storage formations,”.
(52) Schedule 1, item 169, page 146 (line 9), omit “formation or formations”, substitute “formation, or at least one of the identified greenhouse gas storage formations,”.

(53) Schedule 1, item 169, page 149 (line 32), at the end of Part 2A.3, add:

Division 6—Cancellation of certain greenhouse gas holding leases granted to the holders of retention leases

249BZC Cancellation of certain greenhouse gas holding leases granted to the holders of retention leases

Scope

(1) This section applies if:

(a) a greenhouse gas holding lease is tied to a retention lease; and
(b) the retention lease is cancelled, surrendered or wholly revoked.

Cancellation of greenhouse gas holding lease

(2) The responsible Commonwealth Minister must cancel the greenhouse gas holding lease.

(54) Schedule 1, item 169, page 154 (after line 28), after subsection 249CE(7), insert:

(7A) If a greenhouse gas injection licence is granted under section 249CRB to the registered holder of a production licence, the origin or origins specified under paragraph (3)(f) of this section must be situated in the licence area of the production licence.

(7B) If a greenhouse gas injection licence is tied to a production licence, the origin or origins specified under paragraph (3)(f) of this section must be situated in the licence area of the production licence.

(55) Schedule 1, item 169, page 159 (after line 33), after subsection 249CH(6), insert:

Limit on application

(6A) If a greenhouse gas holding lease was granted under section 249BSI (or was granted by way of renewal of such a lease), the lessee is not entitled to make an application under this section unless:

(a) the greenhouse gas holding lease is tied to a production licence; and
(b) the lessee is the registered holder of the production licence.

(56) Schedule 1, item 169, page 183 (line 34), omit “and”, substitute “or”.

(57) Schedule 1, item 169, page 183 (after line 34), at the end of paragraph 249CXB(1)(c), add:

(v) an exploration permit; or
(vi) a retention lease; or
(vii) a production licence; or
(viii) a special prospecting authority; and
(58) Schedule 1, item 169, page 190 (line 15), omit “and”, substitute “or”.

(59) Schedule 1, item 169, page 190 (after line 15), at the end of paragraph 249CZA(1)(c), add:

(v) an exploration permit; or
(vi) a retention lease; or
(vii) a production licence; or
(viii) a special prospecting authority; and

(60) Schedule 1, item 169, page 197 (line 15), omit “and”, substitute “or”.

(61) Schedule 1, item 169, page 197 (after line 15), at the end of paragraph 249CZCA(1)(c), add:

(v) an exploration permit; or
(vi) a retention lease; or
(vii) a production licence; or
(viii) a special prospecting authority; and

(62) Schedule 1, item 169, page 199 (after line 27), after subsection 249CZE(2), insert:

(2A) Subsection (2) does not apply if there have not been any operations for the injection of a greenhouse gas substance into the identified greenhouse gas storage formation.

(63) Schedule 1, item 169, page 201 (after line 4), at the end of section 249CZE, add:

Mandatory application—greenhouse gas injection licence tied to a retention lease or production licence

(12) If:

(a) a greenhouse gas injection licence is in force; and
(b) the greenhouse gas injection licence is tied to a retention lease or production licence; and
(c) the retention lease or production licence ceases to be in force as a result of being surrendered, cancelled, terminated or wholly revoked;

the licensee of the greenhouse gas injection licence must, within the application period, make an application under subsection (1) for a site closing certificate in relation to the identified greenhouse gas storage formation, or each of the identified greenhouse gas storage formations, specified in the greenhouse gas injection licence.

(13) The application period for an application referred to in subsection (12) is:

(a) the period of 30 days after the day on which the cessation referred to in paragraph (12)(c) occurred; or
(b) such longer period, not more than 90 days after that day, as the responsible Commonwealth Minister allows.
(14) The responsible Commonwealth Minister may allow a longer period under paragraph (13)(b) only on written application made by the licensee within the period of 30 days mentioned in paragraph (13)(a).

(15) A person commits an offence if:
   (a) the person is subject to a requirement under subsection (12); and
   (b) the person omits to do an act; and
   (c) the omission breaches the requirement.

   Penalty: 100 penalty units.

(16) An offence against subsection (15) is an offence of strict liability.

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

[site closing certificates]

(64) Schedule 1, item 169, page 201 (lines 27 to 30), omit paragraph 249CZF(1)(b), substitute:
   (b) either:
      (i) the responsible Commonwealth Minister is satisfied that operations for the injection of a greenhouse gas substance into the identified greenhouse gas storage formation concerned have ceased; or
      (ii) the responsible Commonwealth Minister is satisfied that there have not been any operations for the injection of a greenhouse gas substance into the identified greenhouse gas storage formation concerned;

[site closing certificates]

(65) Schedule 1, item 169, page 205 (after line 23), at the end of section 249CZGAA, add:

   (6) Subsection (1) does not apply if the responsible Commonwealth Minister is satisfied that there have not been any operations for the injection of a greenhouse gas substance into the identified greenhouse gas storage formation concerned.

[site closing certificates]

(66) Schedule 1, item 169, page 205 (line 28), before “the applicant”, insert “if subsection 249CZGAA(1) applies—”.

[site closing certificates]

(67) Schedule 1, item 169, page 221 (line 11), after “grant”, insert “or renewal”.

[renewal of greenhouse gas assessment permit]

(68) Schedule 1, item 169, page 221 (line 24), after “grant”, insert “or renewal”.

[renewal of greenhouse gas assessment permit]

(69) Schedule 1, item 169, page 222 (line 17), at the end of paragraph 249JC(1)(a), add “(otherwise than by way of renewal)”.

[renewal of greenhouse gas assessment permit]

(70) Schedule 1, item 169, page 223 (line 5), after “grant”, insert “or renewal”.

[renewal of greenhouse gas assessment permit]

(71) Schedule 1, item 169, page 224 (line 5), after “grant”, insert “or renewal”.

[renewal of greenhouse gas assessment permit]

(72) Schedule 1, item 169, page 226 (after table item 2), insert:
| 2A | the renewal of a greenhouse gas assessment permit | 30 days after the offer document was given to the applicant; | the renewal of the permit. |

[renewal of greenhouse gas assessment permit]

(73) Schedule 1, item 169, page 228 (before table item 1), insert:

1A section 249ASC refusal to renew a greenhouse gas assessment permit the permittee.

[renewal of greenhouse gas assessment permit]

(74) Schedule 1, item 169, page 229 (after line 13), at the end of Part 2A.8, add:

249JHA Responsible Commonwealth Minister may require information about negotiations for a designated agreement

Scope

(1) This section applies to the following applications:
   (a) an application under subsection 249AF(1) for approval to carry on one or more key greenhouse gas operations under a greenhouse gas assessment permit;
   (b) an application under subsection 249BD(1) for approval to carry on one or more key greenhouse gas operations under a greenhouse gas holding lease;
   (c) an application under section 249CH for the grant of a greenhouse gas injection licence;
   (d) an application under section 249CQ for the grant of a greenhouse gas injection licence;
   where either or both of the following are relevant to the responsible Commonwealth Minister’s decision on the application:
   (e) the existence or non-existence of a designated agreement;
   (f) the terms of a designated agreement.

Report about negotiations

(2) The responsible Commonwealth Minister may, by written notice given to the applicant, require the applicant to give to the responsible Commonwealth Minister, within the period specified in the notice, a written report about negotiations, or attempts at negotiations, relating to:
   (a) the entering into of the designated agreement; and
   (b) the terms of the designated agreement.

Consequences of breach of requirement

(3) If the applicant breaches the requirement, the responsible Commonwealth Minister may, by written notice given to the applicant:
   (a) refuse to consider the application; or
   (b) refuse to take any action, or any further action, in relation to the application.
(4) Subsection (3) has effect despite any provision of this Act that requires the responsible Commonwealth Minister to:
(a) consider the application; or
(b) take any particular action in relation to the application.

[designated agreement]

(75) Schedule 1, item 169, page 230 (after table item 4), insert:

4A  a greenhouse gas assessment permit the permit is taken to continue in
force until the responsible
Commonwealth Minister grants, or
refuses to grant, the renewal of the
permit (see subsection 249ASA(6)).

[renewal of greenhouse gas assessment permit]

(76) Schedule 1, item 169, page 257 (after line 18), at the end of Part 2A.12, add:

249NL  Monitoring information may be made publicly available

Scope

(1) This section applies to information that:
(a) is held by the Commonwealth; and
(b) relates to the monitoring of the behaviour of a greenhouse gas substance stored in a part of a geological formation, where the part is wholly or partly situated in one or more offshore areas.

Information may be made publicly available

(2) The regulations may authorise the responsible Commonwealth Minister to make the information publicly available.

[monitoring information]

(77) Schedule 1, item 191, page 267 (after line 25), after subsection 298-261(2), insert:

(2A) If:
(a) the application is for approval of a transfer of a greenhouse gas holding lease or a greenhouse gas injection licence; and
(b) the greenhouse gas holding lease or the greenhouse gas injection licence is tied to a retention lease;
the responsible Commonwealth Minister must not approve the transfer of the greenhouse gas holding lease or the greenhouse gas injection licence unless:
(c) a transfer of the retention lease has been approved by the Designated Authority under section 261; and
(d) the transfer of the retention lease is registered under section 262; and
(e) both:
   (i) the instrument of transfer of the retention lease; and
   (ii) the instrument of transfer of the greenhouse gas holding lease or greenhouse gas injection licence;
were executed at or about the same time; and
(2B) If:

(a) the application is for approval of a transfer of a greenhouse gas holding lease or a greenhouse gas injection licence; and
(b) the greenhouse gas holding lease or the greenhouse gas injection licence is tied to a production licence;

the responsible Commonwealth Minister must not approve the transfer of the greenhouse gas holding lease or the greenhouse gas injection licence unless:

(c) a transfer of the production licence has been approved by the Designated Authority under section 261; and
(d) the transfer of the production licence is registered under section 262; and
(e) both:
   (i) the instrument of transfer of the production licence; and
   (ii) the instrument of transfer of the greenhouse gas holding lease or greenhouse gas injection licence;

were executed at or about the same time; and

(f) the transferee or transferees of the production licence are the same as the transferee or transferees of the greenhouse gas holding lease or greenhouse gas injection licence.

[greenhouse gas holding lease granted to the holder of a retention lease]

(78) Schedule 1, item 207, page 310 (lines 23 and 24), omit “caused by any person engaged or concerned in those operations”, substitute “(whether or not caused by any person engaged or concerned in those operations)”.

[site closing direction]

(79) Schedule 1, item 207, page 312 (line 27), omit “and”, substitute “or”.

[consultation with petroleum titleholders]

(80) Schedule 1, item 207, page 312 (after line 27), at the end of paragraph 316-311B(1)(c), add:

(v) an exploration permit; or
(vi) a retention lease; or
(vii) a production licence; or
(viii) a special prospecting authority; and

[consultation with petroleum titleholders]

(81) Schedule 1, page 335 (after line 4), after item 253, insert:

253A Section 353 (definition of facility)

Repeal the definition, substitute:

facility means:

(a) a facility (within the meaning of Schedule 3) located in Commonwealth waters; or
(b) if there are provisions of a State or Territory PSLA that substantially correspond to Schedule 3 to this Act to the extent to which that Schedule relates to offshore petroleum operations—a vessel, structure or other thing that:
   (i) is located in the designated coastal waters of the State or of the Northern Territory, as the case may be; and
(ii) would have been a facility (within the meaning of Schedule 3 to this Act) if subclauses 4(5A) to (5E) of that Schedule had not been enacted and the vessel, structure, or thing had been located in Commonwealth waters; or

c) if there are provisions of a State or Territory PSLA that substantially correspond to Schedule 3 to this Act to the extent to which that Schedule relates to offshore greenhouse gas storage operations—a vessel, structure or other thing that:

(i) is located in the designated coastal waters of the State or of the Northern Territory, as the case may be; and

(ii) would have been a facility (within the meaning of Schedule 3 to this Act) if subclauses 4(1) to (5) of that Schedule had not been enacted and the vessel, structure, or thing had been located in Commonwealth waters.

For the purposes of paragraphs (b) and (c), assume that a reference in Schedule 3 to this Act to a pipeline licence includes a reference to a pipeline licence under a State or Territory PSLA.

[facility]

(82) Schedule 1, item 274, page 347 (table item 1), after “grant”, insert “(otherwise than by way of renewal)”.

[renewal of greenhouse gas assessment permit]

(83) Schedule 1, item 274, page 347 (table item 1), omit “or greenhouse gas injection licence”.

[grant of greenhouse gas injection licence]

(84) Schedule 1, item 274, page 347 (after table item 1), insert:

1A The renewal of a greenhouse gas assessment permit.

[renewal of greenhouse gas assessment permit]

(85) Schedule 1, item 274, page 347 (after table item 3), insert:

3A The grant of a greenhouse gas injection licence.

[grant of greenhouse gas injection licence]

(86) Schedule 1, page 351 (after line 20), after item 274A, insert:

274B After Part 6.1

Insert:

Part 6.1A—Expert advisory committees

435A Establishment of expert advisory committees

(1) The responsible Commonwealth Minister may, by writing, establish committees, to be known as expert advisory committees.

Note: For variation and revocation, see subsection 33(3) of the Acts Interpretation Act 1901.

(2) An instrument made under subsection (1) is not a legislative instrument.
435B Function of expert advisory committees

(1) An expert advisory committee has the function of advising the responsible Commonwealth Minister about matters referred to it by the responsible Commonwealth Minister.

(2) A matter referred under subsection (1) must be:
   (a) whether there is a significant risk that a key petroleum operation in an offshore area will have a significant adverse impact on:
      (i) operations for the injection of a greenhouse gas substance; or
      (ii) operations for the storage of a greenhouse gas substance; or
   (b) whether there is a significant risk that a key greenhouse gas operation in an offshore area will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that could be carried on under:
      (i) an existing exploration permit; or
      (ii) an existing retention lease; or
      (iii) an existing production licence; or
      (iv) a future exploration permit; or
      (v) a future retention lease; or
      (vi) a future production licence; or
   (c) whether there is a significant risk that any of the operations that could be carried on under a greenhouse gas injection licence will have a significant adverse impact on operations that are being, or could be, carried on under:
      (i) an existing exploration permit; or
      (ii) an existing retention lease; or
      (iii) an existing production licence; or
      (iv) a future exploration permit; or
      (v) a future retention lease; or
      (vi) a future production licence; or
   (d) whether there is a significant risk that any of the operations that are being, or could be, carried on under a greenhouse gas injection licence will have a significant adverse impact on:
      (i) operations to recover petroleum; or
      (ii) the commercial viability of the recovery of petroleum; or
   (e) whether a serious situation exists in relation to an identified greenhouse gas storage formation specified in a greenhouse gas injection licence (see section 249CZ); or
   (f) a matter that relates to the exercise of any of the following powers:
      (i) the making of a declaration under section 249AU;
      (ii) the variation or revocation of a declaration under section 249AU;
      (iii) the giving of a direction under section 249AV;
      (iv) the giving of a direction under section 249BZ;
      (v) the variation of a matter specified in a greenhouse gas injection licence (see section 249CT);
      (vi) the giving of a direction under section 249CXA;
      (vii) the giving of a direction under section 249CZA;
      (viii) the taking of action under section 249CZC;
      (ix) the issuing of a pre-certificate notice (see section 249CZF);
      (x) the giving of a direction under section 316-311A; or
   (g) a matter relating to the exercise of a power that:
(i) is conferred on the responsible Commonwealth Minister by this Act or the regulations; and
(ii) is specified in regulations made for the purposes of this subparagraph.

435C Appointment of expert advisory committee members etc.

(1) Each expert advisory committee member is to be appointed by the responsible Commonwealth Minister by written instrument.

(2) An expert advisory committee member holds office for the period specified in the instrument of appointment. The period must not exceed 3 years.

   Note: For re-appointment, see subsection 33(4A) of the Acts Interpretation Act 1901.

(3) An expert advisory committee member holds office on a part-time basis.

(4) The responsible Commonwealth Minister may terminate the appointment of an expert advisory committee member.

435D Procedures of expert advisory committees

(1) The responsible Commonwealth Minister may give an expert advisory committee written directions about:
   (a) the way in which the committee is to carry out its function; and
   (b) procedures to be followed in relation to meetings.

   Note: For variation and revocation, see subsection 33(3) of the Acts Interpretation Act 1901.

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

435E Remuneration and allowances

(1) An expert advisory committee member is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Tribunal is in operation, the member is to be paid the remuneration that is prescribed by the regulations.

(2) However, an expert advisory committee member is not entitled to be paid remuneration if he or she holds an office or appointment, or is otherwise employed, on a full-time basis in the service or employment of:
   (a) a State; or
   (b) a corporation (a public statutory corporation) that:
      (i) is established for a public purpose by a law of a State; and
      (ii) is not a tertiary education institution; or
   (c) a company limited by guarantee, where the interests and rights of the members in or in relation to the company are beneficially owned by a State; or
   (d) a company in which all the stock or shares are beneficially owned by a State or by a public statutory corporation.

   Note: A similar rule applies to an expert advisory committee member who has a similar relationship with the Commonwealth or a Territory. See subsection 7(11) of the Remuneration Tribunal Act 1973.

(3) An expert advisory committee member is to be paid the allowances that are prescribed by the regulations.
(4) This section (other than subsection (2)) has effect subject to the Remuneration Tribunal Act 1973.

435F Leave of absence

The responsible Commonwealth Minister may grant leave of absence to an expert advisory committee member on the terms and conditions that the responsible Commonwealth Minister determines.

435G Resignation

(1) An expert advisory committee member may resign his or her appointment by giving the responsible Commonwealth Minister a written resignation.

(2) The resignation takes effect on the day it is received by the responsible Commonwealth Minister or, if a later day is specified in the resignation, on that later day.

435H Disclosure of interests to the responsible Commonwealth Minister

An expert advisory committee member must give written notice to the responsible Commonwealth Minister of all interests, pecuniary or otherwise, that the member has or acquires and that conflict or could conflict with the proper performance of the member’s functions.

435J Disclosure of interests to an expert advisory committee

(1) A person who:
   (a) is an expert advisory committee member; and
   (b) has an interest, pecuniary or otherwise, in a matter being considered or about to be considered by an expert advisory committee of which the person is a member;

must disclose the nature of the interest to a meeting of the committee.

(2) The disclosure must be made as soon as possible after the relevant facts have come to the expert advisory committee member’s knowledge.

(3) The disclosure must be recorded in the minutes of the meeting of the expert advisory committee.

(4) Unless the responsible Commonwealth Minister otherwise determines, the expert advisory committee member:
   (a) must not be present during any deliberation by the expert advisory committee on the matter; and
   (b) must not take part in any decision of the expert advisory committee with respect to the matter.

(5) The responsible Commonwealth Minister may terminate the appointment of an expert advisory committee member if the member fails, without reasonable excuse, to comply with this section.

(6) Subsection (5) does not limit subsection 435C(4).
435K Other terms and conditions

An expert advisory committee member holds office on the terms and conditions (if any) in relation to matters not covered by this Act that are determined by the responsible Commonwealth Minister.

435L Protection of information

Disclosure

(1) A person (the first person) commits an offence if:
   (a) the first person is or has been an expert advisory committee member; and
   (b) the first person has obtained information in the course of performing duties or functions as an expert advisory committee member; and
   (c) the first person discloses the information to another person; and
   (d) the disclosure could reasonably be expected to prejudice substantially the commercial interests of a person other than the person to whom the information was disclosed.

Penalty: Imprisonment for 1 year.

(2) Subsection (1) does not apply if:
   (a) the first person is performing duties or functions as an expert advisory committee member; or
   (b) the first person is required by:
       (i) this Act or any other law of the Commonwealth; or
       (ii) a prescribed law of a State or Territory;
       to disclose the information.

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

Use

(3) A person (the first person) commits an offence if:
   (a) the first person is or has been an expert advisory committee member; and
   (b) the first person has obtained information in the course of performing duties or functions as an expert advisory committee member; and
   (c) the first person uses the information; and
   (d) the use could reasonably be expected to prejudice substantially the commercial interests of another person.

Penalty: Imprisonment for 1 year.

(4) Subsection (3) does not apply if:
   (a) the first person is performing duties or functions as an expert advisory committee member; or
   (b) the first person is required by:
       (i) this Act or any other law of the Commonwealth; or
       (ii) a prescribed law of a State or Territory;
       to use the information.

Note: The defendant bears an evidential burden in relation to a matter in subsection (4)—see subsection 13.3(3) of the Criminal Code.
(87) Schedule 1, page 351 (before line 21), before item 275, insert:

**274C Before Part 6.2**

Insert:

**Part 6.1B—Information relevant to the making of designated agreements**

**Division 1—Information-gathering powers**

**435N Responsible Commonwealth Minister may obtain information and documents**

*Scope*

(1) This section applies to the following applications:

(a) an application under subsection 79A(1) for approval to carry on one or more key petroleum operations under a declared exploration permit;

(b) an application under section 114A for approval to carry on one or more key petroleum operations under a declared retention lease;

(c) an application under subsection 138A(1) for approval to carry on one more key petroleum operations under a declared production licence;

(d) an application under subsection 249AF(1) for approval to carry on one or more key greenhouse gas operations under a greenhouse gas assessment permit;

(e) an application under subsection 249BD(1) for approval to carry on one or more key greenhouse gas operations under a greenhouse gas holding lease;

(f) an application under section 249CH for the grant of a greenhouse gas injection licence;

(g) an application under section 249CQ for the grant of a greenhouse gas injection licence;

where either or both of the following are relevant to the responsible Commonwealth Minister’s decision on the application:

(h) the existence or non-existence of a designated agreement;

(i) the terms of a designated agreement.

*Requirement*

(2) If the responsible Commonwealth Minister believes on reasonable grounds that a person has information or a document that is relevant to the responsible Commonwealth Minister’s decision on the application, the responsible Commonwealth Minister may, by written notice given to the person, require the person:

(a) to give to the responsible Commonwealth Minister, within the period and in the manner specified in the notice, any such information; or

(b) to produce to the responsible Commonwealth Minister, within the period and in the manner specified in the notice, any such documents; or

(c) to make copies of any such documents and to produce to the responsible Commonwealth Minister, within the period and in the manner specified in the notice, those copies.
(3) A period specified under paragraph (2)(a), (b) or (c) must not be shorter than 14 days after the notice is given.

(4) A person commits an offence if:
   (a) the person has been given a notice under subsection (2); and
   (b) the person omits to do an act; and
   (c) the omission contravenes a requirement in the notice.

Penalty: 100 penalty units.

Notice to set out the effect of offence provisions

(5) A notice under subsection (2) must set out the effect of the following provisions:
   (a) subsection (4);
   (b) section 435T;
   (c) section 435U.

Note 1: Section 435T is about giving false or misleading information.
Note 2: Section 435U is about producing false or misleading documents.

435P Copying documents—reasonable compensation

A person is entitled to be paid reasonable compensation for complying with a requirement covered by paragraph 435N(2)(c).

435Q Self-incrimination

(1) A person is not excused from giving information or producing a document under section 435N on the ground that the information or the production of the document might tend to incriminate the person or expose the person to a penalty.

(2) However:
   (a) the information given or the document produced; or
   (b) giving the information or producing the document; or
   (c) any information, document or thing obtained as a direct or indirect consequence of giving the information or producing the document;
   is not admissible in evidence against the person:
   (d) in any civil proceedings; or
   (e) in criminal proceedings other than:
      (i) proceedings for an offence against subsection 435N(4) or section 435T or 435U; or
      (ii) proceedings for an offence against section 137.1 or 137.2 of the Criminal Code that relates to this Division.

435R Copies of documents

The responsible Commonwealth Minister may inspect a document produced under this Division and may make and retain copies of, or take and retain extracts from, such a document.
435S  **Responsible Commonwealth Minister may retain documents**

(1) The responsible Commonwealth Minister may take possession of a document produced under this Division, and retain it for as long as is reasonably necessary.

(2) The person otherwise entitled to possession of the document is entitled to be supplied, as soon as practicable, with a copy certified by the responsible Commonwealth Minister to be a true copy.

(3) The certified copy must be received in all courts and tribunals as evidence as if it were the original.

(4) Until a certified copy is supplied, the responsible Commonwealth Minister must provide the person otherwise entitled to possession of the document, or a person authorised by that person, reasonable access to the document for the purposes of inspecting and making copies of, or taking extracts from, the document.

435T  **False or misleading information**

A person commits an offence if:

(a) the responsible Commonwealth Minister requires the person to give information under subsection 435N(2); and

(b) the person gives information; and

(c) the person does so knowing that the information is false or misleading in a material particular.

Penalty: 100 penalty units.

Note: The same conduct may be an offence against both this section and section 137.1 of the *Criminal Code*.

435U  **False or misleading documents**

A person commits an offence if:

(a) the person has been given a notice under subsection 435N(2); and

(b) the person produces a document to the responsible Commonwealth Minister; and

(c) the person does so knowing that the document is false or misleading in a material particular; and

(d) the document is produced in compliance or purported compliance with the notice.

Penalty: 100 penalty units.

Note: The same conduct may be an offence against both this section and section 137.2 of the *Criminal Code*.

**Division 2—Protection of information etc.**

435V  **Protection of information**

*Scope*

(1) This section applies if:

(a) either:

(i) information was given by a person to the responsible Commonwealth Minister under section 435N; or
(ii) a document containing information was produced by a person to the responsible Commonwealth Minister under section 435N; and

(b) the person claims that the information is commercial-in-confidence information.

Protection of information

(2) The responsible Commonwealth Minister, or a delegate of the responsible Commonwealth Minister, must not disclose the information to another person except:

(a) for the purposes of this Act or the regulations; or

(b) if the disclosure is to a member of an expert advisory committee for a purpose relating to the function of the committee; or

(c) the disclosure is required by:

(i) this Act or any other law of the Commonwealth; or

(ii) a prescribed law of a State or Territory.

435W Disclosure of information to titleholder etc.

Scope

(1) This section applies if:

(a) either:

(i) information was given by a person to the responsible Commonwealth Minister under section 435N; or

(ii) a document containing information was produced by a person to the responsible Commonwealth Minister under section 435N; and

(b) the person has not claimed that the information is commercial-in-confidence information.

Disclosure

(2) The responsible Commonwealth Minister may disclose the information to another person for the purposes of:

(a) the consideration by the other person of whether to enter into a designated agreement; or

(b) the consideration by the other person of the terms of the designated agreement.

[designated agreements]

(88) Schedule 3, page 389 (line 26), omit the heading.

[redundant amendment]

(89) Schedule 3, items 14A to 14D, page 389 (line 27) to page 390 (line 15), omit the items.

[redundant amendment]

(90) Schedule 4, page 400 (lines 3 and 4), omit the heading.

[redundant amendment]

(91) Schedule 4, item 1A, page 400 (lines 5 to 22), omit the item.

[redundant amendment]

(92) Schedule 4, page 400 (line 23), omit the heading.

[redundant amendment]
(93) Schedule 4, items 2 to 4, page 400 (line 24) to page 401 (line 9), omit the items.

[redundant amendment]