The Parliament of the Commonwealth of Australia

THE SENATE

Offshore Petroleum Amendment (Greenhouse Gas Storage) Bill 2008

(Amendments to be moved by Senator Milne on behalf of the Australian Greens in committee of the whole)

(1) Schedule 1, item 2A, page 3 (after line 23), at the end of section 2A, add:

(2) Another object of this Act is to ensure the full liability into the future for any adverse impact, including any leakage from carbon storage projects, is borne by the entities undertaking those projects.

[ongoing liability of licence holder]

(2) Schedule 1, item 169, page 218 (line 6), omit “may”, substitute “must”.

[mandatory refusal of pre-certificate notice]

(3) Schedule 1, item 169, page 218 (line 7), omit “may”, substitute “must”.

[mandatory refusal of pre-certificate notice]

(4) Schedule 1, item 169, page 220 (after line 21), after subsection 249CZGAA(1), insert:

(1A) A pre-certificate notice that relates to an application for a site closing certificate must also:

(a) contain a statement specifying the ongoing liability of the applicant for the site, including (without limiting the matters for which the applicant is to remain liable) liability for the risks specified in subsections 249CZF(2) and (4); and

(b) specify the form and amount of an additional security to be lodged by the applicant to be held in perpetuity by the Commonwealth against any long-term need to meet costs arising in respect of monitoring, remediation and repair of the site.

(1B) The responsible Commonwealth Minister must seek and have regard to the advice of an expert advisory committee established under section 435A in respect of the amount of any security to be lodged by an applicant under paragraph (1A)(b).

[additional security for future liabilities]

(5) Schedule 1, item 169, page 220 (lines 22 and 23), omit subsection 249CZGAA(2), substitute:

(2) The amount of the security is the sum of the estimate referred to in paragraph (1)(b) and the amount referred to in paragraph (1A)(b).
[additional security for future liabilities]

(6) Schedule 1, item 169, page 221 (line 9), before “site closing certificate”, insert “provisional”.

[provisional site closing certificate]

(7) Schedule 1, item 169, page 221 (line 17), before “site closing certificate”, insert “provisional”.

[provisional site closing certificate]

(8) Schedule 1, item 169, page 221 (after line 23), after section 249CZGA, insert:

249CZGAB Duration of provisional site closing certificate

(1) A provisional site closing certificate remains in force in relation to an identified greenhouse gas storage formation until a site closing certificate has been issued in relation to that formation.

(2) Without limiting the liability of the applicant for the site, the applicant (or any transferee under section 249CZH) remains liable for the matters specified in the statement made under paragraph 249CZGAA(1A)(a) while the provisional site closing certificate remains in force.

249CZGAC Issue of site closing certificate

(1) If:

(a) a provisional site closing certificate has been issued in relation to an identified greenhouse gas storage formation under section 249CZGA; and

(b) a period of not less than 20 years has elapsed since the provisional site closing certificate was issued;

the responsible Commonwealth Minister may decide to issue a site closing certificate in relation to that formation.

(2) In deciding whether to issue a site closing certificate under subsection (1), the responsible Commonwealth Minister must have regard to the matters set out in section 249CZF in relation to a decision to issue a pre-certificate notice.

[provisional site closing certificate]

(9) Schedule 1, item 169, page 222 (line 2), omit “249CZGA”, substitute “249CZGAC”.

[provisional site closing certificate]

(10) Schedule 1, item 274B, page 370 (line 26), omit “may”, substitute “must”.

[expert advisory committees]

(11) Schedule 1, item 274B, page 372 (after line 29), at the end of section 435B, add:

(3) The responsible Commonwealth Minister must:

(a) seek and have regard to the advice of an expert advisory committee on matters of site selection, licensing, regulation, monitoring of leakage and environmental impact and site closures; and

(b) publish the advice given by the panel.

[expert advisory committees]