A Bill for an Act to amend the Offshore Petroleum and Greenhouse Gas Storage Act 2006, and for related purposes
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A Bill for an Act to amend the Offshore Petroleum and Greenhouse Gas Storage Act 2006, and for related purposes

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Act 2013.

2 Commencement

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

<table>
<thead>
<tr>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commencement</td>
<td>Date/Details</td>
</tr>
<tr>
<td>1. Sections 1 to 3</td>
<td>The day this Act receives the Royal Assent.</td>
</tr>
</tbody>
</table>
| 2. Schedule 1 | The later of:  
(a) the start of the day after this Act receives the Royal Assent; and  
(b) immediately after the commencement of Schedule 2 to the *Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures) Act 2013*.  
However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur. |
| 3. Schedule 2 | The later of:  
(a) the start of the day this Act receives the Royal Assent; and  
(b) immediately after the commencement of Schedule 1 to the *Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures) Act 2013*.  
However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur. |
| 4. Schedule 3, Part 1 | A day or days to be fixed by Proclamation.  
However, if any of the provision(s) do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period. |
| 5. Schedule 3, Parts 2 and 3 | The day after this Act receives the Royal Assent. |
| 6. Schedule 4, Part 1 | A single day to be fixed by Proclamation.  
However, if the provision(s) do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period. |

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## Commencement information

<table>
<thead>
<tr>
<th>Commencement</th>
<th>Date/Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>7. Schedule 4, Part 2</td>
<td>The day after this Act receives the Royal Assent.</td>
</tr>
<tr>
<td>8. Schedule 4, items 15 to 19</td>
<td>A single day to be fixed by Proclamation. However, if the provision(s) do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.</td>
</tr>
<tr>
<td>9. Schedule 4, items 20 and 21</td>
<td>The day after this Act receives the Royal Assent.</td>
</tr>
<tr>
<td>10. Schedule 4, item 22</td>
<td>A single day to be fixed by Proclamation. However, if the provision(s) do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.</td>
</tr>
<tr>
<td>11. Schedule 4, items 23 to 25</td>
<td>The day after this Act receives the Royal Assent.</td>
</tr>
</tbody>
</table>

**Note:** This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

(2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

### 3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.
Schedule 1—Compliance measures

Part 1—Infringement notices, injunctions and adverse publicity orders

Division 1—Amendments


1 At the end of Part 6.5
    Add:

Division 5—Infringement notices

611D Simplified outline

The following is a simplified outline of this Division:

- This Division provides for infringement notices that can be issued and enforced in accordance with Part 5 of the Regulatory Powers Act.

611E Infringement notices

Provisions subject to an infringement notice

(1) The following provisions are subject to an infringement notice under Part 5 of the Regulatory Powers Act:

(a) subsection 249(2);
(b) subsection 284(5);
(c) subsection 286A(7);
(d) subsection 508(4);
(e) subsection 509(4);
(f) subsection 575(4);
(g) subsection 602K(6);
(h) subsection 697(3);
(i) subclause 6(3) of Schedule 3;
(j) subclause 82(9) of Schedule 3;
(k) subclause 83(4) of Schedule 3.


**Infringement officers**

(2) The following table has effect.

<table>
<thead>
<tr>
<th>Item</th>
<th>For the purposes of Part 5 of the Regulatory Powers Act, each of the following persons …</th>
<th>is an infringement officer in relation to the following provisions in this Act …</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The Chief Executive Officer of NOPSEMA</td>
<td>(a) subsection 286A(7); (b) subsection 575(4); (c) subsection 602K(6); (d) subclause 6(3) of Schedule 3; (e) subclause 82(9) of Schedule 3; (f) subclause 83(4) of Schedule 3.</td>
</tr>
<tr>
<td>2</td>
<td>The Titles Administrator</td>
<td>(a) subsection 249(2); (b) subsection 284(5); (c) subsection 286A(7); (d) subsection 508(4); (e) subsection 509(4); (f) subsection 697(3).</td>
</tr>
<tr>
<td>3</td>
<td>A NOPSEMA inspector</td>
<td>(a) subsection 249(2); (b) subsection 284(5); (c) subsection 286A(7); (d) subsection 508(4); (e) subsection 509(4); (f) subsection 575(4); (g) subsection 602K(6); (h) subsection 697(3); (i) subclause 6(3) of Schedule 3; (j) subclause 82(9) of Schedule 3; (k) subclause 83(4) of Schedule 3.</td>
</tr>
</tbody>
</table>

*Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Bill 2013* No. _, 2013  5
Schedule 1  Compliance measures

Part 1  Infringement notices, injunctions and adverse publicity orders

Relevant chief executive

(3) For the purposes of Part 5 of the Regulatory Powers Act, the relevant chief executive in relation to an infringement notice is as follows:

(a) the Chief Executive Officer of NOPSEMA, if the notice may be issued by the Chief Executive Officer of NOPSEMA;
(b) the Secretary, if the notice may be issued by the Titles Administrator;
(c) if the notice may be issued by either the Chief Executive Officer of NOPSEMA or the Titles Administrator—either of them.

(4) If the Secretary is the relevant chief executive, he or she may, in writing, delegate to an SES employee, or acting SES employee, in the Department the power to extend the period referred to in paragraph 108(1)(j) of the Regulatory Powers Act.

Note 1: The expressions SES employee and acting SES employee are defined in section 2B of the Acts Interpretation Act 1901.

Note 2: See also sections 34AA and 34AB of the Acts Interpretation Act 1901.

Note 3: If the Chief Executive Officer of NOPSEMA is the relevant chief executive, see section 675 for the power to delegate.

(5) A person exercising power under a delegation under subsection (4) must comply with any written directions of the relevant chief executive.

Single infringement notice may deal with more than one contravention

(6) Despite subsection 107(3) of the Regulatory Powers Act, a single infringement notice may be given to a person in respect of:

(a) 2 or more alleged contraventions of a provision mentioned in subsection (1); or
(b) alleged contraventions of 2 or more provisions mentioned in subsection (1).

However, the notice must not require the person to pay more than one amount in respect of the same conduct.
Regulations may set out other matters to be included

(7) A regulation made under this Act may set out any other matters that are to be included in an infringement notice given in relation to a contravention of a provision mentioned in subsection (1).

Extension to offshore areas

(8) Part 5 of the Regulatory Powers Act, as it applies in relation to the provisions mentioned in subsection (1), extends to each offshore area.

611F Infringement notice—multiple contraventions

In addition to the circumstances set out in subsection 107(4) of the Regulatory Powers Act, and despite subsection 107(3) of that Act, an infringement officer may also give a person a single infringement notice relating to multiple contraventions of a single provision if, under this Act or a regulation, the person:

(a) commits a separate offence in respect of each day during which the offence continues; or

(b) is separately liable for a civil penalty in respect of each day during which the liability continues.

611G Evidentiary matters

(1) The relevant chief executive may issue a certificate signed by him or her stating:

(a) that the relevant chief executive did not allow further time under section 109 of the Regulatory Powers Act to pay the penalty for an offence, or a civil penalty, under this Act or a regulation, stated in an infringement notice; and

(b) that the penalty has not been paid in accordance with the notice within 28 days after the day the infringement notice is given.

(2) The relevant chief executive may issue a certificate signed by him or her stating:

(a) that the relevant chief executive allowed, under section 109 of the Regulatory Powers Act, the further time specified in the certificate for payment of the penalty for an offence, or a
Schedule 1  Compliance measures

Part 1  Infringement notices, injunctions and adverse publicity orders

1. civil penalty, under this Act or a regulation, stated in an
   infringement notice; and
2. (b) that the penalty has not been paid in accordance with the
   notice or within the further time allowed.

3. The relevant chief executive may issue a certificate signed by him
   or her stating that a specified infringement notice was withdrawn
   on a day specified in the certificate.

4. For all purposes and in all proceedings, a document purporting to
   be a certificate under subsection (1), (2) or (3) must, unless the
   contrary is established, be taken to be such a certificate and to have
   been properly given.

5. For all purposes and in all proceedings, a certificate under
   subsection (1), (2) or (3) is prima facie evidence of the matters
   stated in the certificate.

Division 6—Injunctions

611H  Simplified outline

The following is a simplified outline of this Division:

- This Division provides for the grant of injunctions to enforce
  compliance with this Act, relying on the framework set out in

611J  Injunctions

Enforceable provisions and authorised persons

1. The provisions listed in the table in this section are enforceable

   Note: Part 7 of the Regulatory Powers Act creates a framework for using
   injunctions to enforce provisions.

2. The following table has effect.

<table>
<thead>
<tr>
<th>Enforceable provisions and authorised persons</th>
</tr>
</thead>
</table>

8 Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures
No. 2) Bill 2013  No.  , 2013
<table>
<thead>
<tr>
<th>Item</th>
<th>For the purposes of Part 7 of the <em>Regulatory Powers Act</em>, each of the following persons ...</th>
<th>is an authorised person in relation to the following provisions in this Act (to the extent indicated) ...</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The responsible Commonwealth Minister</td>
<td>(a) subsection 97(1);</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) subsection 160(1);</td>
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<td></td>
<td></td>
<td>(c) subsection 193(1);</td>
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<tr>
<td></td>
<td></td>
<td>(d) subsection 210(1);</td>
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<tr>
<td></td>
<td></td>
<td>(e) subsection 227(5);</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(f) subsections 575(1), (2), (3), (3A), (3B) and (3C), in relation to a direction given by that Minister (see section 574A);</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(g) subsection 576(1) in relation to a direction given by that Minister (see section 574A);</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(h) subsection 587B(1) in relation to a direction given by that Minister (see sections 586A and 587A);</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(i) subsections 758(1) and (3);</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(j) subsections 759(4) and (4A);</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(k) section 764;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(l) section 765.</td>
</tr>
<tr>
<td>2</td>
<td>The Secretary</td>
<td>Subsection 780F(5).</td>
</tr>
<tr>
<td>3</td>
<td>The Chief Executive Officer of NOPSEMA</td>
<td>(a) subsection 280(2);</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) subsections 286A(2), (3), (4) and (5);</td>
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<tr>
<td></td>
<td></td>
<td>(c) subsection 569(1);</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(d) subsection 571(2);</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(e) subsections 572(2) and (3), to the extent those subsections apply in relation to petroleum titles;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(f) subsections 575(1), (2), (3), (3A), (3B) and (3C), in relation to a direction given by NOPSEMA (see section 574);</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(g) subsection 576(1), in relation to a direction given by NOPSEMA (see section 574);</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(h) subsection 576D(1);</td>
</tr>
</tbody>
</table>
**Schedule 1 Compliance measures**

**Part 1 Infringement notices, injunctions and adverse publicity orders**

<table>
<thead>
<tr>
<th>Item</th>
<th>For the purposes of Part 7 of the Regulatory Powers Act, each of the following persons ...</th>
<th>is an authorised person in relation to the following provisions in this Act (to the extent indicated) ...</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(i) subsection 587B(1) in relation to a direction given by NOPSEMA (see sections 586 and 587);</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(j) subsection 602K(5);</td>
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<tr>
<td></td>
<td>(k) subsection 603(1);</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(l) subsections 616(3), (5), (7) and (9);</td>
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<tr>
<td></td>
<td>(m) subsections 619(1), (3), (5) and (7);</td>
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<tr>
<td></td>
<td>(n) subsections 620(2), (3), (4) and (5);</td>
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<tr>
<td></td>
<td>(o) subsections 621(3), (4), (7), (9), (10), (11) and (12);</td>
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</tr>
<tr>
<td></td>
<td>(p) subclauses 6(1) and (2) of Schedule 2A;</td>
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</tr>
<tr>
<td></td>
<td>(q) subclause 7(3) of Schedule 2A;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(r) subclause 8(5) of Schedule 2A;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(s) subclause 10(7) of Schedule 2A;</td>
<td></td>
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<tr>
<td></td>
<td>(t) subclause 11A(6) of Schedule 2A;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(u) subclause 11D(2) of Schedule 2A;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(v) subclauses 12(1), (2) and (3) of Schedule 2A;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(w) subclauses 6(1) and (2) of Schedule 3;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(x) subclauses 9(1), 10(1), 11(1), 12(1) and (2), 13(1), 13A(1) and (2), 14(1) and (15) of Schedule 3;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(y) subclauses 54(1) and (1A) of Schedule 3;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(z) subclause 73(3) of Schedule 3;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(za) subclauses 74(5) and (7) of Schedule 3;</td>
<td></td>
</tr>
</tbody>
</table>

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10 Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Bill 2013 No. , 2013
### Enforceable provisions and authorised persons

<table>
<thead>
<tr>
<th>Item</th>
<th>For the purposes of Part 7 of the Regulatory Powers Act, each of the following persons ...</th>
<th>is an authorised person in relation to the following provisions in this Act (to the extent indicated) ...</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>The Titles Administrator</td>
<td>(zb) subclause 76(7) of Schedule 3;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(zc) subclause 77(7) of Schedule 3;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(zd) subclause 78A(1) of Schedule 3;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(ze) subclauses 79(1), (2) and (3) of Schedule 3;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(zf) subclauses 82(1) and (6) of Schedule 3;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(zg) subclause 83(1) of Schedule 3;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(zh) subclause 86(1) of Schedule 3;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(zi) subclause 87(1) and (2) of Schedule 3;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(zj) subclause 88(1) of Schedule 3.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(a) subsections 228(1) and (1A);</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) subsection 249(1);</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(c) subsection 284(2);</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(d) subsections 286A(2), (3), (4) and (5);</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(e) subsections 507(4), (5) and (5A);</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(f) subsections 508(4), (5) and (5A);</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(g) subsections 509(4), (6) and (6A);</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(h) subsection 512(1);</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(i) section 513;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(j) subsection 514(1);</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(k) subsection 568(2);</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(l) subsections 697(3) and (3B);</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(m) subsections 699(5) and (5A);</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(n) section 705;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(o) section 706;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(p) section 707.</td>
</tr>
</tbody>
</table>
Schedule 1 Compliance measures

Part 1 Infringement notices, injunctions and adverse publicity orders

Relevant court

(3) For the purposes of Part 7 of the Regulatory Powers Act, each of the following courts is a relevant court in relation to the provisions mentioned in subsection (1):

(a) the Federal Court;
(b) the Federal Circuit Court;
(c) the Supreme Court of a State or Territory.

Consent injunctions

(4) A relevant court may grant an injunction under Part 7 of the Regulatory Powers Act in relation to a provision mentioned in subsection (1) by consent of all the parties to proceedings brought under that Part, whether or not the court is satisfied that section 127 of that Act applies.

Extension to offshore areas

(5) Part 7 of the Regulatory Powers Act, as it applies in relation to the provisions mentioned in subsection (1), extends to each offshore area.

Division 7—Adverse publicity orders

611K Simplified outline

The following is a simplified outline of this Division:

- This Division provides for adverse publicity orders to be made by a court.

611L Adverse publicity orders

Scope

(1) This section applies if a court:

(a) finds a body corporate guilty of an offence against a provision of this Act, or of a regulation, whether or not the court convicts the body corporate of the offence; or

12 Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Bill 2013 No. 1, 2013
Compliance measures Schedule 1
Infringement notices, injunctions and adverse publicity orders Part 1

(b) finds a body corporate guilty of an offence against section 6
of the Crimes Act 1914 (whether or not the court convicts the
body corporate of the offence) in relation to an offence
referred to in paragraph (a) of this subsection; or
(c) orders a body corporate to pay a civil penalty for a
contravention of a provision of this Act or of a regulation.

Note: For ancillary offences, see section 11.6 of the Criminal Code.

Order by court

(2) The court may make an order (the adverse publicity order):

(a) on the application of the person prosecuting the offence or
taking the action to obtain a civil penalty order; and
(b) in addition to any penalty that may be imposed or any other
action that may be taken in relation to the offence or
contravention.

An application may only be made within 6 years after the
commission of the offence or the contravention.

(3) An adverse publicity order may require the body:

(a) to take either or both of the following actions within the
period specified in the order:

(i) to publicise, in the way specified in the order, the
offence or civil penalty order, its consequences, the
penalty imposed and any other related matter;
(ii) to notify a specified person or specified class of persons,
in the way specified in the order, of the offence or civil
penalty order, its consequences, the penalty imposed
and any other related matter; and
(b) to give NOPSEMA or the Titles Administrator (as specified
in the order), within 7 days after the end of the period
specified in the order, evidence that the action or actions
were taken by the body in accordance with the order.

Failing to give evidence

(4) If the body fails to give evidence in accordance with
paragraph (3)(b), NOPSEMA or the Titles Administrator (as the
case requires) may take the action or actions specified in the order.
Action not in accordance with order

(5) NOPSEMA or the Titles Administrator (as the case requires) (the applicant) may apply to a court for an order authorising the applicant, or a person authorised in writing by the applicant, to take the action or actions if:

(a) the body gives evidence to the applicant in accordance with paragraph (3)(b); but

(b) despite that evidence, the applicant is not satisfied that the body has taken the action or actions specified in the order in accordance with the order.

(6) If the applicant takes one or more actions under subsection (4) or an order under subsection (5), the applicant is entitled to recover from the body, by action in a court, an amount in relation to the reasonable expenses of taking the actions as a debt due to the applicant on behalf of the Commonwealth.

(7) An authorisation by the applicant under subsection (5) is not a legislative instrument.

2 Subsection 675(1)

After “section”, insert “611G or”.

3 After paragraph 790A(a)

Insert:

(aa) provide for a fine of not more than 50 penalty units for each day on which a contravention of a civil penalty provision occurs; and

(ab) provide that an offence or a civil penalty provision in a regulation is subject to an infringement notice (see Part 5 of the Regulatory Powers Act); and

(ac) make a provision of a legislative instrument enforceable under Part 7 of the Regulatory Powers Act (which deals with injunctions); and

(ad) provide that a person is an authorised person in relation to one or more provisions for the purposes of Part 7 of the Regulatory Powers Act; and

4 Subclause 79(4) of Schedule 3

After “offence”, insert “of strict liability”.

14 Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Bill 2013 No. , 2013
Compliance measures  Schedule 1
Infringement notices, injunctions and adverse publicity orders  Part 1

5 At the end of subclause 79(4) of Schedule 3
Add:

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

6 Subclause 79(6) of Schedule 3
Repeal the subclause.

7 Subclause 83(4) of Schedule 3
After “offence”, insert “of strict liability”.

8 At the end of subclause 83(4) of Schedule 3
Add:

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

9 Subclause 83(5) of Schedule 3
Repeal the subclause.

Division 2—Application

10 Application

Infringement notices

(1) Division 5 of Part 6.5 of the Offshore Petroleum and Greenhouse Gas Storage Act 2006 (the Offshore Act), as inserted by Division 1 of this Part, applies in relation to an offence or contravention committed against the Offshore Act on or after the commencement of this Part.

Injunctions

(2) Division 6 of Part 6.5 of the Offshore Act, as inserted by Division 1 of this Part, applies in relation to:

(a) conduct that a person has engaged in, is engaging or is proposing to engage in, on or after the commencement of this Part; and

(b) a refusal or failure to do a thing, or a proposal to refuse or fail to do a thing, on or after the commencement of this Part.
Schedule 1  Compliance measures

Part 1  Infringement notices, injunctions and adverse publicity orders

1

Adverse publicity orders

2  (3) Division 7 of Part 6.5 of the Offshore Act, as inserted by Division 1 of this Part, applies in relation to an offence or contravention committed against the Offshore Act, or a regulation under that Act, on or after the commencement of this Part.
Part 2—Continuing offences and civil penalty provisions

Division 1—Amendments


11 Subsection 227(5)
After “offence”, insert “of strict liability”.

12 At the end of subsection 227(5)
Add:
Note: For strict liability, see section 6.1 of the Criminal Code.

13 Subsection 227(5A)
Repeal the subsection, substitute:
(5A) The maximum penalty for each day that an offence under subsection (5) continues is 10% of the maximum penalty that can be imposed in respect of that offence.
Note: Subsection (5) is a continuing offence under section 4K of the Crimes Act 1914.

14 At the end of section 228
Add:
Continuing offences
(4) A person who commits an offence against subsection (1) commits a separate offence in respect of each day (including a day of a conviction under this section or any later day) during which the offence continues.
(5) The maximum penalty for each day that an offence under subsection (1) continues is 10% of the maximum penalty that can be imposed in respect of that offence.
Continuing contraventions of civil penalty provisions

(6) A person who contravenes subsection (1A) commits a separate contravention in respect of each day (including a day of the making of a relevant civil penalty order or any later day) during which the contravention continues.

(7) The maximum civil penalty for each day that a contravention of subsection (1A) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

15 Subsection 249(2)

After “offence”, insert “of strict liability”.

16 At the end of subsection 249(2)

Add:

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

17 Subsection 249(3)

Repeal the subsection.

18 At the end of section 249

Add:

Continuing offences and continuing contraventions of civil penalty provisions

(5) The maximum penalty for each day that an offence under subsection (2) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Note: Subsection (2) is a continuing offence under section 4K of the Crimes Act 1914.

(6) The maximum civil penalty for each day that a contravention of subsection (4) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

Note: Subsection (4) is a continuing civil penalty provision under section 96 of the Regulatory Powers Act.

19 Subsection 284(5)

After “offence”, insert “of strict liability”.

18 Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Bill 2013 No. , 2013
20  At the end of subsection 284(5)
    Add:
    Note:  For strict liability, see section 6.1 of the Criminal Code.

21  Subsection 284(6)
    Repeal the subsection.

22  At the end of section 284
    Add:
    Continuing offences and continuing contraventions of civil penalty provisions
    (8)  The maximum penalty for each day that an offence under subsection (5) continues is 10% of the maximum penalty that can be imposed in respect of that offence.
    Note:  Subsection (5) is a continuing offence under section 4K of the Crimes Act 1914.
    (9)  The maximum civil penalty for each day that a contravention of subsection (7) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.
    Note:  Subsection (7) is a continuing civil penalty provision under section 96 of the Regulatory Powers Act.

23  Subsection 286A(7)
    After “offence”, insert “of strict liability”.

24  At the end of subsection 286A(7)
    Add:
    Note:  For strict liability, see section 6.1 of the Criminal Code.

25  Subsection 286A(8)
    Repeal the subsection.

26  After subsection 286A(8A)
    Insert:
Continuing offences and continuing contraventions of civil penalty provisions

(8B) The maximum penalty for each day that an offence under subsection (7) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Note: Subsection (7) is a continuing offence under section 4K of the Crimes Act 1914.

(8C) The maximum civil penalty for each day that a contravention of subsection (8A) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

Note: Subsection (8A) is a continuing civil penalty provision under section 96 of the Regulatory Powers Act.

27 After subsection 507(5A)

Insert:

Continuing offences and continuing contraventions of civil penalty provisions

(5B) The maximum penalty for each day that an offence under subsection (4) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Note: Subsection (4) is a continuing offence under section 4K of the Crimes Act 1914.

(5C) The maximum civil penalty for each day that a contravention of subsection (5A) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

Note: Subsection (5A) is a continuing civil penalty provision under section 96 of the Regulatory Powers Act.

28 At the end of subsection 507(6) (before the note)

Add:

; (d) subsection (5B);

(e) subsection (5C).

29 Subsection 508(4)

After “offence”, insert “of strict liability”.

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Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Bill 2013 No. , 2013
30 At the end of subsection 508(4)

Add:

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

31 Subsection 508(4A)

Repeal the subsection.

32 After subsection 508(5A)

Insert:

Continuing offences and continuing contraventions of civil penalty provisions

(5B) The maximum penalty for each day that an offence under subsection (4) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Note: Subsection (4) is a continuing offence under section 4K of the Crimes Act 1914.

(5C) The maximum civil penalty for each day that a contravention of subsection (5A) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

Note: Subsection (5A) is a continuing civil penalty provision under section 96 of the Regulatory Powers Act.

33 At the end of subsection 508(6) (before the note)

Add:

; (d) subsection (5B);
(e) subsection (5C).

34 Subsection 509(4)

After “offence”, insert “of strict liability”.

35 At the end of subsection 509(4)

Add:

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

36 Subsection 509(5)

Repeal the subsection.
Schedule 1  Compliance measures
Part 2  Continuing offences and civil penalty provisions

37  After subsection 509(6A)

   Insert:

   Continuing offences and continuing contraventions of civil penalty provisions

   (6B) The maximum penalty for each day that an offence under subsection (4) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

   Note: Subsection (4) is a continuing offence under section 4K of the Crimes Act 1914.

   (6C) The maximum civil penalty for each day that a contravention of subsection (6A) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

   Note: Subsection (6A) is a continuing civil penalty provision under section 96 of the Regulatory Powers Act.

38  At the end of subsection 509(7) (before the note)

   Add:

   ; (d) subsection (6B);
   (e) subsection (6C).

39  Subsection 575(4)

   After “offence”, insert “of strict liability”.

40  At the end of subsection 575(4)

   Add:

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

41  Subsection 575(5)

   Repeal the subsection.

42  At the end of section 575

   Add:

   Continuing offences

   (7) A person who commits an offence against subsection (4) commits a separate offence in respect of each day (including a day of a
conviction under this section or any later day) during which the
offence continues.

(8) The maximum penalty for each day that an offence under
subsection (4) continues is 10% of the maximum penalty that can
be imposed in respect of that offence.

Continuing contraventions of civil penalty provisions

(9) A person who contravenes subsection (6) commits a separate
contravention in respect of each day (including a day of the making
of a relevant civil penalty order or any later day) during which the
contravention continues.

(10) The maximum civil penalty for each day that a contravention of
subsection (6) continues is 10% of the maximum civil penalty that
can be imposed in respect of that contravention.

43 At the end of section 576
Add:

Continuing offences

(8) A person who commits an offence against subsection (2) or (4)
commits a separate offence in respect of each day (including a day
of a conviction under that subsection or any later day) during
which the offence against that subsection continues.

(9) The maximum penalty for each day that the offence continues is
10% of the maximum penalty that can be imposed in respect of that
offence.

Continuing contraventions of civil penalty provisions

(10) A person who contravenes subsection (5) commits a separate
contravention in respect of each day (including a day of the making
of a relevant civil penalty order or any later day) during which the
contravention continues.

(11) The maximum civil penalty for each day that a contravention of
subsection (5) continues is 10% of the maximum civil penalty that
can be imposed in respect of that contravention.
At the end of section 576D

Add:

Continuing offences and continuing contraventions of civil penalty provisions

(6) The maximum penalty for each day that an offence under subsection (2) or (4) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Note: Subsections (2) and (4) are continuing offences under section 4K of the Crimes Act 1914.

(7) The maximum civil penalty for each day that a contravention of subsection (5) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

Note: Subsection (5) is a continuing civil penalty provision under section 96 of the Regulatory Powers Act.

After subsection 587B(5)

Insert:

Continuing offences and continuing contraventions of civil penalty provisions

(5A) The maximum penalty for each day that an offence under subsection (2) or (4) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Note: Subsections (2) and (4) are continuing offences under section 4K of the Crimes Act 1914.

(5B) The maximum civil penalty for each day that a contravention of subsection (5) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

Note: Subsection (5) is a continuing civil penalty provision under section 96 of the Regulatory Powers Act.

At the end of Division 4 of Part 6.5

Add:
611C Contravening civil penalty provisions

Scope

(1) This section applies if a person is liable for a civil penalty under a
    civil penalty provision of this Act, or of a regulation, because the
    person has contravened, or breached a requirement of, another
    provision of this Act, or of another regulation.

References to contraventions

(2) For the purposes of this Act, the person is taken to have
    contravened the civil penalty provision if the person has
    contravened, or breached the requirement, of the other provision.

47 Subsection 697(3)

After “offence”, insert “of strict liability”.

48 At the end of subsection 697(3)

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

49 Subsection 697(3A)

Repeal the subsection.

50 After subsection 697(3B)

Insert:

Continuing offences

(3C) A person who commits an offence against subsection (3) by failing
    to comply with a direction to which paragraph (2)(c) applies
    commits a separate offence in respect of each day (including a day
    of a conviction under this section or any later day) during which
    the offence continues.

(3D) The maximum penalty for each day to which subsection (3C)
    applies is 10% of the maximum penalty that can be imposed in
    respect of that offence.
Continuing contraventions of civil penalty provisions

(3E) A person who contravenes subsection (3B) by failing to comply with a direction to which paragraph (2)(c) applies commits a separate contravention in respect of each day (including a day of the making of a relevant civil penalty order or any later day) during which the contravention continues.

(3F) The maximum civil penalty for each day to which subsection (3E) applies is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

51 After subsection 699(5A)

Insert:

Continuing offences and continuing contraventions of civil penalty provisions

(5B) The maximum penalty for each day that an offence under subsection (5) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Note: To the extent that subsection (5D) provides, subsection (5) is a continuing offence under section 4K of the Crimes Act 1914.

(5C) The maximum civil penalty for each day that a contravention of subsection (5A) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

Note: To the extent that subsection (5D) provides, subsection (5A) is a continuing civil penalty provision under section 96 of the Regulatory Powers Act.

(5D) Subsections (5B) and (5C) apply only in relation to a contravention of a requirement to which paragraph (2)(a), (b) or (c) applies.

52 After paragraph 699(6)(aa)

Insert:

(ab) subsection (5B);

(ac) subsection (5C);

53 After subsection 780F(6)

Insert:
Continuing offences

(6A) A person who commits an offence against subsection (5) commits a separate offence in respect of each day (including a day of a conviction under this section or any later day) during which the offence continues.

(6B) The maximum penalty for each day that an offence under subsection (5) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

54 Before subclause 6(1) of Schedule 3
Insert:

Basic requirements

55 Subclause 6(3) of Schedule 3
After “offence”, insert “of strict liability”.

56 At the end of subclause 6(3) of Schedule 3
Add:

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

57 Subclause 6(4) of Schedule 3
Repeal the subclause.

58 After subclause 6(4A) of Schedule 3
Insert:

Continuing offences

(4B) A person who commits an offence against subclause (3) commits a separate offence in respect of each day (including a day of a conviction under this clause or any later day) during which the offence continues.

(4C) The maximum penalty for each day that an offence under subclause (3) continues is 10% of the maximum penalty that can be imposed in respect of that offence.
Continuing contraventions of civil penalty provisions

(4D) A person who contravenes subclause (4A) commits a separate contravention in respect of each day (including a day of the making of a relevant civil penalty order or any later day) during which the contravention continues.

(4E) The maximum civil penalty for each day that a contravention of subclause (4A) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

Operators who are individuals

59 At the end of clause 77 of Schedule 3

Add:

Continuing offences

(8) A person who commits an offence against subclause (7) commits a separate offence in respect of each day (including a day of a conviction under this clause or any later day) during which the offence continues.

(9) The maximum penalty for each day that an offence under subclause (7) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

60 At the end of clause 78A of Schedule 3

Add:

Continuing offences and continuing contraventions of civil penalty provisions

(4) The maximum penalty for each day that an offence under subclause (2) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Note: Subclause (2) is a continuing offence under section 4K of the Crimes Act 1914.

(5) The maximum civil penalty for each day that a contravention of subclause (3) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.
Compliance measures Schedule 1
Continuing offences and civil penalty provisions Part 2

Note: Subclause (3) is a continuing civil penalty provision under section 96 of the Regulatory Powers Act.

61 Subclause 82(4) of Schedule 3

After “offence”, insert “of strict liability”.

62 At the end of subclause 82(4) of Schedule 3

Add:

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

63 Subclause 82(5) of Schedule 3

Repeal the subclause.

64 Subclause 82(9) of Schedule 3

After “offence”, insert “of strict liability”.

65 At the end of subclause 82(9) of Schedule 3

Add:

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

66 Subclause 82(10) of Schedule 3

Repeal the subclause, substitute:

Continuing offences

(10) A person who commits an offence against subclause (4) or (9) commits a separate offence in respect of each day (including a day of a conviction under that subclause or any later day) during which the offence continues.

(11) The maximum penalty for each day that an offence under subclause (4) or (9) continues is 10% of the maximum penalty that can be imposed in respect of that offence.
Division 2—Application

67 Application

The amendments of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* made by Division 1 of this Part apply in relation to an offence or contravention committed against that Act on or after the commencement of this Part.
Schedule 2—Prohibition and improvement notices

Part 1—Environmental prohibition and improvement notices

Division 1—Main amendments

*Offshore Petroleum and Greenhouse Gas Storage Act 2006*

1 Paragraph 602E(2)(a)

Omit “a do not disturb notice under clause 10 of Schedule 2A”, substitute “any of the following:

(i) an environmental do not disturb notice under clause 10 of Schedule 2A;

(ii) an environmental prohibition notice under clause 11A of Schedule 2A;

(iii) an environmental improvement notice under clause 11C of Schedule 2A;”.

2 Clause 2 of Schedule 2A (definition of *do not disturb notice*)

Repeal the definition.

3 Clause 2 of Schedule 2A

Insert:

- *environmental do not disturb notice* has the meaning given by subclause 10(2).

- *environmental improvement notice* has the meaning given by subclause 11C(2).

- *environmental prohibition notice* has the meaning given by subclause 11A(2).

4 After clause 11 of Schedule 2A

Insert:
11A Petroleum environmental inspections—environmental prohibition notices (issue)

Scope

(1) This clause applies if a NOPSEMA inspector is conducting a petroleum environmental inspection in relation to offshore petroleum premises.

When notice may be issued

(2) A NOPSEMA inspector may issue a notice (an environmental prohibition notice) to a titleholder, in writing, under this clause if, in conducting the inspection, the inspector is satisfied on reasonable grounds that:

(a) one or more of the following is the case:
   (i) an activity is occurring at the premises that involves an immediate and significant threat to the environment;
   (ii) an activity may occur at the premises that, if it occurred, would involve an immediate and significant threat to the environment;
   (iii) the operation or use of the premises involves an immediate and significant threat to the environment;
   (iv) the operation or use of the premises, if it occurred, would involve an immediate and significant threat to the environment; and

(b) it is reasonably necessary to issue the notice in order to remove the threat.

Note: The notice will be published on NOPSEMA’s website (see clause 12A).

How notice may be issued

(3) Without limiting the way in which the notice may be issued, the notice may be issued to the titleholder by being given to the titleholder’s representative at the premises who is nominated for the inspection.

Contents of notice

(4) The notice must:

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Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Bill 2013 No. , 2013
(a) state that the inspector is satisfied on reasonable grounds that
a specified circumstance mentioned in paragraph (2)(a)
applies, and set out those grounds; and

(b) specify the activity at the premises, or the operation or use of
the premises, that involves a threat to the environment; and

(c) specify the threat to the environment, and describe the
environment that is subject to the threat; and

(d) direct the titleholder to ensure:
   (i) that the activity is not conducted; or
   (ii) that the activity is not conducted in a specified manner;
   or
   (iii) that the premises are not operated or used; or
   (iv) that the premises are not operated or used in a specified
   manner.

(5) The notice may specify action that may be taken to satisfy a
NOPSEMA inspector that adequate action has been taken to
remove the threat to the environment.

Offence

(6) A person commits an offence if:
   (a) the person is subject to an environmental prohibition notice;
   and
   (b) the person omits to do an act; and
   (c) the omission breaches the notice.

Penalty: 600 penalty units.

Continuing offences

(7) A person who commits an offence against subclause (6) commits a
separate offence in respect of each day (including a day of a
conviction for the offence or any later day) during which the
offence continues.

(8) The maximum penalty for each day that an offence under
subclause (6) continues is 10% of the maximum penalty that can be
imposed in respect of that offence.
Definition

(9) In this clause:

_{premises_, in relation to offshore petroleum premises, includes:}_

(a) a particular part of the premises; and

(b) particular plant or equipment, or a particular substance or thing, at the premises.

11B Petroleum environmental inspections—environmental prohibition notices (notification)

Scope

(1) This clause applies if a NOPSEMA inspector issues an environmental prohibition notice to a titleholder under clause 11A that concerns a threat to the environment in relation to:

(a) an activity at offshore petroleum premises; or

(b) the operation or use of offshore petroleum premises.

Notice to interested persons

(2) As soon as practicable after issuing the notice, the NOPSEMA inspector must take reasonable steps to give a copy of the notice to the following persons:

(a) if the premises are a facility—the operator’s representative at the facility;

(b) if the premises are a vessel under the command or charge of a master—the master;

(c) if the premises are (or the relevant plant, equipment, substance or thing is) owned by a person other than the titleholder or operator—that owner.

Display of notice

(3) The titleholder must cause a copy of the notice to be displayed in a prominent place at the premises.
Inadequate action in response to notice

(4) If a NOPSEMA inspector is satisfied that action taken by the titleholder to remove the threat to the environment is not adequate, the inspector must inform the titleholder accordingly.

(5) In making a decision under subclause (4), a NOPSEMA inspector may exercise such of the powers of a NOPSEMA inspector conducting a petroleum environmental inspection as the inspector considers necessary for the purposes of making the decision.

When notice ceases to have effect

(6) The notice ceases to have effect in relation to a titleholder when a NOPSEMA inspector notifies the titleholder that the inspector is satisfied that the titleholder, or another person, has taken adequate action to remove the threat to the environment.

Definition

(7) In this clause:

premises, in relation to offshore petroleum premises, includes:

(a) a particular part of the premises; and
(b) particular plant or equipment, or a particular substance or thing, at the premises.

11C Petroleum environmental inspections—environmental improvement notices (issue)

Scope

(1) This clause applies if a NOPSEMA inspector is conducting a petroleum environmental inspection in relation to offshore petroleum premises.

When notice may be issued

(2) A NOPSEMA inspector may issue a notice (an environmental improvement notice) to a titleholder, in writing, under this clause if, in conducting the inspection, the inspector is satisfied on reasonable grounds that:

(a) the titleholder:
Schedule 2 Prohibition and improvement notices
Part 1 Environmental prohibition and improvement notices

(i) is contravening a provision of a petroleum
environmental law; or
(ii) has contravened a provision of a petroleum
environmental law and is likely to contravene that
provision again; and

(b) as a result, there is, or may be, a significant threat to the
environment.

Note: The notice will be published on NOPSEMA’s website (see clause 12A).

How notice may be issued

(3) Without limiting the way in which the notice may be issued, the
notice may be issued to the titleholder by being given to the
titleholder’s representative at the premises who is nominated for
the inspection.

Contents of notice

(4) The notice must:

(a) state that the inspector is satisfied on reasonable grounds that
a specified contravention of a petroleum environmental law
is occurring, or has occurred and is likely to occur again, and
set out those grounds; and

(b) state that the inspector is satisfied on reasonable grounds that
as a result of that contravention, there is, or may be, a
significant threat to the environment, and set out those
grounds; and

(c) specify the threat to the environment, and describe the
environment that is subject to the threat; and

(d) specify action that the inspector is satisfied on reasonable
grounds is required to be taken by the titleholder to remove
the threat; and

(e) specify a period within which the titleholder is to take the
action.

Period of notice and action to be taken

(5) The period specified in the notice must be reasonable.

(6) If the NOPSEMA inspector is satisfied on reasonable grounds that
it is appropriate to do so, the NOPSEMA inspector may, in writing
and before the end of the period, extend the period specified in the
notice.

11D Petroleum environmental inspections—environmental
improvement notices (compliance and notification)

Scope

(1) This clause applies if, in the course of a petroleum environmental
inspection in relation to offshore petroleum premises, a
NOPSEMA inspector issues an environmental improvement notice
to a titleholder under clause 11C that concerns a contravention, or
likely contravention, of a petroleum environmental law.

Duty of titleholder

(2) The titleholder must ensure that the notice is complied with.

Offence

(3) A person commits an offence if:
   (a) the person is subject to a requirement under subclause (2);
   and
   (b) the person omits to do an act; and
   (c) the omission breaches the requirement.

Penalty: 300 penalty units.

Civil penalty

(4) A person is liable to a civil penalty if the person contravenes a
requirement under subclause (2).

Civil penalty: 400 penalty units.

Notice to interested persons

(5) As soon as practicable after issuing the notice, the NOPSEMA
inspector must take reasonable steps to give a copy of the notice to
the following persons:
   (a) if the premises are a facility—the operator’s representative at
the facility;
Schedule 2  Prohibition and improvement notices

Part 1  Environmental prohibition and improvement notices

  (b) if the premises are a vessel under the command or charge of a
      master—the master;
  (c) if the premises are owned by a person other than the
      titleholder or operator—that owner.

  Display of notice

  (6) The titleholder must cause a copy of the notice to be displayed in a
      prominent place at the premises.

  Continuing offences and continuing contraventions of civil penalty
  provisions

  (7) The maximum penalty for each day that an offence under
      subclause (3) continues is 10% of the maximum penalty that can be
      imposed in respect of that offence.
      Note: Subclause (3) is a continuing offence under section 4K of the Crimes
      Act 1914.

  (8) The maximum civil penalty for each day that a contravention of
      subclause (4) continues is 10% of the maximum civil penalty that
      can be imposed in respect of that contravention.
      Note: Subclause (4) is a continuing civil penalty provision under section 96

5 Subclause 12(1) of Schedule 2A

      Omit “or 11(2)”, substitute “, 11(2), 11B(3) or 11D(6)”.

6 Subclause 12(3) of Schedule 2A

      After “11(2),”, insert “11B(3) or 11D(6)”.

Division 2—Minor amendments: do not disturb notices


7 Clause 10 of Schedule 2A (heading)

      Omit “do not disturb notices”, substitute “environmental do not
      disturb notices”.

38 Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures
No. 2) Bill 2013  No. , 2013
8 Subclause 10(2) of Schedule 2A
Omit “do not disturb notice”, substitute “notice (an environmental do not disturb notice)”.  

9 Paragraph 10(7)(a) of Schedule 2A
Omit “a do not disturb notice”, substitute “an environmental do not disturb notice”.  

10 Clause 11 of Schedule 2A (heading)
Omit “do not disturb notices”, substitute “environmental do not disturb notices”.  

11 Subclauses 11(1) and (2) of Schedule 2A
Omit “a do not disturb notice”, substitute “an environmental do not disturb notice”.  

12 Clause 3 of Schedule 3 (definition of do not disturb notice)
Repeal the definition.  

13 Clause 3 of Schedule 3
Insert:

OHS do not disturb notice has the meaning given by subclause 76(1).  

14 Clause 76 of Schedule 3 (heading)
Omit “do not disturb notices”, substitute “OHS do not disturb notices”.  

15 Subclause 76(1) of Schedule 3
Omit “do not disturb notice”, substitute “notice (an OHS do not disturb notice)”.  

16 Clause 76A of Schedule 3 (heading)
Omit “do not disturb notices”, substitute “OHS do not disturb notices”.

Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Bill
2013 No.  , 2013  39
Amendments of listed provisions—OHS do not disturb notices

Omit “a do not disturb notice” and substitute “an OHS do not disturb notice” in the following provisions:

(a) subparagraph 602E(2)(b)(i);
(b) clause 47 of Schedule 3;
(c) paragraph 76(7)(a) of Schedule 3;
(d) subclause 76A(1) of Schedule 3;
(e) paragraph 80A(1)(b) of Schedule 3;
(f) item 4 of the table in subclause 80A(1) of Schedule 3.

Division 3—Minor amendments: prohibition notices


18 Clause 3 of Schedule 3 (definition of prohibition notice)
Repeal the definition.

19 Clause 3 of Schedule 3
Insert:

OHS prohibition notice has the meaning given by subclause 77(1).

20 Clause 77 of Schedule 3 (heading)
Omit “prohibition notices”, substitute “OHS prohibition notices”.

21 Subclause 77(1) of Schedule 3
Omit “prohibition notice”, substitute “notice (an OHS prohibition notice)”.

22 Clause 77A of Schedule 3 (heading)
Omit “prohibition notices”, substitute “OHS prohibition notices”.

23 Amendments of listed provisions—OHS prohibition notices
Omit “a prohibition notice” and substitute “an OHS prohibition notice” in the following provisions:

(a) subparagraph 602E(2)(b)(ii);
(b) clause 47 of Schedule 3;
(c) paragraph 77(7)(a) of Schedule 3;
(d) subclauses 77A(1) and (2) of Schedule 3;
(e) paragraph 80A(1)(b) of Schedule 3;
(f) items 5, 6 and 7 of the table in subclause 80A(1) of Schedule 3.

Division 4—Minor amendments: improvement notices


24 Clause 3 of Schedule 3 (definition of improvement notice)

Repeal the definition.

25 Clause 3 of Schedule 3

Insert:

*OHS improvement notice* has the meaning given by subclause 78(1).

26 Paragraph 34(1)(e) of Schedule 3

Omit “provisional improvement notices”, substitute “provisional OHS improvement notices”.

27 Clause 38 of Schedule 3 (heading)

Repeal the heading, substitute:

38 Provisional OHS improvement notices—issue and notification

28 Subclause 38(2) of Schedule 3 (heading)

Repeal the heading, substitute:

*Issue of provisional OHS improvement notice*

29 Subclause 38(2) of Schedule 3

Omit “provisional improvement notice”, substitute “provisional OHS improvement notice”.

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Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Bill 2013 No. 2013 41
Schedule 2  Prohibition and improvement notices
Part 1  Environmental prohibition and improvement notices

30  Subclause 38(3) of Schedule 3
Omit “improvement”.

31  Subclause 38(5) of Schedule 3 (heading)
Repeal the heading, substitute:

Content of provisional OHS improvement notice

32  Subclause 38(8) of Schedule 3 (heading)
Repeal the heading, substitute:

Copy of provisional OHS improvement notice

33  Clause 39 of Schedule 3 (heading)
Repeal the heading, substitute:

39  Provisional OHS improvement notices—effect

34  Clause 78 of Schedule 3 (heading)
Omit “improvement notices”, substitute “OHS improvement notices”.

35  Subclause 78(1) of Schedule 3
Omit “an improvement notice”, substitute “a notice (an OHS improvement notice)”.

36  Clauses 78A and 78B of Schedule 3 (headings)
Omit “improvement notices”, substitute “OHS improvement notices”.

37  Subclause 80A(1) of Schedule 3 (table items 1 and 2)
Omit “provisional improvement notice” (wherever occurring), substitute “provisional OHS improvement notice”.

38  Subclause 81(4) of Schedule 3 (heading)
Omit “improvement notices”, substitute “OHS improvement notices”.

42  Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Bill 2013  No. , 2013
39 Amendments of listed provisions—OHS improvement notices

Omit “improvement notice” and substitute “OHS improvement notice” in the following provisions:

(a) subparagraph 602E(2)(b)(iii);
(b) subclause 39(8) of Schedule 3;
(c) clause 47 of Schedule 3;
(d) subclauses 78A(1) and 78B(1) of Schedule 3;
(e) paragraph 80A(1)(b) of Schedule 3;
(f) item 8 of the table in subclause 80A(1) of Schedule 3;
(g) subclause 81(4) of Schedule 3 (note);
(h) subclause 81(5) of Schedule 3.

Division 5—Application

40 Application

The Offshore Petroleum and Greenhouse Gas Storage Act 2006, as amended by Divisions 1 to 4 of this Part, applies on and after the commencement of this Part in relation to the following:

(a) acts or omissions of persons, whether occurring before, on or after that commencement;
(b) any other matter, whether arising before, on or after that commencement, that is relevant to the exercise of powers or the performance of functions of a NOPSEMA inspector, on or after that commencement, for the purposes of that Act.
Part 2—Publication of prohibition and improvement notices

Division 1—Amendments


41 At the end of Division 2 of Part 2 of Schedule 2A

Add:

12A Petroleum environmental inspections—publishing

   environmental prohibition notices and environmental improvement notices

   (1) NOPSEMA must publish on its website an environmental prohibition notice or an environmental improvement notice within 21 days after the notice is issued.

   (2) However, NOPSEMA must not publish the notice if it is aware that the decision to issue a notice is the subject of an application for review by a court.

   (3) If the notice is published on the NOPSEMA website and the decision to issue the notice is, or becomes, the subject of an application for review by a court, NOPSEMA must remove the notice from the website as soon as practicable after becoming aware of the application.

   (4) If all rights for judicial review (including any right of appeal) in relation to the decision to issue the notice have been exhausted, and the decision to issue the notice has been upheld, NOPSEMA must publish the notice on its website within 21 days after becoming aware that the rights have been exhausted.

   (5) If a notice contains personal information (within the meaning of the Privacy Act 1988), NOPSEMA must take such steps as are reasonable in the circumstances to ensure that the information is de-identified before the notice is published.
(6) Personal information is de-identified if the information is no longer about an identifiable individual or an individual who is reasonably identifiable.

42 At the end of subclause 77(1) of Schedule 3

Add:

Note: The notice will be published on NOPSEMA’s website (see clause 80AA).

43 At the end of subclause 78(1) of Schedule 3

Add:

Note: The notice will be published on NOPSEMA’s website (see clause 80AA).

44 At the end of Division 3 of Part 4 of Schedule 3

Add:

80AA OHS inspections—publishing OHS prohibition notices and OHS improvement notices

(1) NOPSEMA must publish on its website an OHS prohibition notice or an OHS improvement notice within 21 days after the notice is issued.

(2) However, NOPSEMA must not publish the notice if it is aware that the decision to issue the notice is the subject of an application for an appeal to the reviewing authority or review by a court.

(3) If the notice is published on the NOPSEMA website and the decision to issue the notice is, or becomes, the subject of an application for an appeal to the reviewing authority or review by a court, NOPSEMA must remove the notice from the website as soon as practicable after becoming aware of the application.

(4) Subject to subsection (5), NOPSEMA must publish the notice on its website within 21 days after becoming aware that the decision to issue the notice has been affirmed or upheld and all appeal and review rights in relation to that decision have been exhausted.

(5) If the reviewing authority revokes the decision to issue the notice, and substitutes its own decision to issue a notice (the substituted notice), NOPSEMA must publish the substituted notice on its
website within 21 days after becoming aware that all appeal and
review rights in relation to the decision to issue the substituted
notice have been exhausted.

(6) If the notice contains personal information (within the meaning of
the Privacy Act 1988), NOPSEMA must take such steps as are
reasonable in the circumstances to ensure that the information is
de-identified before the notice is published.

(7) Personal information is de-identified if the information is no longer
about an identifiable individual or an individual who is reasonably
identifiable.

Division 2—Application

45 Application

The amendments of the Offshore Petroleum and Greenhouse Gas
Storage Act 2006 made by Division 1 of this Part apply in relation to
notices issued on or after the commencement of this Part.
Schedule 3—Financial assurance, polluter pays and directions

Part 1—Financial assurance

Division 1—Amendments


1 Subsections 231(1) and 240(1) (notes)
   Repeal the notes.

2 Subsections 404(1) and 413(1) (notes)
   Omit “section 571”, substitute “section 571A”.

3 Section 567
   Omit “insurance”, substitute “financial assurance”.

4 Section 571
   Repeal the section, substitute:

571 Financial assurance—petroleum titles

Scope

(1) This section applies in relation to a petroleum activity carried out in relation to any of the following titles:
   (a) a petroleum exploration permit;
   (b) a petroleum retention lease;
   (c) a petroleum production licence;
   (d) an infrastructure licence;
   (e) a pipeline licence;
   (f) a petroleum special prospecting authority;
   (g) a petroleum access authority.
Titleholder duty to maintain financial assurance

(2) The titleholder must, at all times while the title is in force, maintain financial assurance sufficient to give the titleholder the capacity to meet costs, expenses and liabilities arising in connection with, or as a result of:

(a) the carrying out of the petroleum activity; or

(b) the doing of any other thing for the purposes of the petroleum activity; or

(c) complying (or failing to comply) with a requirement under this Act, or a legislative instrument under this Act, in relation to the petroleum activity.

Examples: This subsection covers costs, expenses and liabilities arising in connection with, or as a result of, the following (without limitation):

(a) complying with the titleholder’s duty under section 572C (which relates to the escape of petroleum);

(b) a debt due to the Commonwealth, a State or the Northern Territory under section 572D, 572E or 572F (which relate to an escape of petroleum), including a debt due to NOPSEMA on behalf of the Commonwealth, or to an agency or authority on behalf of the State or the Northern Territory;

(c) complying with a direction under section 574 or 586 relating to the remediation of damage to the seabed or subsoil arising in connection with a petroleum activity.

(3) The following may be provided for by regulation:

(a) compliance with subsection (2) in relation to a petroleum activity to be demonstrated as a prior condition of acceptance of an environment plan for the activity;

(b) such compliance to be in a form acceptable to NOPSEMA;

(c) a failure to maintain such compliance, in a form acceptable to NOPSEMA, to be grounds for the withdrawal of acceptance of an environment plan for the activity.

Note: For requirements relating to environment plans, see Part 2 of the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009.

Form of financial assurance

(4) The forms of financial assurance for a title that may be maintained for the purposes of this section include (without limitation) any of the following, or any combination of the following:

(a) insurance;
(b) self-insurance;
(c) a bond;
(d) the deposit of an amount as security with a financial institution;
(e) an indemnity or other surety;
(f) a letter of credit from a financial institution;
(g) a mortgage.

(5) In this section:

environment plan for a petroleum activity means an environment plan for the activity under the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*.

Note: Environment plans are dealt with in Part 2 of these Regulations.

financial institution has its ordinary meaning, and (to avoid doubt) includes:

(a) an authorised deposit-taking institution within the meaning of the *Banking Act 1959*; and

(b) a financial institution of a foreign country.

petroleum activity has the same meaning as in the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*.

self-insurance: for a petroleum activity in relation to a title, the titleholder maintains financial assurance in the form of self-insurance to the extent that the titleholder ensures that financial resources are available at all times while the title is in force to meet costs, expenses and liabilities in relation to the activity arising as mentioned in subsection (2).

titleholder, for a title in relation to which this section applies, means the registered holder of the title.

571A Insurance—greenhouse gas titles

Greenhouse gas titles

(1) The conditions of:

(a) a greenhouse gas assessment permit; or

(b) a greenhouse gas holding lease; or
Schedule 3  Financial assurance, polluter pays and directions  

Part 1  Financial assurance

(c) a greenhouse gas injection licence; or
(d) a greenhouse gas search authority; or
(e) a greenhouse gas special authority;

may include a condition that the registered holder maintain, as
directed by the responsible Commonwealth Minister from time to
time, insurance against:
(f) expenses; or
(g) liabilities; or
(h) specified things;
arising in connection with, or as a result of:
(i) the carrying out of work under the permit, lease, licence or
   authority; or
(j) the doing of any other thing under the permit, lease, licence
   or authority;
   including insurance against expenses of complying with directions
   relating to the clean-up or other remediation of the effects of the
   escape of a greenhouse gas substance.

Direction to be in writing

(2) A direction under this section must be in writing.

5 Clause 2 of Schedule 2A (at the end of the definition of
petroleum environmental law)

Add:
; and (c) includes section 571 (which deals with financial assurance),
and a regulation made for the purposes of subsection 571(3)
in relation to compliance with section 571.

Division 2—Application

6 Definitions for Division 2

In this Division:

environment plan for a petroleum activity means an environment plan
for the activity under the Offshore Petroleum and Greenhouse Gas
Storage (Environment) Regulations 2009.

Note: Environment plans are dealt with in Part 2 of those Regulations.

50 Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures
No. 2) Bill 2013 No., 2013
Offshore Act means the Offshore Petroleum and Greenhouse Gas Storage Act 2006, as amended by Division 1 of this Part.

petroleum activity has the same meaning as in the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009.

title means a title to which section 571 or 571A of the Offshore Act applies.

7 Application

The amendments made by Division 1 of this Part apply, on or after the commencement of this Part, in relation to a title whether the title was granted before, on or after the commencement of this Part.

8 Transitional—environment plan already accepted

(1) This item applies in relation to a petroleum activity for which an environment plan was accepted before the commencement of this Part, if the plan remains in force.

(2) In conducting a petroleum environmental inspection under Schedule 2A to the Offshore Act, a NOPSEMA inspector may demand that compliance with subsection 571(2) of that Act must be demonstrated in relation to the activity, in a form that is acceptable to NOPSEMA.

(3) A failure to comply with a demand under subitem (2) is grounds for the withdrawal of acceptance of the environment plan.
Part 2—Polluter pays

Division 1—Amendments


9 After Part 6.1

Insert:

Part 6.1A—Polluter pays

Division 1—General

572A Simplified outline

The following is a simplified outline of this Part:

If there is an escape of petroleum in relation to a petroleum activity, the titleholder is required to do the following in any offshore area:

(a) eliminate or control the escape;

(b) clean up the escaped petroleum and remediate any resulting damage to the environment;

(c) carry out environmental monitoring of the impact of the escape on the environment.

If the titleholder fails to do any of these things, NOPSEMA or the responsible Commonwealth Minister may do them instead. The titleholder must reimburse NOPSEMA or the Commonwealth for the costs and expenses of any such action.

The titleholder must also reimburse a State or the Northern Territory for any reasonable costs or expenses incurred in doing any of the following in land or waters of the State or the Northern Territory:

52 Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Bill 2013 No. , 2013
Polluter pays

572B Relationship with significant offshore petroleum incident directions

Nothing in this Part limits the power of NOPSEMA to give a direction under section 576B in relation to an escape of petroleum.

Note: Section 576B allows NOPSEMA to give directions dealing with significant offshore petroleum incidents.

Division 2—Polluter pays

572C Escape of petroleum—titleholder’s duty

Scope

(1) This section applies in the event of an escape of petroleum occurring as a result of, or in connection with, a petroleum activity in relation to any of the following titles:
   (a) a petroleum exploration permit;
   (b) a petroleum retention lease;
   (c) a petroleum production licence;
   (d) an infrastructure licence;
   (e) a pipeline licence.

Titleholder’s duty

(2) The registered holder of the title must, in an offshore area, in accordance with the environment plan for the petroleum activity:
   (a) as soon as possible after becoming aware of the escape of petroleum, take all reasonably practicable steps to eliminate or control it; and
   (b) clean up the escaped petroleum and remediate any resulting damage to the environment; and


Schedule 3 Financial assurance, polluter pays and directions
Part 2 Polluter pays

(c) carry out environmental monitoring of the impact of the escape on the environment.

Definitions

(3) In this section:

environment plan for a petroleum activity means an environment plan for the activity under the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*.

Note: Environment plans are dealt with in Part 2 of those Regulations.

petroleum activity has the same meaning as in the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*.

572D Escape of petroleum—reimbursement of NOPSEMA

Scope

(1) This section applies if NOPSEMA considers on reasonable grounds that the registered holder of a title has failed to comply with subsection 572C(2) in relation to an escape of petroleum.

Action taken by NOPSEMA

(2) NOPSEMA may do any or all of the things that NOPSEMA considers, on reasonable grounds, the registered holder of the title has failed to do to comply with subsection 572C(2).

Recovery of costs and expenses incurred by NOPSEMA

(3) Costs or expenses incurred by NOPSEMA in doing any thing under subsection (2) are:

(a) a debt due to NOPSEMA on behalf of the Commonwealth by the registered holder of the title; and

(b) recoverable by NOPSEMA on behalf of the Commonwealth in a court of competent jurisdiction.

54 *Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Bill 2013* No. , 2013
572E Escape of petroleum—reimbursement of responsible Commonwealth Minister

Scope

(1) This section applies if the responsible Commonwealth Minister considers on reasonable grounds that the registered holder of a title has failed to comply with subsection 572C(2) in relation to an escape of petroleum.

Action taken by responsible Commonwealth Minister

(2) The responsible Commonwealth Minister may do any or all of the things that he or she considers, on reasonable grounds, the registered holder of the title has failed to do to comply with subsection 572C(2).

Recovery of costs and expenses incurred by responsible Commonwealth Minister

(3) Costs or expenses incurred by the responsible Commonwealth Minister in doing anything under subsection (2) are:

(a) a debt due to the Commonwealth by the registered holder of the title; and

(b) recoverable by the Commonwealth in a court of competent jurisdiction.

572F Escape of petroleum—reimbursement of State or Northern Territory

Scope

(1) This section applies if:

(a) there is an escape of petroleum, in relation to a title, to which subsection 572C(1) applies; and

(b) a State or the Northern Territory (the relevant jurisdiction), or an agency or authority acting on behalf of the relevant jurisdiction, incurs reasonable costs or expenses (recoverable costs or expenses) in doing any of the following in the land or waters of the relevant jurisdiction:

(i) cleaning up the escaped petroleum;
(ii) remediating any resulting damage to the environment;  
(iii) carrying out environmental monitoring of the impact of  
the escape on the environment.

Recovery of costs and expenses incurred by the State or the  
Northern Territory

(2) The recoverable costs or expenses are:

(a) a debt due to the relevant jurisdiction (or to the agency or  
authority acting on behalf of that jurisdiction) by the  
registered holder of the title; and  
(b) recoverable in a court of competent jurisdiction.

Other rights of action not affected

(3) This section does not affect any other right of action, or other  
remedy, that the relevant jurisdiction, an agency or authority acting  
on behalf of that jurisdiction or any other person may have against  
the registered holder of the title in relation to the escape of  
petroleum.

Definition

(4) In this section:

land or waters, of the relevant jurisdiction, are:

(a) land or waters within the limits of the jurisdiction; or  
(b) the eligible coastal waters of the jurisdiction, within the  
meaning of section 650; or  
(c) the designated coastal waters of the jurisdiction, within the  
meaning of Part 6.9 (see section 644).

Division 2—Application

10 Application

The amendments made by Division 1 of this Part apply in relation to an  
escape of petroleum that occurs on or after the commencement of this  
Part.

56 Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures  
No. 2) Bill 2013  No. , 2013
Part 3—Directions


11 After section 574A

Insert:

574B Directions may extend outside of title area

(1) A direction under this Division may require the registered holder of the title in relation to which the direction is given to take an action (or not to take an action) anywhere in an offshore area, whether within or outside the title area of the title.

(2) If a direction under this Division requires the registered holder of a title (the first title) to take an action in, or in relation to, the title area of another title (the related title), NOPSEMA must give a copy of the direction to the registered holder of the related title as soon as practicable after the direction is given to the registered holder of the first title.

Note: A related title may cover greenhouse gas operations (see the definition of title in subsection (3)).

(3) In this section:

- title means any title covered by section 572.
- title area of a title has the meaning given by section 572 in relation to the title.

Note: Section 572 sets out the title area for certain petroleum titles and greenhouse gas titles.

12 Subsection 576B(5)

Omit “the offshore area”, substitute “an offshore area”.

13 After section 585

Insert:
Schedule 3  Financial assurance, polluter pays and directions
Part 3  Directions

585A Remedial directions for petroleum—power to issue directions under different provisions

The power to give a direction under a provision of this Division to a person in relation to a matter does not limit the power of NOPSEMA or the responsible Commonwealth Minister to give a direction to the person in relation to the same (or a different) matter under:

(a) another provision of this Division; or
(b) a provision of Part 6.2 (which deals with petroleum directions).

14 After section 591

Insert:

591A Remedial directions for greenhouse gas—power to issue directions under different provisions

The power to give a direction under a provision of this Division to a person in relation to a matter does not limit the power of the responsible Commonwealth Minister to give a direction to the person in relation to the same (or a different) matter under:

(a) another provision of this Division; or
(b) a provision of Part 6.3 (which deals with greenhouse gas directions).
Schedule 4—Minor amendments

Part 1—Service of documents

Division 1—Amendments


1 Section 7 (paragraph (a) of the definition of approved)
   Repeal the paragraph, substitute:
   (a) when used in Chapter 3—means approved in writing by the responsible Commonwealth Minister; or

2 Section 7 (paragraph (g) of the definition of approved)
   Omit “; or”.

3 Section 7 (paragraph (h) of the definition of approved)
   Repeal the paragraph.

4 Subsection 286A(9) (paragraphs (c) and (e) of the definition of contact details)
   Omit “(if any)”.

5 Part 9.6
   Repeal the Part.

6 Paragraphs 775A(2)(a) to (d)
   Repeal the paragraphs.

7 At the end of subsection 775A(2)
   Add:
     ; or (i) a provision of this Act, or a legislative instrument under this Act, that is prescribed by regulation.

8 After section 782
   Insert:
782A Regulations—service of documents

(1) A regulation (a service regulation) may provide for or in relation to the way in which documents are required or permitted to be given for the purposes of this Act or a legislative instrument under this Act.

Example 1: A service regulation may require or permit documents to be given by email or fax or another form of electronic transmission.

Example 2: If a service regulation requires or permits documents to be given by email transmission, or by prepayment and postage as letters, the regulation may provide for a time at which the documents are taken to be given.

Electronic Transactions Act 1999 overridden

(2) This section, and any service regulations, have effect despite any provision in the Electronic Transactions Act 1999.

9 Paragraph 93(1)(c) of Schedule 3

Repeal the paragraph.

Division 2—Application

10 Application—documents given after commencement of amendments

(1) The amendments made by Division 1 of this Part apply in relation to a document given for the purposes of the Offshore Petroleum and Greenhouse Gas Storage Act 2006 (the Offshore Act), or a legislative instrument under that Act, on or after the commencement of this Part.

(2) However, if a document is given for the purposes of the Offshore Act by prepaying and posting the document as a letter, the amendments made by Division 1 of this Part do not apply in relation to the document if it is posted before the commencement of this Part.
Part 2—Standing Council on Energy and Resources

Division 1—Amendments


11 Section 7

Insert:

Ministers responsible for mineral and energy resources matters
means a group of Ministers established or recognised by the
Council of Australian Governments whose members include
Commonwealth, State, Territory and New Zealand Ministers with
responsibility for energy and resource matters.

12 Amendments of listed provisions—Ministers responsible
for mineral and energy resources matters

Omit “the body known as the Standing Council on Energy and
Resources” and substitute “the Ministers responsible for mineral and
energy resources matters” in the following provisions:

(a) section 643, paragraph (b) of the definition of Greenhouse
Gas Storage Ministerial Council;
(b) subparagraph 654(1)(b)(iv);
(c) paragraph 654(3)(c);
(d) subsection 656(4);
(e) subsection 665(3);
(f) subparagraphs 690(1)(b)(iii) and (3)(b)(iii);
(g) paragraph 695N(2)(e).

Division 2—Transitional

13 Board members

The amendments made by Division 1 of this Part do not affect the
continuity of an appointment under section 656 of the Offshore
14 Chief Executive Officer

The amendments made by Division 1 of this Part do not affect the continuity of an appointment under section 665 of the Offshore Petroleum and Greenhouse Gas Storage Act 2006.
Part 3—Multiple titleholders

Division 1—Amendments


15 Section 775A (heading)
   Repeal the heading, substitute:

775A Definitions

Eligible voluntary action

16 At the end of paragraph 775A(1)(d)
   Add “or”.

17 After paragraph 775A(1)(d)
   Insert:
   (e) giving a plan; or
   (f) giving an objection;

18 Subsection 775A(1)
   Omit “or the responsible Commonwealth Minister”, substitute “, the
   responsible Commonwealth Minister or NOPSEMA”.

19 At the end of section 775A
   Add:

This Act includes a legislative instrument

(3) For the purposes of this Division, this Act includes a legislative
   instrument under this Act.

20 Paragraph 775D(1)(a)
   After “this Act”, insert “, or a legislative instrument under this Act.”.

21 Paragraph 775E(1)(a)
   After “this Act”, insert “, or a legislative instrument under this Act.”.
Division 2—Application

22 Application—amendments of section 775A

The amendments of section 775A of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* made by Division 1 of this Part apply in relation to a nomination given to the Titles Administrator under section 775B or 775C of that Act before, on or after the commencement of this item.

23 Application—amendments of sections 775D and 775E

The amendments of sections 775D and 775E of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* made by Division 1 of this Part apply in relation to an obligation incurred on or after the commencement of this item.
Part 4—Acting Titles Administrator

Division 1—Amendments


24 Subsection 695C(2)

Repeal the subsection, substitute:

(2) A person is eligible for appointment to act as the Titles Administrator if:

(a) the person is eligible for appointment as the Titles Administrator; or

(b) the person is an acting SES employee in the Department.

Division 2—Application

25 Application

The amendment made by Division 1 of this Part applies in relation to appointments under section 695C of the Offshore Petroleum and Greenhouse Gas Storage Act 2006 made on or after the commencement of this Part.