

Petroleum and Geothermal Energy Legislation Amendment Bill 2013

Contents

Part 1 — Preliminary		
1.	Short title	2
2.	Commencement	2
Part 2 — <i>Petroleum and Geothermal Energy Resources Act 1967</i> amended		
3.	Act amended	3
4.	Long title replaced	3
5.	Section 1 amended	3
6.	Section 5 amended	3
7.	Sections 6AA, 6AB and 6AC inserted	15
	6AA. Potential GHG storage formation	15
	6AB. Eligible GHG storage formation and related terms	16
	6AC. Incidental greenhouse gas-related substance	18
8.	Section 7AA amended	19
9.	Section 9 amended	20
10.	Section 10 amended	20
11.	Section 11 amended	21
12.	Section 15 amended	21
13.	Section 15A amended	22
14.	Section 16 amended	22
15.	Section 17 amended	22
16.	Section 24 amended	23

Contents

17.	Part III heading replaced	23
	Part III — Operations relating to recovery of petroleum and geothermal energy or GHG injection and storage	
18.	Section 28 amended	23
19.	Section 29 amended	24
20.	Section 30 amended	25
21.	Section 31A inserted	25
	31A. Petroleum lessee or licensee to be notified of proposal to advertise certain blocks	25
22.	Section 31 amended	26
23.	Section 32A amended	27
24.	Section 32 amended	27
25.	Section 33 amended	27
26.	Section 35 amended	28
27.	Section 37 amended	28
28.	Section 37A amended	28
29.	Section 38 amended	29
30.	Section 39A inserted	30
	39A. Rights conferred by GHG exploration permit	30
31.	Section 40 amended	32
32.	Section 41 amended	32
33.	Section 42A amended	33
34.	Section 42B inserted	33
	42B. GHG exploration permits cannot be renewed more than once	33
35.	Section 43A amended	33
36.	Section 43B amended	34
37.	Section 43CA amended	35
38.	Section 43C amended	35
39.	Section 43D amended	36
40.	Section 43EA inserted	37
	43EA. Rights conferred by GHG drilling reservation	37
41.	Section 44 replaced	39
	44. Certain discoveries in permit area or drilling reservation area to be notified	39
42.	Section 46 amended	40
43.	Section 47 amended	41
44.	Section 48A amended	41
45.	Section 48B amended	42

46.	Section 48BA amended	44
47.	Sections 48CAA, 48CAB and 48CAC inserted	45
	48CAA. Application by petroleum lessee for GHG retention lease	45
	48CAB. Grant or refusal of GHG retention lease in relation to application by petroleum lessee	45
	48CAC. Application of s. 48CAA and 48CAB if petroleum retention lease is transferred	48
48.	Section 48CA amended	49
49.	Section 48CB amended	50
50.	Section 48CC amended	51
51.	Section 48C amended	51
52.	Section 48DA inserted	52
	48DA. Rights conferred by GHG retention lease	52
53.	Section 48E amended	54
54.	Section 48F amended	55
55.	Section 48G amended	56
56.	Section 48HA inserted	60
	48HA. GHG retention lease cannot be renewed more than once	60
57.	Section 48H amended	61
58.	Section 48J replaced	61
	48J. Certain discoveries in lease area to be notified	61
59.	Section 48K deleted	62
60.	Part III Division 3 heading amended	62
61.	Section 49A inserted	62
	49A. GHG injection operations in State	63
62.	Section 50 amended	63
63.	Section 50AA inserted	64
	50AA. Application by permittee or holder of drilling reservation for GHG injection licence	64
64.	Section 50A amended	65
65.	Section 51 amended	66
66.	Section 53 amended	66
67.	Section 54 amended	67
68.	Section 54A amended	68
69.	Section 55 amended	68
70.	Section 57 amended	69
71.	Section 59 amended	70
72.	Section 60 amended	71
73.	Section 61 amended	71

Contents

74.	Section 62 amended	71
75.	Section 63 amended	73
76.	Section 64A amended	73
77.	Section 66 amended	74
78.	Section 69 amended	75
79.	Part III Division 3A heading amended	79
80.	Section 69A amended	80
81.	Part III Division 4A inserted	82
	Division 4A — Matters relating to GHG injection and storage	
	Subdivision 1 — Declaration of identified GHG storage formation	
69B.	Application for declaration of identified GHG storage formation	82
69C.	Requirement for further information or further analysis	83
69D.	Variation of application	84
69E.	Declaration of identified GHG storage formation	84
69F.	Refusal to make declaration	85
69G.	Variation of declaration	85
69H.	Revocation of declaration	87
	Subdivision 2 — Approved site plans	
69I.	Approved site plans	88
	Subdivision 3 — Serious situations	
69JA.	When serious situation exists	90
69JB.	Reporting of serious situations	91
69JC.	Minister may give directions	91
	Subdivision 4 — Site closing certificates	
69JD.	Application for site closing certificate	93
69JE.	Requirements for application	96
69JF.	Acknowledgment of receipt of application	97
69JG.	Variation of application	98
69JH.	Pre-certificate notice	98
69JI.	Refusal to give pre-certificate notice	101
69JJ.	Content of pre-certificate notice	101
69JK.	Issue of site closing certificate	103
69JL.	Transferee of GHG injection licence treated as applicant	103
69JM.	Duration of site closing certificate	104
69JN.	Transfer of site closing certificate	104
69JO.	Transfer of securities	104
69JP.	Discharge of securities	104
69JQ.	Recovery of State's costs and expenses	105

	Subdivision 5 — Long term liabilities in respect of GHG storage	
	69JR. Closure assurance period	105
	69JS. Indemnity against long term liability	107
	69JT. State to assume long term liability if licensee has ceased to exist	108
82.	Section 70 amended	109
83.	Section 72 amended	109
84.	Section 75 amended	109
85.	Section 76 amended	111
86.	Section 85 amended	111
87.	Section 89 amended	111
88.	Section 91 amended	111
89.	Section 91A amended	116
90.	Section 91B amended	116
91.	Section 92 amended	116
92.	Section 95 amended	117
93.	Section 101 amended	117
94.	Section 105 amended	117
95.	Section 106 amended	118
96.	Section 109 amended	120
97.	Section 113 amended	121
98.	Section 116 amended	121
99.	Section 117 amended	121
100.	Section 117A amended	122
101.	Section 119 amended	122
102.	Section 123 amended	122
103.	Section 126A amended	123
104.	Section 136 amended	123
105.	Section 142 amended	123
106.	Section 144 amended	123
107.	Section 149B amended	124
108.	Section 149C amended	124
109.	Section 152 amended	124
110.	Section 153 amended	125
111.	Schedule 1 amended	127
	Part 3 — <i>Petroleum Pipelines</i> Act 1969 amended	
112.	Act amended	130
113.	Long title amended	130

Contents

114.	Section 1 amended	130
115.	Section 4 amended	130
116.	Section 8 amended	131
117.	Section 21 amended	131
118.	Section 37A amended	131
119.	Section 47 amended	131
120.	Section 64 amended	132
121.	Section 67 amended	132
Part 4 — Other Acts amended		
Division 1 — <i>Barrow Island Act 2003</i> amended		
122.	Act amended	133
123.	Section 7 amended	133
124.	Section 11 amended	133
125.	Section 14 amended	134
Division 2 — <i>Building Act 2011</i> amended		
126.	Act amended	134
127.	Section 73 amended	134
Division 3 — <i>Conservation and Land Management Act 1984</i> amended		
128.	Act amended	135
129.	Section 3 amended	135
130.	Section 4 amended	135
131.	Section 13A amended	136
132.	Section 13B amended	136
133.	Section 13C amended	137
134.	Section 13E amended	139
135.	Section 60 amended	139
Division 4 — <i>Dampier to Bunbury Pipeline Act 1997</i> amended		
136.	Act amended	140
137.	Section 34 amended	140
138.	Schedule 4 Division 8 heading amended	140
139.	Schedule 4 clause 37 amended	141
Division 5 — <i>Land Administration Act 1997</i> amended		
140.	Act amended	141
141.	Section 3 amended	141

142.	Section 5 replaced	142
	5. Act not to apply to registration of certain rights	142
143.	Section 24 amended	143
144.	Section 91 amended	143
145.	Section 164 amended	143
146.	Section 170 amended	144
147.	Section 175 amended	144
148.	Section 177 amended	145
	Division 6 — <i>Mining Act 1978</i> amended	
149.	Act amended	145
150.	Section 8 amended	145
151.	Section 8A deleted	145
152.	Section 159 amended	146
	Division 7 — <i>Occupational Safety and Health Act 1984</i> amended	
153.	Act amended	146
154.	Section 4 amended	146
	Division 8 — <i>Petroleum (Submerged Lands) Act 1982</i> amended	
155.	Act amended	147
156.	Section 112 amended	147
157.	Section 142 amended	147
158.	Section 145 amended	147
159.	Section 152 amended	148
	Division 9 — <i>Petroleum and Geothermal Energy Resources (Registration Fees) Act 1967</i> amended	
160.	Act amended	148
161.	Long title amended	148
162.	Section 1 amended	148
163.	Section 3 amended	149
164.	Section 4 amended	149
	Division 10 — <i>Petroleum and Geothermal Energy Safety Levies Act 2011</i> amended	
165.	Act amended	149
166.	Section 3 amended	149
167.	Section 10 amended	151
168.	Section 21 amended	151

Contents

	Division 11 — <i>Transfer of Land Act 1893</i> amended	
169.	Act amended	152
170.	Section 3 amended	152
	Division 12 — Various references to “<i>Petroleum and Geothermal Energy Resources Act 1967</i>” and “<i>Petroleum Pipelines Act 1969</i>” amended	
171.	References to “ <i>Petroleum and Geothermal Energy Resources Act 1967</i> ” amended	153
172.	References to “ <i>Petroleum Pipelines Act 1969</i> ” amended	155

Western Australia

LEGISLATIVE ASSEMBLY

**Petroleum and Geothermal Energy Legislation
Amendment Bill 2013**

A Bill for

An Act to amend the *Petroleum and Geothermal Energy Resources Act 1967* and the *Petroleum Pipelines Act 1969* to facilitate the geological storage of greenhouse gas substances, to make consequential amendments to other Acts, and for other purposes.

The Parliament of Western Australia enacts as follows:

1
2
3
4
5
6
7
8
9
10

Part 1 — Preliminary

1. Short title

This is the *Petroleum and Geothermal Energy Legislation Amendment Act 2013*.

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

1 **Part 2 — *Petroleum and Geothermal Energy Resources***
2 ***Act 1967* amended**

3 **3. Act amended**

4 This Part amends the *Petroleum and Geothermal Energy*
5 *Resources Act 1967*.

6 **4. Long title replaced**

7 Delete the long title and insert:

8

9 **An Act relating to —**

- 10 • **the exploration for, and the exploitation of, petroleum**
11 **resources, geothermal energy resources, and certain**
12 **other resources, within certain lands of the State; and**
13 • **the injection and storage of greenhouse gas substances**
14 **within certain lands of the State,**
15 **and for incidental and other purposes.**
16

17 **5. Section 1 amended**

18 In section 1 delete “*Petroleum and Geothermal Energy*
19 *Resources*” and insert:

20

21 *Petroleum, Geothermal Energy and Greenhouse Gas Storage*
22

23 **6. Section 5 amended**

- 24 (1) In section 5(1) delete the definitions of:
25 *other protected person* (each occurrence)
26 *partly cancelled*
27 *permit area*

s. 6

- 1 (2) In section 5(1) insert in alphabetical order:
2
- 3 ***approved site plan*** means a site plan in respect of
4 which an approval is in force under regulations made
5 for the purposes of section 69I;
- 6 ***closure assurance period*** means a closure assurance
7 period declared under section 69JR(1);
- 8 ***detection agent*** means a substance, whether in a
9 gaseous or liquid state, that —
- 10 (a) when added to —
- 11 (i) another substance; or
12 (ii) a mixture of other substances,
13 facilitates the monitoring of the behaviour of
14 that other substance or that mixture, as the case
15 may be; and
- 16 (b) is specified in the regulations;
- 17 ***drilling reservation area*** means the area constituted by
18 the blocks that are the subject of a drilling reservation;
- 19 ***eligible GHG storage formation*** has the meaning given
20 in section 6AB(1);
- 21 ***fundamental suitability determinants***, in relation to an
22 eligible GHG storage formation, has the meaning given
23 in section 6AB(9);
- 24 ***geological formation*** includes —
- 25 (a) any seal or reservoir of a geological formation;
26 and
- 27 (b) any associated geological attributes or features
28 of a geological formation;
- 29 ***geothermal exploration operation*** means an operation
30 to explore for geothermal energy resources, and the
31 carrying on of such operations and the execution of
32 such works as are necessary for that purpose;

1 **GHG access authority** means a GHG access authority
2 under Part III;

3 **GHG drilling reservation** means a GHG drilling
4 reservation under Part III;

5 **GHG exploration operation** means an operation to
6 explore for potential GHG storage formations or
7 potential GHG injection sites, and the carrying on of
8 such operations and the execution of such works as are
9 necessary for that purpose;

10 **GHG exploration permit** means a GHG exploration
11 permit under Part III;

12 **GHG injection licence** means a GHG injection licence
13 under Part III;

14 **GHG injection operation** means —

15 (a) an operation to inject a greenhouse gas
16 substance into an identified GHG storage
17 formation, and to permanently store the
18 greenhouse gas substance in the identified
19 GHG storage formation, and the carrying on of
20 such operations and the execution of such
21 works as are necessary for those purposes; or

22 (b) an operation to monitor a greenhouse gas
23 substance stored in an identified GHG storage
24 formation, and the carrying on of such
25 operations and the execution of such works as
26 are necessary for that purpose;

27 **GHG lease area** means the area constituted by the
28 blocks that are the subject of a GHG retention lease;

29 **GHG lessee** means the registered holder of a
30 GHG retention lease;

31 **GHG licensee** means the registered holder of a GHG
32 injection licence;

33 **GHG operation** means —

34 (a) a GHG exploration operation; or

s. 6

- 1 (b) an operation to drill for potential GHG storage
2 formations or potential GHG injection sites,
3 and the carrying on of such operations and the
4 execution of such works as are necessary for
5 that purpose; or
6 (c) a GHG injection operation; or
7 (d) any other kind of operation that is prescribed by
8 the regulations to be a GHG operation for the
9 purposes of this definition,
10 but does not include —
11 (e) an operation of the kind described in
12 paragraph (f) of the definition of *petroleum*
13 *operation*; or
14 (f) an operation of a kind that is prescribed by the
15 regulations not to be a GHG operation for the
16 purposes of this definition;
17 **GHG permit area** means the area constituted by the
18 blocks that are the subject of a GHG exploration
19 permit;
20 **GHG permittee** means the registered holder of a GHG
21 exploration permit;
22 **GHG retention lease** means a GHG retention lease
23 under Part III;
24 **GHG special prospecting authority** means a GHG
25 special prospecting authority under Part III;
26 **greenhouse gas substance** or **GHG** means —
27 (a) carbon dioxide, whether in a gaseous or liquid
28 state; or
29 (b) a prescribed greenhouse gas, whether in a
30 gaseous or liquid state; or

- 1 (c) a mixture of any or all of the following
2 substances —
- 3 (i) carbon dioxide, whether in a gaseous or
4 liquid state;
- 5 (ii) one or more prescribed greenhouse
6 gases, whether in a gaseous or liquid
7 state;
- 8 (iii) one or more incidental greenhouse
9 gas-related substances, whether in a
10 gaseous or liquid state, that relate to
11 either or both of the substances
12 mentioned in subparagraphs (i) and (ii);
- 13 (iv) a detection agent, whether in a gaseous
14 or liquid state,
- 15 if —
- 16 (v) the mixture consists overwhelmingly of
17 either or both of the substances
18 mentioned in subparagraphs (i) and (ii);
19 and
- 20 (vi) in a case where the mixture includes a
21 detection agent — the concentration of
22 the detection agent in the mixture is not
23 more than the concentration prescribed
24 in relation to that detection agent;

25 **identified GHG storage formation** means a part of a
26 geological formation declared to be an identified
27 GHG storage formation under section 69E(1)(c);

28 **incidental greenhouse gas-related substance** has the
29 meaning given in section 6AC(2);

30 **other protected person** —

- 31 (a) in relation to a petroleum operation, means a
32 person who is at or near a place where the
33 petroleum operation is being carried on at the

s. 6

- 1 invitation of, or with the express or implied
2 consent of —
- 3 (i) the operator of the petroleum operation;
4 or
- 5 (ii) a person in control of a part of the
6 petroleum operation;
- 7 or
- 8 (b) in relation to a geothermal energy operation,
9 means a person who is at or near a place where
10 the geothermal energy operation is being
11 carried on at the invitation of, or with the
12 express or implied consent of —
- 13 (i) the operator of the geothermal energy
14 operation; or
- 15 (ii) a person in control of a part of the
16 geothermal energy operation;
- 17 or
- 18 (c) in relation to a GHG operation, means a person
19 who is at or near a place where the
20 GHG operation is being carried on at the
21 invitation of, or with the express or implied
22 consent of —
- 23 (i) the operator of the GHG operation; or
24 (ii) a person in control of a part of the GHG
25 operation;
- 26 ***partly cancelled***, in relation to a permit, drilling
27 reservation or licence, means cancelled as to one or
28 more but not all of the blocks the subject of the permit,
29 drilling reservation or licence;
- 30 ***permit area*** means the area constituted by the blocks
31 that are the subject of a permit;
- 32 ***petroleum exploration operation*** means an operation
33 to explore for petroleum, and the carrying on of such

- 1 operations and the execution of such works as are
2 necessary for that purpose;
- 3 **potential GHG injection site** means a place that is a
4 suitable place to make a well or wells to inject a
5 greenhouse gas substance into a part of a geological
6 formation;
- 7 **potential GHG storage formation** has the meaning
8 given in section 6AA(1);
- 9 **site plan** means a document that —
- 10 (a) relates to an identified GHG storage formation;
11 and
- 12 (b) complies with such requirements as are
13 specified in the regulations; and
- 14 (c) is divided into the following parts —
- 15 (i) Part A, which sets out predictions for
16 the behaviour of a greenhouse gas
17 substance stored in the identified GHG
18 storage formation;
- 19 (ii) Part B, which deals with other matters;
- 20 **spatial extent**, of an eligible GHG storage formation,
21 has the meaning given in section 6AB(3);
22
- 23 (3) In section 5(1) in the definition of **access authority**:
- 24 (a) in paragraph (b) delete “authority;” and insert:
25
26 authority; or
27
- 28 (b) after paragraph (b) insert:
29
- 30 (c) a GHG access authority;
31

s. 6

- 1 (4) In section 5(1) in the definition of *drilling reservation*:
2 (a) in paragraph (b) delete “reservation;” and insert:
3
4 reservation; or
5
6 (b) after paragraph (b) insert:
7
8 (c) a GHG drilling reservation;
9
- 10 (5) In section 5(1) in the definition of *facility* delete “operation or
11 geothermal energy” and insert:
12
13 operation, geothermal energy operation or GHG
14
- 15 (6) In section 5(1) in the definition of *geothermal drilling*
16 *reservation* delete “referred to in section 43D(2);” and insert:
17
18 under Part III;
19
- 20 (7) In section 5(1) in the definition of *geothermal energy operation*
21 delete paragraph (a) and insert:
22
23 (a) a geothermal exploration operation; or
24
- 25 (8) In section 5(1) in the definition of *geothermal exploration*
26 *permit* delete “issued under section 38(2);” and insert:
27
28 under Part III;
29

- 1 (9) In section 5(1) in the definition of *lease*:
2 (a) in paragraph (b) delete “lease;” and insert:
3
4 lease; or
5
6 (b) after paragraph (b) insert:
7
8 (c) a GHG retention lease;
9
- 10 (10) In section 5(1) in the definition of *licence*:
11 (a) in paragraph (b) delete “licence;” and insert:
12
13 licence; or
14
15 (b) after paragraph (b) insert:
16
17 (c) a GHG injection licence;
18
- 19 (11) In section 5(1) in the definition of *operator*:
20 (a) delete paragraphs (a), (b), (c) and (d) and insert:
21
22 (a) in relation to a petroleum exploration operation,
23 geothermal exploration operation or
24 GHG exploration operation in a permit area,
25 means the registered holder of the permit for
26 that area; or
27 (b) in relation to —
28 (i) an operation to drill for petroleum or
29 geothermal energy resources in a
30 drilling reservation area; or

s. 6

- 1 (ii) an operation to drill for potential GHG
2 storage formations or potential GHG
3 injection sites in a drilling reservation
4 area; or
- 5 (iii) the carrying on of such operations or the
6 execution of such works in a drilling
7 reservation area as are necessary for any
8 of those purposes,
9 means the registered holder of the drilling
10 reservation for that area; or
- 11 (c) in relation to a petroleum exploration operation,
12 geothermal exploration operation or GHG
13 exploration operation in a lease area, means the
14 registered holder of the lease for that area; or
- 15 (d) in relation to —
- 16 (i) a petroleum exploration operation,
17 geothermal exploration operation or
18 GHG exploration operation in a licence
19 area; or
- 20 (ii) an operation to recover petroleum or
21 geothermal energy in a licence area, or
22 to recover petroleum or geothermal
23 energy from a licence area in another
24 area, or the carrying on of such
25 operations or the execution of such
26 works in a licence area as are necessary
27 for those purposes; or
- 28 (iii) a GHG injection operation in a licence
29 area,
30 means the registered holder of the licence for
31 that area; or
32

- 1 (b) in paragraph (f) delete “operation or geothermal energy
2 resources exploration operation” and insert:
3
4 operation, geothermal exploration operation or GHG
5 exploration operation in an area
6
- 7 (c) delete paragraph (g) and insert:
8
9 (g) in relation to —
10 (i) a petroleum exploration operation,
11 geothermal exploration operation or
12 GHG exploration operation in an area
13 specified in an access authority; or
14 (ii) an operation related to the recovery of
15 petroleum or geothermal energy from an
16 area specified in an access authority; or
17 (iii) a GHG injection operation in an area
18 specified in an access authority,
19 means the registered holder of the access
20 authority; or
21
- 22 (d) in paragraph (k) delete “definition;” and insert:
23
24 definition; or
25
- 26 (e) after paragraph (k) insert:
27
28 (l) in relation to any other kind of operation that is
29 prescribed by the regulations to be a GHG
30 operation for the purposes of the definition of
31 **GHG operation**, means the person prescribed
32 by the regulations to be the operator of such a

s. 6

- 1 GHG operation for the purposes of this
2 definition;
3
- 4 (12) In section 5(1) in the definition of *permit*:
5 (a) in paragraph (b) delete “permit;” and insert:
6
7 permit; or
8
9 (b) after paragraph (b) insert:
10
11 (c) a GHG exploration permit;
12
- 13 (13) In section 5(1) in the definition of *petroleum drilling*
14 *reservation* delete “referred to in section 43D(1);” and insert:
15
16 under Part III;
17
- 18 (14) In section 5(1) in the definition of *petroleum exploration permit*
19 delete “issued under section 38(1);” and insert:
20
21 under Part III;
22
- 23 (15) In section 5(1) in the definition of *petroleum operation* delete
24 paragraph (a) and insert:
25
26 (a) a petroleum exploration operation; or
27

- 1 (16) In section 5(1) in the definition of *special prospecting*
2 *authority*:
3 (a) in paragraph (b) delete “authority;” and insert:
4
5 authority; or
6
7 (b) after paragraph (b) insert:
8
9 (c) a GHG special prospecting authority;
10
- 11 (17) In section 5(1) in the definition of *well* delete “resources or
12 operations for the recovery of petroleum or geothermal energy,”
13 and insert:
14
15 resources, operations for the recovery of petroleum or
16 geothermal energy or GHG operations,
17
- 18 (18) In section 5(1) in the definition of *geothermal energy operation*
19 after each of paragraphs (b) and (c) and the definition of
20 *operator* after each of paragraphs (e), (f), (h), (i) and (j) and the
21 definition of *petroleum operation* after each of paragraphs (b)
22 to (f) insert:
23
24 or
25
- 26 **7. Sections 6AA, 6AB and 6AC inserted**
27 After section 5 insert:
28
- 29 **6AA. Potential GHG storage formation**
30 (1) For the purposes of this Act, a potential GHG storage
31 formation is a part of a geological formation that is

s. 7

- 1 suitable for the permanent storage of a greenhouse gas
2 substance injected into that part.
- 3 (2) For the purposes of subsection (1), it is not necessary to
4 identify the greenhouse gas substance.
- 5 (3) For the purposes of subsection (1), in determining
6 whether a part of a geological formation is suitable for
7 the permanent storage of a greenhouse gas substance
8 injected into that part, regard may be had to reasonably
9 foreseeable technological developments.
- 10 **6AB. Eligible GHG storage formation and related terms**
- 11 (1) For the purposes of this Act, an eligible GHG storage
12 formation is a part of a geological formation that is
13 suitable for the permanent storage of a particular
14 amount of a particular greenhouse gas substance
15 injected at a particular point or points into that part
16 over a particular period.
- 17 (2) An amount referred to in subsection (1) must be at least
18 100 000 tonnes.
- 19 (3) For the purposes of this Act, the spatial extent of an
20 eligible GHG storage formation is the expected
21 migration pathway or pathways of the particular
22 amount of the particular greenhouse gas substance
23 injected as referred to in subsection (1), over the
24 period —
- 25 (a) beginning at the start of the particular period
26 referred to in that subsection; and
- 27 (b) ending at the notional site closing certificate
28 time as defined in subsection (8).
- 29 (4) In determining the spatial extent of an eligible GHG
30 storage formation, regard must be had to —
- 31 (a) the fundamental suitability determinants; and
32 (b) such other matters as are relevant.

- 1 (5) The regulations may provide that the expected
2 migration pathway or pathways are to be ascertained
3 for the purposes of subsection (3) on the basis of —
- 4 (a) one or more assumptions (if any) specified in
5 the regulations; and
- 6 (b) a level of probability specified in the
7 regulations; and
- 8 (c) a methodology (if any) specified in the
9 regulations.
- 10 (6) For the purposes of the application of this section to a
11 part of a geological formation covered by
12 subsection (1), the notional site closing certificate time
13 is worked out by —
- 14 (a) assuming that the particular amount of the
15 particular greenhouse gas substance referred to
16 in that subsection was injected at the particular
17 point or points referred to in that subsection
18 over the particular period referred to in that
19 subsection; and
- 20 (b) assuming that, throughout that period, that part
21 was an identified GHG storage formation; and
- 22 (c) assuming that, throughout that period,
23 operations for the injection of the greenhouse
24 gas substance into that part —
- 25 (i) were authorised by a GHG injection
26 licence; and
- 27 (ii) complied with the requirements of this
28 Act and the regulations;
- 29 and
- 30 (d) assuming that, at the end of that period,
31 operations for the injection of the greenhouse
32 gas substance into that part ceased; and

s. 7

- 1 (e) estimating the earliest time after the end of that
2 period when the Minister would be in a position
3 to issue a site closing certificate in relation to
4 the identified GHG storage formation.
- 5 (7) When making an estimate under subsection (6)(e),
6 section 69JH(8) is to be disregarded.
- 7 (8) The *notional site closing certificate time* is the time
8 estimated under subsection (6)(e).
- 9 (9) For the purposes of this Act, the following are the
10 fundamental suitability determinants of an eligible
11 GHG storage formation —
- 12 (a) the particular amount referred to in
13 subsection (1);
- 14 (b) the particular greenhouse gas substance referred
15 to in subsection (1);
- 16 (c) the particular point or points referred to in
17 subsection (1);
- 18 (d) the particular period referred to in
19 subsection (1);
- 20 (e) the effective sealing feature or attribute that
21 enables the permanent storage referred to in
22 subsection (1).

23 **6AC. Incidental greenhouse gas-related substance**

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

- 1 (2) For the purposes of this Act, each of the following is an
2 incidental greenhouse gas-related substance in relation
3 to a primary greenhouse gas substance —
- 4 (a) any substance that is incidentally derived from
5 the source material;
- 6 (b) any substance that is incidentally derived from
7 the capture;
- 8 (c) if the primary greenhouse gas substance,
9 whether in a pure form or in a mixture with
10 other substances, is transported — any
11 substance that is incidentally derived from the
12 transportation;
- 13 (d) if the primary greenhouse gas substance,
14 whether in a pure form or in a mixture with
15 other substances, is injected into a part of a
16 geological formation — any substance that is
17 incidentally derived from the injection;
- 18 (e) if the primary greenhouse gas substance,
19 whether in a pure form or in a mixture with
20 other substances, is stored in a part of a
21 geological formation — any substance that is
22 incidentally derived from the storage.

23

24 **8. Section 7AA amended**

25 In section 7AA(1):

- 26 (a) delete paragraph (a) and insert:
- 27
- 28 (a) a petroleum operation, geothermal energy
29 operation or GHG operation; or
30

s. 9

1 (b) in paragraph (b) delete “operation or geothermal energy”
2 and insert:

3

4 operation, geothermal energy operation or GHG

5

6 **9. Section 9 amended**

7 In section 9 delete “resources and geothermal energy” and
8 insert:

9

10 resources, geothermal energy, potential GHG storage
11 formations and potential GHG injection sites

12

13 Note: The heading to amended section 9 is to read:

14 **Certain resources and formations declared to be property of**
15 **Crown**

16 **10. Section 10 amended**

17 In section 10:

18 (a) delete “resources and geothermal energy”
19 (1st occurrence) and insert:

20

21 resources, geothermal energy, potential GHG storage
22 formations and potential GHG injection sites

23

24 (b) delete the passage that begins with “contained,” and
25 continues to the end of the section and insert:

26

27 contained —

28 (c) for the purpose of searching for and for the
29 operations of obtaining petroleum, geothermal
30 energy resources or geothermal energy in or on
31 any part of the land; or

- 1 (d) for the purpose of carrying out GHG operations
2 in or on any part of the land.
3

4 **11. Section 11 amended**

- 5 (1) After section 11(1) insert:
6

7 (2A) The Minister may by his officers, agents, or workmen
8 carry on GHG operations and, for such purposes, may
9 enter upon and occupy, either temporarily or
10 permanently —

- 11 (a) any vacant Crown land; or
12 (b) any other land.
13

- 14 (2) In section 11(2) delete “paragraph (b) of that subsection,” and
15 insert:
16

17 subsection (1)(b), or any of the powers conferred by
18 subsection (2A) has been exercised in relation to land referred
19 to in subsection (2A)(b),
20

21 Note: The heading to amended section 11 is to read:

22 **Minister may carry on petroleum, geothermal energy or**
23 **GHG operations**

24 **12. Section 15 amended**

- 25 In section 15(1) delete “reservation,” (2nd occurrence) and
26 insert:
27

28 reservation area,
29

s. 13

1 **13. Section 15A amended**

2 In section 15A(1):

3 (a) in paragraph (d) delete “energy,” and insert:

4

5 energy; or

6

7 (b) after paragraph (d) insert:

8

9 (e) carrying out GHG operations,

10

11 **14. Section 16 amended**

12 In section 16(1):

13 (a) in paragraph (b) delete “energy,” and insert:

14

15 energy; or

16

17 (b) after paragraph (b) insert:

18

19 (c) carrying out GHG operations,

20

21 **15. Section 17 amended**

22 In section 17(3) delete “resources or geothermal energy” and
23 insert:

24

25 resources, geothermal energy, potential GHG storage
26 formations or potential GHG injection sites

27

1 **16. Section 24 amended**

2 In section 24(2) delete “resources or geothermal energy” and
3 insert:

4
5 resources, geothermal energy, potential GHG storage
6 formations or potential GHG injection sites
7

8 **17. Part III heading replaced**

9 Delete the heading to Part III and insert:
10

11 **Part III — Operations relating to recovery of**
12 **petroleum and geothermal energy or**
13 **GHG injection and storage**
14

15 **18. Section 28 amended**

16 (1) After section 28(1a) insert:
17

18 (2A) The Minister may, by instrument published in the
19 *Gazette*, declare that a block specified in the instrument
20 (not being a block in respect of which a GHG
21 exploration permit, GHG drilling reservation, GHG
22 retention lease or GHG injection licence is in force) is
23 not to be the subject of a GHG exploration permit,
24 GHG drilling reservation, GHG retention lease, GHG
25 injection licence, GHG special prospecting authority or
26 GHG access authority.
27

s. 19

1 (2) After section 28(3) insert:

2

3 (4) While a declaration under subsection (2A) remains in
4 force in respect of a block, a GHG exploration permit,
5 GHG drilling reservation, GHG retention lease, GHG
6 injection licence, GHG special prospecting authority or
7 GHG access authority must not be granted in respect of
8 that block.

9

10 **19. Section 29 amended**

11 Delete section 29(3) and insert:

12

13 (3) A person must not explore for a potential GHG storage
14 formation or a potential GHG injection site in the State
15 except —

16 (a) under and in accordance with a GHG
17 exploration permit or a GHG drilling
18 reservation; or

19 (b) as otherwise permitted by this Act.

20 Penalty: a fine of \$50 000 or imprisonment for 5 years,
21 or both.

22 (4) In this section —

23 *explore for*, in relation to petroleum, geothermal
24 energy resources, a potential GHG storage formation or
25 a potential GHG injection site, includes to conduct any
26 geophysical survey the data from which is intended for
27 use in the search for petroleum, geothermal energy
28 resources, a potential GHG storage formation or a
29 potential GHG injection site.

30

31 Note: The heading to amended section 29 is to read:

32 **Exploration for petroleum, geothermal energy resources,
33 potential GHG storage formations and potential GHG injection
34 sites restricted**

1 **20. Section 30 amended**

2 After section 30(2) insert:

3

- 4 (3) The Minister may, in an instrument under
5 subsection (1) inviting applications for the grant of a
6 GHG exploration permit, direct that the applications be
7 accompanied by information concerning the source,
8 volume and composition of the greenhouse gas
9 substance that is proposed to be injected and stored and
10 any other information the Minister considers relevant.
11

12 **21. Section 31A inserted**

13 After section 30 insert:

14

15 **31A. Petroleum lessee or licensee to be notified of**
16 **proposal to advertise certain blocks**

17 (1) This section applies if —

- 18 (a) the Minister proposes to publish an instrument
19 under section 30(1) inviting applications for the
20 grant of a GHG exploration permit in respect of
21 a block or blocks that is or are the subject of a
22 petroleum retention lease or petroleum
23 production licence; and
24 (b) at the time of the proposal, the petroleum lessee
25 or petroleum licensee is entitled to make an
26 application for the grant of a GHG retention
27 lease or GHG injection licence over the block
28 or blocks.

29 (2) The Minister must, at least 60 days before the proposed
30 publication of the instrument, notify the petroleum
31 lessee or petroleum licensee of the proposed
32 publication.

s. 22

- 1 (3) If, during the period —
2 (a) beginning when the petroleum lessee or
3 petroleum licensee is given the notification
4 under subsection (2); and
5 (b) ending at the end of the day before the day of
6 proposed publication of the instrument,
7 the petroleum lessee or petroleum licensee makes an
8 application referred to in subsection (1)(b), the
9 Minister must not publish the instrument until —
10 (c) the application lapses; or
11 (d) the petroleum lessee or petroleum licensee
12 withdraws the application; or
13 (e) the Minister refuses to grant the GHG retention
14 lease or GHG injection licence.
15

16 **22. Section 31 amended**

17 In section 31(1):

- 18 (a) in paragraph (c)(i) delete “petroleum; or” and insert:
19
20 petroleum, a potential GHG storage formation or a
21 potential GHG injection site; or
22
23 (b) after paragraph (d) insert:
24
25 (ea) in the case of an application for a GHG
26 exploration permit — shall be accompanied by
27 any information required under section 30(3);
28 and
29

1 **23. Section 32A amended**

2 In section 32A(1):

3 (a) in paragraph (b) delete “blocks.” and insert:

4

5 blocks; or

6

7 (b) after paragraph (b) insert:

8

9 (c) 2 or more applications are made under
10 section 30 for the grant of a GHG exploration
11 permit for the same block or blocks.
12

13 **24. Section 32 amended**

14 In section 32(4) delete “permit or a geothermal” and insert:

15

16 permit, a geothermal exploration permit or a GHG

17

18 **25. Section 33 amended**

19 After section 33(2) insert:

20

21 (3) If —

22 (a) a GHG retention lease is surrendered, cancelled
23 or determined as to a block or blocks; or

24 (b) a GHG injection licence is surrendered or
25 cancelled as to a block or blocks; or

26 (c) a GHG exploration permit is surrendered,
27 cancelled or determined as to a block or blocks
28 and, at the time of the surrender, cancellation or
29 determination, the block was, or was included
30 in, or the blocks were, or were included in, an
31 identified GHG storage formation; or

s. 26

- 1 (d) an identified GHG storage formation is within
2 or extends to a block which is not, or to blocks
3 which are not, the subject of a permit, drilling
4 reservation, lease or licence,
5
6 the Minister may, at any subsequent time, by
7 instrument published in the *Gazette*, invite applications
8 for the grant of a GHG exploration permit in respect of
9 that block or such of those blocks as are specified in
10 the instrument and specify a period within which
11 applications may be made.

12 **26. Section 35 amended**

13 In section 35(1) and (2) delete “33(1) or (2),” and insert:

14
15 33(1), (2) or (3),
16

17 **27. Section 37 amended**

18 In section 37 delete “permit or a geothermal” and insert:

19
20 permit, a geothermal exploration permit or a GHG
21

22 **28. Section 37A amended**

23 (1) Delete section 37A(1) and insert:

24
25 (1) Where a permit (the *original permit*) is in force in
26 respect of 2 or more blocks (not being blocks that form,
27 or form part of, a location or an identified GHG storage
28 formation), the permittee may make an application to
29 the Minister for the grant to the permittee of —

- 30 (a) 2 or more petroleum exploration permits (if the
31 original permit is a petroleum exploration
32 permit); or

- 1 (b) 2 or more geothermal exploration permits (if
2 the original permit is a geothermal exploration
3 permit); or
4 (c) 2 or more GHG exploration permits (if the
5 original permit is a GHG exploration permit),
6 in respect of the blocks the subject of the original
7 permit in exchange for the original permit.
8

9 (2) Delete section 37A(2)(a).

10 **29. Section 38 amended**

11 (1) Delete section 38(1) and insert:
12

- 13 (1) A petroleum exploration permit, while it remains in
14 force, authorises the permittee, subject to this Act and
15 in accordance with the conditions to which the permit
16 is subject —
17 (a) to explore for petroleum in the permit area; and
18 (b) to recover petroleum in the permit area for the
19 purpose of establishing the nature and probable
20 extent of a discovery of petroleum; and
21 (c) to carry on such operations and execute such
22 works in the permit area as are necessary for
23 those purposes.
24 (2A) A petroleum exploration permit does not authorise the
25 permittee to make a well outside the permit area.
26

s. 30

1 (2) After section 38(2) insert:
2

3 (3) A geothermal exploration permit does not authorise the
4 permittee to make a well outside the permit area.
5

6 Note: The heading to amended section 38 is to read:

7 **Rights conferred by petroleum exploration permit or geothermal**
8 **exploration permit**

9 **30. Section 39A inserted**

10 After section 38 insert:
11

12 **39A. Rights conferred by GHG exploration permit**

13 (1) A GHG exploration permit, while it remains in force,
14 authorises the permittee, subject to this Act and in
15 accordance with the conditions to which the permit is
16 subject —

- 17 (a) to explore for a potential GHG storage
18 formation in the permit area; and
19 (b) to explore for a potential GHG injection site in
20 the permit area; and
21 (c) to inject, on an appraisal basis, a greenhouse
22 gas substance into a part of a geological
23 formation, so long as the relevant well is
24 situated in the permit area; and
25 (d) to store, on an appraisal basis, a greenhouse gas
26 substance in a part of a geological formation, so
27 long as the relevant well is situated in the
28 permit area; and
29 (e) to inject, on an appraisal basis —
30 (i) air; or
31 (ii) petroleum; or

- 1 (iii) water,
2 into a part of a geological formation for
3 purposes in connection with the exploration
4 authorised by paragraph (a) or (b), so long as
5 the relevant well is situated in the permit area;
6 and
- 7 (f) to store, on an appraisal basis —
8 (i) air; or
9 (ii) petroleum; or
10 (iii) water,
11 in a part of a geological formation for purposes
12 in connection with the exploration authorised
13 by paragraph (a) or (b), so long as the relevant
14 well is situated in the permit area; and
- 15 (g) with the written consent of the Minister, to
16 recover petroleum in the permit area for the
17 sole purpose of appraising a discovery of
18 petroleum that was made as an incidental
19 consequence of —
20 (i) the exploration authorised by
21 paragraph (a) or (b); or
22 (ii) the injection authorised by paragraph (c)
23 or (e);
24 and
- 25 (h) with the written consent of the Minister, to
26 recover geothermal energy in the permit area
27 for the sole purpose of appraising a discovery
28 of geothermal energy resources that was made
29 as an incidental consequence of —
30 (i) the exploration authorised by
31 paragraph (a) or (b); or

s. 31

- 1 (ii) the injection authorised by paragraph (c)
2 or (e);
3 and
4 (i) to carry on such operations and execute such
5 works in the permit area as are necessary for
6 those purposes.
- 7 (2) If petroleum is recovered by the permittee in the permit
8 area as authorised by subsection (1)(g), the petroleum
9 does not become the property of the permittee.
- 10 (3) If geothermal energy is recovered by the permittee in
11 the permit area as authorised by subsection (1)(h), the
12 geothermal energy does not become the property of the
13 permittee.
- 14 (4) A GHG exploration permit does not authorise the
15 permittee to make a well outside the permit area.
16

17 **31. Section 40 amended**

18 In section 40(1) delete “41 and 42A,” and insert:

19
20 41, 42A and 42B,
21

22 **32. Section 41 amended**

23 In section 41(2) and (3) after “location” insert:

24
25 or an identified GHG storage formation
26

1 **33. Section 42A amended**

2 In section 42A(1) after “applies to a” insert:

3

4 petroleum exploration permit or geothermal exploration

5

6 Note: The heading to amended section 42A is to read:

7 **Certain petroleum exploration permits and geothermal**
8 **exploration permits cannot be renewed more than twice**

9 **34. Section 42B inserted**

10 After section 42A insert:

11

12 **42B. GHG exploration permits cannot be renewed more**
13 **than once**

14 Despite sections 40(1) and 42, if a GHG exploration
15 permit has been renewed once —

16 (a) the permittee is not entitled to apply for a
17 further renewal of the permit; and

18 (b) the Minister cannot grant a further renewal of
19 the permit.
20

21 **35. Section 43A amended**

22 (1) In section 43A(2) after “reservation, petroleum” insert:

23

24 retention

25

26 (2) In section 43A(2a) after “reservation, geothermal” insert:

27

28 retention

29

s. 36

1 (3) After section 43A(2a) insert:

2

3 (3A) Applications for the grant of a GHG drilling
4 reservation are not to be invited under subsection (1)
5 over any area that is included in an existing GHG
6 exploration permit or an application for a GHG
7 exploration permit, GHG drilling reservation, GHG
8 retention lease or GHG injection licence.

9

10 (4) After section 43A(3) insert:

11

12 (4) The Minister may, in an instrument published under
13 subsection (1) inviting applications for the grant of a
14 GHG drilling reservation, direct that the applications
15 be accompanied by information concerning the source,
16 volume and composition of the greenhouse gas
17 substance that is proposed to be injected and stored and
18 any other information the Minister considers relevant.

19

20 **36. Section 43B amended**

21 In section 43B(1):

22 (a) delete paragraph (c) and insert:

23

24 (c) shall be in respect of a block or blocks
25 containing —

26 (i) a potential site of petroleum deposits; or

27 (ii) a potential site of geothermal energy
28 resources; or

29 (iii) a potential GHG storage formation; or

30 (iv) a potential GHG injection site,

31 as the case requires; and

32

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

(b) in paragraph (d)(iv) delete “deposit or geothermal energy resources,” and insert:

deposit, potential geothermal energy resources, potential GHG storage formation or potential GHG injection site,

(c) after paragraph (d) insert:

(ea) in the case of an application for a GHG drilling reservation — shall be accompanied by any information required under section 43A(4); and

37. Section 43CA amended

In section 43CA(1):

(a) in paragraph (b) delete “blocks.” and insert:

blocks; or

(b) after paragraph (b) insert:

(c) 2 or more applications are made under section 43A for the grant of a GHG drilling reservation for the same block or blocks.

38. Section 43C amended

In section 43C(1) delete “43B” and insert:

43A

s. 39

1 **39. Section 43D amended**

2 (1) Delete section 43D(1) and insert:

3

4 (1) A petroleum drilling reservation, while it remains in
5 force, authorises the holder of the drilling reservation,
6 subject to this Act and in accordance with the
7 conditions to which the drilling reservation is
8 subject —

9 (a) to drill for petroleum in the drilling reservation
10 area; and

11 (b) to recover petroleum in the drilling reservation
12 area for the purpose of establishing the nature
13 and probable extent of a discovery of
14 petroleum; and

15 (c) to carry on such operations and execute such
16 works in the drilling reservation area as are
17 necessary for those purposes.

18 (2A) A petroleum drilling reservation does not authorise the
19 holder of the drilling reservation to make a well outside
20 the drilling reservation area.

21

22 (2) After section 43D(2) insert:

23

24 (3) A geothermal drilling reservation does not authorise
25 the holder of the drilling reservation to make a well
26 outside the drilling reservation area.

27

28 Note: The heading to amended section 43D is to read:

29 **Rights conferred by petroleum drilling reservation or geothermal**
30 **drilling reservation**

1 **40. Section 43EA inserted**

2 After section 43D insert:

3

4 **43EA. Rights conferred by GHG drilling reservation**

5 (1) A GHG drilling reservation, while it remains in force,
6 authorises the holder of the drilling reservation, subject
7 to this Act and in accordance with the conditions to
8 which the drilling reservation is subject —

- 9 (a) to drill for a potential GHG storage formation
10 in the drilling reservation area; and
- 11 (b) to drill for a potential GHG injection site in the
12 drilling reservation area; and
- 13 (c) to inject, on an appraisal basis, a greenhouse
14 gas substance into a part of a geological
15 formation, so long as the relevant well is
16 situated in the drilling reservation area; and
- 17 (d) to store, on an appraisal basis, a greenhouse gas
18 substance in a part of a geological formation, so
19 long as the relevant well is situated in the
20 drilling reservation area; and
- 21 (e) to inject, on an appraisal basis —
22 (i) air; or
23 (ii) petroleum; or
24 (iii) water,
25 into a part of a geological formation for
26 purposes in connection with the drilling
27 authorised by paragraph (a) or (b), so long as
28 the relevant well is situated in the drilling
29 reservation area; and
- 30 (f) to store, on an appraisal basis —
31 (i) air; or
32 (ii) petroleum; or

s. 40

- 1 (iii) water,
2 in a part of a geological formation for purposes
3 in connection with the drilling authorised by
4 paragraph (a) or (b), so long as the relevant
5 well is situated in the drilling reservation area;
6 and
- 7 (g) with the written consent of the Minister, to
8 recover petroleum in the drilling reservation
9 area for the sole purpose of appraising a
10 discovery of petroleum that was made as an
11 incidental consequence of —
- 12 (i) the drilling authorised by paragraph (a)
13 or (b); or
- 14 (ii) the injection authorised by paragraph (c)
15 or (e);
- 16 and
- 17 (h) with the written consent of the Minister, to
18 recover geothermal energy in the drilling
19 reservation area for the sole purpose of
20 appraising a discovery of geothermal energy
21 resources that was made as an incidental
22 consequence of —
- 23 (i) the drilling authorised by paragraph (a)
24 or (b); or
- 25 (ii) the injection authorised by paragraph (c)
26 or (e);
- 27 and
- 28 (i) to carry on such operations and execute such
29 works in the drilling reservation area as are
30 necessary for those purposes.
- 31 (2) If petroleum is recovered by the holder of the drilling
32 reservation in the drilling reservation area as authorised
33 by subsection (1)(g), the petroleum does not become
34 the property of the holder of the drilling reservation.

- 1 (3) If geothermal energy is recovered by the holder of the
2 drilling reservation in the drilling reservation area as
3 authorised by subsection (1)(h), the geothermal energy
4 does not become the property of the holder of the
5 drilling reservation.
- 6 (4) A GHG drilling reservation does not authorise the
7 holder of the drilling reservation to make a well outside
8 the drilling reservation area.
- 9

10 **41. Section 44 replaced**

11 Delete section 44 and insert:

12

13 **44. Certain discoveries in permit area or drilling**
14 **reservation area to be notified**

- 15 (1) If —
- 16 (a) petroleum is discovered in a petroleum permit
17 area or petroleum drilling reservation area; or
- 18 (b) geothermal energy resources are discovered in
19 a geothermal permit area or geothermal drilling
20 reservation area; or
- 21 (c) a potential GHG storage formation or potential
22 GHG injection site is discovered in a GHG
23 permit area or GHG drilling reservation area,
- 24 the permittee or holder of the drilling reservation, as
25 the case requires, must —
- 26 (d) immediately inform the Minister of the
27 discovery; and
- 28 (e) within the period of 3 days after the date of the
29 discovery, furnish to the Minister particulars in
30 writing of the discovery.

31 Penalty: a fine of \$10 000.

s. 42

- 1 (2) If —
- 2 (a) petroleum is discovered in a geothermal permit
- 3 area, geothermal drilling reservation area, GHG
- 4 permit area or GHG drilling reservation area; or
- 5 (b) geothermal energy resources are discovered in
- 6 a petroleum permit area, petroleum drilling
- 7 reservation area, GHG permit area or GHG
- 8 drilling reservation area; or
- 9 (c) a potential GHG storage formation or potential
- 10 GHG injection site is discovered in a petroleum
- 11 permit area, petroleum drilling reservation area,
- 12 geothermal permit area or geothermal drilling
- 13 reservation area,
- 14 the permittee or holder of the drilling reservation, as
- 15 the case requires, must, within the period of 3 days
- 16 after the date of the discovery, furnish to the Minister
- 17 particulars in writing of the discovery.
- 18 Penalty: a fine of \$10 000.
- 19

20 **42. Section 46 amended**

- 21 (1) In section 46(1) and (1a):
- 22 (a) delete “reservation,” (1st occurrence) and insert:
- 23
- 24 reservation area,
- 25
- 26 (b) delete “reservation)” and insert:
- 27
- 28 reservation area)
- 29

1 (2) In section 46(2) and (2a) delete “reservation,” (1st occurrence)
2 and insert:

3

4 reservation area,

5

6 (3) In section 46(5) delete “reservation,” (2nd occurrence) and
7 insert:

8

9 reservation area,

10

11 **43. Section 47 amended**

12 In section 47(4)(a) and (4a)(a) delete “reservation,” and insert:

13

14 reservation area,

15

16 **44. Section 48A amended**

17 (1) After section 48A(1a) insert:

18

19 (2A) A permittee whose GHG exploration permit is in force,
20 or the holder of a drilling reservation whose GHG
21 drilling reservation is in force, in respect of a block that
22 constitutes, or the blocks that constitute, an identified
23 GHG storage formation may make an application to the
24 Minister for the grant of a GHG retention lease in
25 respect of that block, or in respect of one or more of
26 those blocks, as the case may be.

27

28 (2) After section 48A(2) insert:

29

30 (3A) An application under subsection (2A) —

31 (a) must be made in an approved manner; and

s. 45

- 1 (b) must be accompanied by —
2 (i) particulars of the proposals of the
3 applicant for work and expenditure in
4 respect of the identified GHG storage
5 formation comprised in the blocks
6 specified in the application; and
7 (ii) an assessment of when the applicant
8 will be in a position to carry on a GHG
9 injection operation in respect of the
10 identified GHG storage formation
11 comprised in the blocks specified in the
12 application;
13 and
14 (c) may set out any other matters that the applicant
15 wishes to be considered; and
16 (d) must be accompanied by the prescribed fee.
17

18 (3) In section 48A(4) delete “this section” and insert:
19

20 subsection (1) or (1a)
21

22 **45. Section 48B amended**

23 (1) After section 48B(2A) insert:
24

25 (2B) If —

- 26 (a) an application has been made under
27 section 48A(2A); and
28 (b) the applicant has furnished any further
29 information as and when required by the
30 Minister under section 48A(3); and

- 1 (c) the Minister is satisfied that —
2 (i) the area comprised in the block, or any
3 one or more of the blocks, specified in
4 the application contains an identified
5 GHG storage formation; and
6 (ii) the applicant is not, at the time of the
7 application, in a position to carry on a
8 GHG injection operation in respect of
9 that identified GHG storage formation
10 but is likely to be in such a position
11 within the period of 15 years after that
12 time,
13 the Minister must, by written notice served on the
14 applicant, inform the applicant that the Minister is
15 prepared to grant to the applicant a GHG retention
16 lease in respect of the block or blocks as to which the
17 Minister is satisfied as mentioned in paragraph (c).
18
19 (2) In section 48B(2)(b) delete “(1)(c) or (2A)(c),” and insert:
20
21 (1)(c), (2A)(c) or (2B)(c),
22
23 (3) In section 48B(3A):
24 (a) in paragraph (b) delete “(1)(c) or (2A)(c),” and insert:
25
26 (1)(c), (2A)(c) or (2B)(c),
27
28 (b) delete “(1)(c) or (2A)(c).” and insert:
29
30 (1)(c), (2A)(c) or (2B)(c).
31

s. 46

1 (4) In section 48B(3) and (4) delete “(1) or (2A)” and insert:

2

3 (1), (2A) or (2B)

4

5 (5) In section 48B(5):

6 (a) delete “(1) or (2A)” and insert:

7

8 (1), (2A) or (2B)

9

10 (b) delete “lease or geothermal” and insert:

11

12 lease, geothermal retention lease or GHG

13

14 (6) In section 48B(6) delete “(1) or (2A)” and insert:

15

16 (1), (2A) or (2B)

17

18 **46. Section 48BA amended**

19 In section 48BA(b) after “(2A),” insert:

20

21 (2B),

22

1 **47. Sections 48CAA, 48CAB and 48CAC inserted**

2 After section 48BA insert:

3

4 **48CAA. Application by petroleum lessee for GHG retention**
5 **lease**

6 (1) If —

- 7 (a) a petroleum retention lease is in force in respect
8 of a block or blocks; and
9 (b) one or more identified GHG storage formations
10 are wholly situated in the lease area,

11 the petroleum lessee may apply to the Minister for the
12 grant of a GHG retention lease in respect of the block
13 or blocks, as the case may be.

14 (2) An application under subsection (1) —

- 15 (a) must be made in an approved manner; and
16 (b) must be accompanied by such information (if
17 any) as is specified in the regulations; and
18 (c) may set out any other matters that the applicant
19 wishes to be considered; and
20 (d) must be accompanied by the prescribed fee.

21 (3) The Minister may, at any time, by instrument in writing
22 served on the applicant, require the applicant to
23 furnish, within the time specified in the instrument,
24 further information in writing in connection with the
25 application.

26 **48CAB. Grant or refusal of GHG retention lease in relation**
27 **to application by petroleum lessee**

28 (1) If —

- 29 (a) an application has been made under
30 section 48CAA(1); and

s. 47

- 1 (b) the applicant has furnished any further
2 information as and when required by the
3 Minister under section 48CAA(3); and
- 4 (c) the Minister is satisfied that —
- 5 (i) the area comprised in the block or any
6 one or more of the blocks specified in
7 the application contains an identified
8 GHG storage formation; and
- 9 (ii) the applicant is not, at the time of the
10 application, in a position to carry on a
11 GHG injection operation in respect of
12 that identified GHG storage formation
13 but is likely to be in such a position
14 within the period of 15 years after that
15 time,
- 16 the Minister must, by written notice served on the
17 applicant, inform the applicant that the Minister is
18 prepared to grant to the applicant a GHG retention
19 lease in respect of the block or blocks as to which the
20 Minister is satisfied as mentioned in paragraph (c).
- 21 (2) If an application has been made under
22 section 48CAA(1) and —
- 23 (a) the applicant has not furnished any further
24 information as and when required by the
25 Minister under section 48CAA(3); or
- 26 (b) the Minister is not satisfied as to the matters
27 referred to in subsection (1)(c) in relation to the
28 block or all of the blocks specified in the
29 application,
- 30 the Minister must, by written notice served on the
31 applicant, refuse to grant a GHG retention lease to the
32 applicant.

- 1 (3) If —
2 (a) an application has been made under
3 section 48CAA(1) specifying 2 or more blocks;
4 and
5 (b) the Minister is not satisfied as to the matters
6 mentioned in subsection (1)(c) in relation to
7 one or more, but not all, of the blocks,
8 the Minister must, by written notice served on the
9 applicant, refuse to grant a GHG retention lease to the
10 applicant in respect of the block or blocks as to which
11 the Minister is not satisfied as mentioned in
12 subsection (1)(c).
- 13 (4) A notice under subsection (1) must contain —
14 (a) a summary of the conditions subject to which
15 the lease is to be granted; and
16 (b) a statement to the effect that the application
17 will lapse if the applicant does not make a
18 request under subsection (5) in respect of the
19 grant of the lease.
- 20 (5) An applicant on whom a notice is served under
21 subsection (1) may request the Minister to grant the
22 lease to the applicant.
- 23 (6) The request must be in writing and must be made —
24 (a) before the end of the period of one month after
25 the date of service of the notice on the applicant
26 under subsection (1); or
27 (b) if the Minister, on application in writing made
28 to the Minister before the end of that period,
29 allows a further period of not more than one
30 month for the making of the request — before
31 the end of that further period.

s. 47

- 1 (7) If the applicant makes the request within the period
2 applicable under subsection (6), the Minister must
3 grant to the applicant a GHG retention lease in respect
4 of the block or blocks specified in the notice.
- 5 (8) If the applicant does not make the request within the
6 period applicable under subsection (6), the application
7 lapses at the end of that period.
- 8 (9) On the day on which a GHG retention lease granted
9 under this section in respect of a block or blocks comes
10 into force, the petroleum retention lease in respect of
11 the block or blocks ceases to be in force in respect of
12 that block or those blocks.

13 **48CAC. Application of s. 48CAA and 48CAB if petroleum**
14 **retention lease is transferred**

15 If —

- 16 (a) after an application has been made under
17 section 48CAA(1) in relation to a block or
18 blocks in respect of which a petroleum
19 retention lease is in force; and
- 20 (b) before a decision has been made by the
21 Minister under section 48CAB(1), (2) or (3) in
22 relation to the application,

23 a transfer of the lease is registered under section 72,
24 sections 48CAA and 48CAB have effect, after the time
25 of the transfer, as if any reference in those sections to
26 the applicant were a reference to the transferee.
27

1 **48. Section 48CA amended**

2 (1) After section 48CA(2) insert:

3

4 (3A) If —

5 (a) a GHG injection licence is in force under
6 section 63(3) in respect of a block or blocks;
7 and

8 (b) no GHG injection operation is being carried on
9 under the licence in respect of an area (the
10 ***unused area***) —

11 (i) that consists of, or consists of part of,
12 the block or blocks; and

13 (ii) in which an identified GHG storage
14 formation has been found to exist,

15 the licensee may, within the application period, apply
16 to the Minister for the grant of a GHG retention lease
17 in respect of the unused area.

18

19 (2) After section 48CA(5) insert:

20

21 (6A) An application under subsection (3A) is also to be
22 accompanied by such other information (if any) as is
23 specified in the regulations.

24

25 (3) After section 48CA(8) insert:

26

27 (9) The application period in respect of an application
28 under subsection (3A) by a licensee is the period of
29 5 years that began on —

30 (a) the day on which the licence was granted; or

s. 49

- 1 (b) if any GHG injection operations have been
2 carried on under the licence in respect of the
3 unused area — the last day on which such
4 operations were carried on.
5

6 **49. Section 48CB amended**

- 7 (1) After section 48CB(2) insert:
8

9 (3A) If —

- 10 (a) an application has been made under
11 section 48CA(3A); and
12 (b) the applicant has given any further information
13 as and when required by the Minister under
14 section 48CA(6); and
15 (c) the Minister is satisfied that the applicant —
16 (i) is not, at the time of the application, in a
17 position to carry on a GHG injection
18 operation in the unused area; and
19 (ii) is likely to be in such a position within
20 the period of 15 years after that time,

21 the Minister must, by written notice served on the
22 applicant, inform the applicant that the Minister is
23 prepared to grant to the applicant a GHG retention
24 lease in respect of the unused area.
25

- 26 (2) In section 48CB(3)(b) delete “(1)(c) or (2)(c),” and insert:
27

28 (1)(c), (2)(c) or (3A)(c),
29

1 (3) In section 48CB(4) and (5) delete “(1) or (2)” and insert:

2

3 (1), (2) or (3A)

4

5 (4) In section 48CB(6)(a) delete “(1) or (2); or” and insert:

6

7 (1), (2) or (3A); or

8

9 (5) In section 48CB(7) delete “lease or geothermal” and insert:

10

11 lease, geothermal retention lease or GHG

12

13 (6) In section 48CB(9) delete “is” (1st occurrence).

14 **50. Section 48CC amended**

15 In section 48CC(b) delete “(2)” and insert:

16

17 (2), (3A)

18

19 **51. Section 48C amended**

20 (1) Delete section 48C(1) and insert:

21

22 (1) A petroleum retention lease, while it remains in force,
23 authorises the lessee, subject to this Act and in
24 accordance with the conditions to which the lease is
25 subject —

26 (a) to explore for petroleum in the lease area; and

27 (b) to recover petroleum in the lease area for the
28 purpose of establishing the nature and probable
29 extent of a discovery of petroleum; and

s. 52

1 (c) to carry on such operations and execute such
2 works in the lease area as are necessary for
3 those purposes.

4 (2A) A petroleum retention lease does not authorise the
5 lessee to make a well outside the lease area.
6

7 (2) In section 48C(2) after “geothermal” (1st occurrence) insert:
8

9 retention
10

11 (3) After section 48C(2) insert:
12

13 (3) A geothermal retention lease does not authorise the
14 lessee to make a well outside the lease area.
15

16 Note: The heading to amended section 48C is to read:

17 **Rights conferred by petroleum retention lease or geothermal**
18 **retention lease**

19 **52. Section 48DA inserted**

20 After section 48C insert:
21

22 **48DA. Rights conferred by GHG retention lease**

23 (1) A GHG retention lease, while it remains in force,
24 authorises the lessee, subject to this Act and in
25 accordance with the conditions to which the lease is
26 subject —

27 (a) to explore for a potential GHG storage
28 formation in the lease area; and

29 (b) to explore for a potential GHG injection site in
30 the lease area; and

- 1 (c) to inject, on an appraisal basis, a greenhouse
2 gas substance into a part of the identified GHG
3 storage formation, so long as the relevant well
4 is situated in the lease area; and
- 5 (d) to store, on an appraisal basis, a greenhouse gas
6 substance in a part of the identified GHG
7 storage formation, so long as the relevant well
8 is situated in the lease area; and
- 9 (e) to inject, on an appraisal basis —
10 (i) air; or
11 (ii) petroleum; or
12 (iii) water,
13 into a part of the identified GHG storage
14 formation for purposes in connection with the
15 exploration authorised by paragraph (a) or (b),
16 so long as the relevant well is situated in the
17 lease area; and
- 18 (f) to store, on an appraisal basis —
19 (i) air; or
20 (ii) petroleum; or
21 (iii) water,
22 in a part of the identified GHG storage
23 formation for purposes in connection with the
24 exploration authorised by paragraph (a) or (b),
25 so long as the relevant well is situated in the
26 lease area; and
- 27 (g) with the written consent of the Minister, to
28 recover petroleum in the lease area for the sole
29 purpose of appraising a discovery of petroleum
30 that was made as an incidental consequence
31 of —
32 (i) the exploration authorised by
33 paragraph (a) or (b); or

s. 53

- 1 (ii) the injection authorised by paragraph (c)
2 or (e);
3 and
4 (h) with the written consent of the Minister, to
5 recover geothermal energy in the lease area for
6 the sole purpose of appraising a discovery of
7 geothermal energy resources that was made as
8 an incidental consequence of —
9 (i) the exploration authorised by
10 paragraph (a) or (b); or
11 (ii) the injection authorised by paragraph (c)
12 or (e);
13 and
14 (i) to carry on such operations and execute such
15 works in the lease area as are necessary for
16 those purposes.
- 17 (2) If petroleum is recovered by the lessee in the lease area
18 as authorised by subsection (1)(g), the petroleum does
19 not become the property of the lessee.
- 20 (3) If geothermal energy is recovered by the lessee in the
21 lease area as authorised by subsection (1)(h), the
22 geothermal energy does not become the property of the
23 lessee.
- 24 (4) A GHG retention lease does not authorise the lessee to
25 make a well outside the lease area.
26

27 **53. Section 48E amended**

28 Delete section 48E(1)(c) and insert:

- 29
30 (c) after consideration of the results of the
31 re-evaluation referred to in paragraph (a) and

- 1 such other matters as the Minister thinks fit, the
2 Minister is of the opinion that —
- 3 (i) recovery of petroleum from the
4 petroleum lease area is commercially
5 viable; or
- 6 (ii) recovery of geothermal energy from the
7 geothermal lease area is commercially
8 viable; or
- 9 (iii) the lessee is in a position to carry on a
10 GHG injection operation in the GHG
11 lease area,
12 as the case requires,
13

14 **54. Section 48F amended**

- 15 (1) In section 48F(2) before “lease —” insert:

16

17 petroleum retention lease or geothermal retention
18

- 19 (2) After section 48F(2) insert:

20

- 21 (3A) An application for the renewal of a GHG retention
22 lease —

- 23 (a) subject to subsection (3), must be made in an
24 approved manner not less than 6 months or
25 more than 12 months before the day on which
26 the lease ceases to be in force; and
- 27 (b) must be accompanied by —
- 28 (i) particulars of the proposals of the
29 applicant for work and expenditure in
30 respect of the lease area; and

s. 55

- 1 (ii) such other information (if any) as is
2 specified in the regulations;
3 and
4 (c) must be accompanied by the prescribed fee.
5

6 **55. Section 48G amended**

7 (1) Delete section 48G(1) and insert:
8

- 9 (1) If —
10 (a) an application for the renewal of a petroleum
11 retention lease has been made under
12 section 48F(1); and
13 (b) the applicant has furnished any further
14 information as and when required by the
15 Minister under section 48F(4); and
16 (c) the Minister is satisfied that recovery of
17 petroleum from the petroleum lease area —
18 (i) is not, at the time of the application,
19 commercially viable; and
20 (ii) is likely to become commercially viable
21 within the period of 15 years after that
22 time,
23 the Minister —
24 (d) must, if the conditions to which the lease is, or
25 has from time to time been, subject and the
26 provisions of this Part and of the regulations
27 have been complied with; or
28 (e) may, if —
29 (i) any of the conditions to which the lease
30 is, or has from time to time been,
31 subject or any of the provisions of this

- 1 Part and of the regulations has not been
2 complied with; and
- 3 (ii) the Minister is, nevertheless, satisfied
4 that special circumstances exist that
5 justify the granting of the renewal of the
6 lease,
- 7 inform the person who is then the lessee, by instrument
8 in writing served on that person, that the Minister is
9 prepared to grant to that person the renewal of the
10 lease.
- 11 (2A) If —
- 12 (a) an application for the renewal of a geothermal
13 retention lease has been made under
14 section 48F(1); and
- 15 (b) the applicant has furnished any further
16 information as and when required by the
17 Minister under section 48F(4); and
- 18 (c) the Minister is satisfied that recovery of
19 geothermal energy from the geothermal lease
20 area —
- 21 (i) is not, at the time of the application,
22 commercially viable; and
- 23 (ii) is likely to become commercially viable
24 within the period of 15 years after that
25 time,
- 26 the Minister —
- 27 (d) must, if the conditions to which the lease is, or
28 has from time to time been, subject and the
29 provisions of this Part and of the regulations
30 have been complied with; or
- 31 (e) may, if —
- 32 (i) any of the conditions to which the lease
33 is, or has from time to time been,

s. 55

- 1 subject or any of the provisions of this
2 Part and of the regulations has not been
3 complied with; and
- 4 (ii) the Minister is, nevertheless, satisfied
5 that special circumstances exist that
6 justify the granting of the renewal of the
7 lease,
- 8 inform the person who is then the lessee, by instrument
9 in writing served on that person, that the Minister is
10 prepared to grant to that person the renewal of the
11 lease.
- 12 (2B) If —
- 13 (a) an application for the renewal of a GHG
14 retention lease has been made under
15 section 48F(1); and
- 16 (b) the applicant has furnished any further
17 information as and when required by the
18 Minister under section 48F(4); and
- 19 (c) the Minister is satisfied that the applicant —
- 20 (i) is not, at the time of the application, in a
21 position to carry on a GHG injection
22 operation in the GHG lease area; and
- 23 (ii) is likely to be in such a position within
24 the period of 15 years after that time,
- 25 the Minister —
- 26 (d) must, if the conditions to which the lease is, or
27 has from time to time been, subject and the
28 provisions of this Part and of the regulations
29 have been complied with; or
- 30 (e) may, if —
- 31 (i) any of the conditions to which the lease
32 is, or has from time to time been,
33 subject or any of the provisions of this

1 Part and of the regulations has not been
2 complied with; and
3 (ii) the Minister is, nevertheless, satisfied
4 that special circumstances exist that
5 justify the granting of the renewal of the
6 lease,
7 inform the person who is then the lessee, by instrument
8 in writing served on that person, that the Minister is
9 prepared to grant to that person the renewal of the
10 lease.
11

12 (2) In section 48G(2):

13 (a) delete paragraph (a) and insert:

14
15 (a) the applicant has not furnished any further
16 information as and when required by the
17 Minister under section 48F(4); or
18

19 (b) in paragraph (b) delete “(1)(c); or” and insert:

20
21 (1)(c), (2A)(c) or (2B)(c), whichever is applicable; or
22

23 (c) in paragraph (c) delete “permit” and insert:

24
25 lease
26

27 (3) In section 48G(4) delete “(1)” and insert:

28
29 (1), (2A) or (2B)
30

s. 56

1 (4) In section 48G(5) delete “(1)(c)(i),” and insert:

2

3 (1)(c)(i), (2A)(c)(i) or (2B)(c)(i),

4

5 (5) In section 48G(6), (7) and (8) delete “(1)” and insert:

6

7 (1), (2A) or (2B)

8

9 (6) In section 48G(10) delete “(1)(c)(i),” and insert:

10

11 (1)(c)(i), (2A)(c)(i) or (2B)(c)(i),

12

13 **56. Section 48HA inserted**

14 After section 48G insert:

15

16 **48HA. GHG retention lease cannot be renewed more**
17 **than once**

18 Despite sections 48F and 48G, if a GHG retention lease
19 has been renewed once —

20 (a) the lessee is not entitled to apply for a further
21 renewal of the lease; and

22 (b) the Minister cannot grant a further renewal of
23 the lease.

24

1 **57. Section 48H amended**

2 In section 48H(3) delete the passage that begins with
3 “re-evaluate” and continues to the end of the subsection and
4 insert:

5

6 re-evaluate —

- 7 (a) the commercial viability of the recovery of
8 petroleum from the petroleum lease area
9 (otherwise than by the drilling of wells); or
10 (b) the commercial viability of the recovery of
11 geothermal energy from the geothermal lease
12 area (otherwise than by the drilling of wells); or
13 (c) whether or not the lessee is in a position to
14 carry on a GHG injection operation in the
15 GHG lease area,

16 as the case requires, and inform the Minister in writing
17 of the results of the re-evaluation.

18

19 **58. Section 48J replaced**

20 Delete section 48J and insert:

21

22 **48J. Certain discoveries in lease area to be notified**

23 (1) If —

- 24 (a) petroleum is discovered in a petroleum lease
25 area; or
26 (b) geothermal energy resources are discovered in
27 a geothermal lease area; or
28 (c) a potential GHG storage formation or potential
29 GHG injection site is discovered in a GHG
30 lease area,

s. 59

- 1 the lessee must —
- 2 (d) immediately inform the Minister of the
- 3 discovery; and
- 4 (e) within the period of 3 days after the date of the
- 5 discovery, furnish to the Minister particulars in
- 6 writing of the discovery.
- 7 Penalty: a fine of \$10 000.
- 8 (2) If —
- 9 (a) petroleum is discovered in a geothermal lease
- 10 area or GHG lease area; or
- 11 (b) geothermal energy resources are discovered in
- 12 a petroleum lease area or GHG lease area; or
- 13 (c) a potential GHG storage formation or potential
- 14 GHG injection site is discovered in a petroleum
- 15 lease area or geothermal lease area,
- 16 the lessee must, within the period of 3 days after the
- 17 date of the discovery, furnish to the Minister particulars
- 18 in writing of the discovery.
- 19 Penalty: a fine of \$10 000.
- 20

21 **59. Section 48K deleted**

22 Delete section 48K.

23 **60. Part III Division 3 heading amended**

24 In the heading to Part III Division 3 after “**licences**” insert:

25

26 **and GHG injection licences**

27

28 **61. Section 49A inserted**

29 After section 49 insert:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

49A. GHG injection operations in State

A person must not carry on GHG injection operations in the State except —

- (a) under and in accordance with a GHG injection licence; or
- (b) as otherwise permitted by this Act.

Penalty: a fine of \$50 000 or imprisonment for 5 years, or both.

62. Section 50 amended

In section 50(2):

- (a) before “permit” insert:

petroleum exploration

- (b) before “drilling reservation” (2nd occurrence) insert:

petroleum

- (c) in paragraph (a) delete “or (1a)”;

- (d) in paragraph (a) before “licence” insert:

petroleum production

Note: The heading to amended section 50 is to read:

Application by permittee or holder of drilling reservation for petroleum production licence or geothermal production licence

1 **63. Section 50AA inserted**

2 After section 50 insert:

3

4 **50AA. Application by permittee or holder of drilling**
5 **reservation for GHG injection licence**

6 (1) A permittee whose GHG exploration permit is in force,
7 or the holder of a drilling reservation whose GHG
8 drilling reservation is in force, in respect of a block that
9 constitutes, or the blocks that constitute, an identified
10 GHG storage formation may make an application to the
11 Minister for the grant of a GHG injection licence in
12 respect of —

- 13 (a) the block that constitutes the identified GHG
14 storage formation; or
15 (b) all of the blocks that constitute the identified
16 GHG storage formation; or
17 (c) some of the blocks that constitute the identified
18 GHG storage formation.

19 (2) If —

- 20 (a) an application under subsection (1) (the *licence*
21 *application*) relates to a block or blocks in
22 respect of which the permittee or the holder of
23 the drilling reservation, as the case requires, has
24 applied for a GHG retention lease under
25 section 48A(2A); and
26 (b) an instrument refusing to grant the GHG
27 retention lease is served on the permittee or the
28 holder of the drilling reservation under
29 section 48B(2),

30 the licence application must be made within 12 months
31 after the day of service of the instrument.

32

1 **64. Section 50A amended**

2 (1) In section 50A(1) after “petroleum” (1st occurrence) insert:

3

4 retention

5

6 (2) In section 50A(1a) after “geothermal” (1st occurrence) insert:

7

8 retention

9

10 (3) After section 50A(1a) insert:

11

12 (2A) A lessee whose GHG retention lease is in force may
13 make an application to the Minister for the grant of a
14 GHG injection licence —

15 (a) where the lease is in respect of 2 or more
16 blocks, in respect of all of those blocks; or

17 (b) where the lease is in respect of one block, in
18 respect of that block.

19

20 (4) In section 50A(2):

21 (a) before “lease” insert:

22

23 petroleum retention

24

25 (b) before “lessee” insert:

26

27 petroleum

28

29 (c) delete “or (1a)”.

s. 65

1 **65. Section 51 amended**

2 In section 51(1):

3 (a) delete “50” and insert:

4

5 50, 50AA

6

7 (b) after paragraph (c) insert:

8

9 (da) shall, in the case of an application for the grant
10 of a GHG injection licence, specify the source,
11 volume and composition of the greenhouse gas
12 substance to be injected and stored; and
13

14 Note: The heading to amended section 51 is to read:

15 **Application for licence under s. 50, 50AA or 50A, requirements for**

16 **66. Section 53 amended**

17 (1) After section 53(2A) insert:

18

19 (2B) If —

20 (a) an application for the grant of a GHG injection
21 licence has been made under section 50AA or
22 50A; and

23 (b) the applicant has given any further information
24 as and when required by the Minister under
25 section 51(2); and

26 (c) the Minister is satisfied that the area comprised
27 in the block, or any one or more of the blocks,
28 specified in the application contains an
29 identified GHG storage formation,

30 the Minister must, by written notice served on the
31 applicant, inform the applicant that the Minister is

1 prepared to grant to the applicant a GHG injection
2 licence in respect of the block or blocks as to which the
3 Minister is satisfied as mentioned in paragraph (c).
4

5 (2) In section 53(2) delete “(1) or (2A)” and insert:

6

7 (1), (2A) or (2B)
8

9 (3) In section 53(3)(b) delete “(1)(c) or (2A)(c),” and insert:

10

11 (1)(c), (2A)(c) or (2B)(c),
12

13 **67. Section 54 amended**

14 (1) In section 54(1):

15 (a) delete “an instrument under section 53(1)” and insert:

16

17 a notice under section 53(1), (2A) or (2B)
18

19 (b) delete “instrument” (2nd occurrence) and insert:

20

21 notice
22

23 (c) delete “first-mentioned instrument.” and insert:

24

25 notice.
26

s. 68

- 1 (2) In section 54(2):
2 (a) delete “an instrument under section 53(1)” and insert:
3
4 a notice under section 53(1), (2A) or (2B)
5
6 (b) delete “licence or geothermal production” and insert:
7
8 licence, geothermal production licence or GHG injection
9
10 (c) delete “53(1)(c) or (2A)(c).” and insert:
11
12 53(1)(c), (2A)(c) or (2B)(c).
13
- 14 (3) In section 54(4) delete “an instrument under section 53(1)” and
15 insert:
16
17 a notice under section 53(1), (2A) or (2B)
18
- 19 **68. Section 54A amended**
20 In section 54A(a)(i) after “50” insert:
21
22 or 50AA
23
- 24 **69. Section 55 amended**
25 In section 55(1) delete “53(1)(c) or (2A)(c).” and insert:
26
27 53(1)(c).
28

1 **70. Section 57 amended**

2 (1) In section 57(1)(ba) delete “petrol” and insert:

3

4 petroleum

5

6 (2) After section 57(1a) insert:

7

8 (2A) If —

9 (a) a GHG injection licence is surrendered or
10 cancelled as to a block; or

11 (b) a GHG exploration permit, GHG drilling
12 reservation or GHG retention lease is
13 surrendered, cancelled or determined as to a
14 block —

15 (i) that, at the time of the surrender,
16 cancellation or determination, was
17 included in an identified GHG storage
18 formation; and

19 (ii) in which, in the opinion of the Minister,
20 there is a potential GHG storage
21 formation or potential GHG injection
22 site;

23 or

24 (c) an identified GHG storage formation is within
25 or extends to a block which is not the subject of
26 a GHG exploration permit, GHG drilling
27 reservation, GHG retention lease or GHG
28 injection licence,

29 the Minister may by instrument published in the
30 *Gazette* —

31 (d) invite applications for the grant of a GHG
32 injection licence in respect of that block; and

s. 71

- 1 (e) specify a period within which applications may
2 be made.
3
- 4 (3) After section 57(4) insert:
5
- 6 (5) The Minister must, in an instrument under
7 subsection (2A), state that an applicant is required to
8 specify an amount that the applicant would be prepared
9 to pay in respect of the grant of a GHG injection
10 licence to the applicant on the application.
11
- 12 (4) In section 57(6):
13 (a) in paragraph (e) delete “(1a),” and insert:
14
15 (1a) or (2A),
16
- 17 (b) after paragraph (e) insert:
18
19 (fa) in the case of an application under
20 subsection (2A), shall specify the source,
21 volume and composition of the greenhouse gas
22 substance to be injected and stored; and
23
- 24 **71. Section 59 amended**
25 In section 59(1) and (2) delete “subsection (1) or (1a) of
26 section 57,” and insert:
27
28 section 57(1), (1a) or (2A),
29

1 **72. Section 60 amended**

2 In section 60 delete “licence or geothermal production” and
3 insert:

4
5 licence, geothermal production licence or GHG injection
6

7 **73. Section 61 amended**

8 In section 61(1) after “Where a” insert:

9
10 petroleum production licence or geothermal production
11

12 Note: The heading to amended section 61 is to read:

13 **Petroleum production licence or geothermal production licence**
14 **for 2 or more blocks may be divided into 2 or more licences**

15 **74. Section 62 amended**

16 After section 62(2) insert:

17
18 (3) A GHG injection licence, while it remains in force,
19 authorises the licensee, subject to this Act and in
20 accordance with the conditions to which the licence is
21 subject —

22 (a) to inject a greenhouse gas substance into an
23 identified GHG storage formation that is
24 wholly situated in the licence area, so long as
25 the relevant well is situated in the licence area;
26 and

27 (b) to permanently store a greenhouse gas
28 substance in an identified GHG storage
29 formation that is wholly situated in the licence
30 area, so long as the injection of the stored

s. 74

- 1 greenhouse gas substance takes place at a well
2 situated in the licence area; and
- 3 (c) to explore for a potential GHG storage
4 formation in the licence area; and
- 5 (d) to explore for a potential GHG injection site in
6 the licence area; and
- 7 (e) with the written consent of the Minister, to
8 recover petroleum in the licence area for the
9 sole purpose of appraising a discovery of
10 petroleum that was made as an incidental
11 consequence of —
- 12 (i) the injection authorised by
13 paragraph (a); or
- 14 (ii) the exploration authorised by
15 paragraph (c) or (d);
- 16 and
- 17 (f) with the written consent of the Minister, to
18 recover geothermal energy in the licence area
19 for the sole purpose of appraising a discovery
20 of geothermal energy resources that was made
21 as an incidental consequence of —
- 22 (i) the injection authorised by
23 paragraph (a); or
- 24 (ii) the exploration authorised by
25 paragraph (c) or (d);
- 26 and
- 27 (g) to carry on such operations and execute such
28 works in the licence area as are necessary for
29 those purposes.
- 30 (4) If petroleum is recovered by the licensee in the licence
31 area as authorised by subsection (3)(e), the petroleum
32 does not become the property of the licensee.

1 (5) If geothermal energy is recovered by the licensee in the
2 licence area as authorised by subsection (3)(f), the
3 geothermal energy does not become the property of the
4 licensee.

5 (6) A GHG injection licence does not authorise the
6 licensee to make a well outside the licence area.
7

8 **75. Section 63 amended**

9 (1) In section 63(1) and (2) after “Part, a” insert:
10

11 petroleum production licence or geothermal production
12

13 (2) After section 63(2) insert:
14

15 (3) Subject to this Part, a GHG injection licence remains in
16 force indefinitely.
17

18 **76. Section 64A amended**

19 (1) In section 64A(1):

20 (a) in paragraph (b) delete “years,” and insert:
21

22 years; or
23

24 (b) after paragraph (b) insert:
25

26 (c) a GHG injection licence is in force under
27 section 63(3) and the licensee has not carried
28 on any GHG injection operations under the
29 licence at any time during a continuous period
30 of at least 5 years,
31

s. 77

- 1 (2) In section 64A(3):
2 (a) in paragraph (b) delete “licence,” and insert:
3
4 licence; or
5
6 (b) after paragraph (b) insert:
7
8 (c) for the purposes of subsection (1)(c) the
9 duration of the period in which no GHG
10 injection operations were carried on under a
11 GHG injection licence,
12

13 **77. Section 66 amended**

14 After section 66(2) insert:
15

- 16 (3) Without limiting subsection (1), a GHG injection
17 licence is subject to the condition that, if —
18 (a) regulations are made for the purposes of
19 subsection (4); and
20 (b) those regulations impose requirements on the
21 GHG licensee,
22 the GHG licensee must comply with those
23 requirements.
24 (4) The regulations may establish a regime for third party
25 access to services provided by means of the use of —
26 (a) identified GHG storage formations; or
27 (b) wells, equipment or structures for use in
28 injecting greenhouse gas substances into
29 identified GHG storage formations; or
30 (c) equipment or structures for use in the
31 processing, compressing or storing of

1 greenhouse gas substances prior to the injection
2 of the substances into identified GHG storage
3 formations.
4

5 **78. Section 69 amended**

6 (1) In section 69(1):

7 (a) in paragraph (a)(ii) delete “area;” and insert:

8

9 area; or

10

11 (b) after paragraph (a)(ii) insert:

12

13 (iii) an eligible GHG storage formation that
14 is partly in a particular licence area of a
15 GHG licensee and partly in another
16 area, whether in the State or not, in
17 respect of which another person has
18 authority, whether under this Act or
19 another written law or under the law of
20 another State or of the Northern
21 Territory, to carry on GHG injection
22 operations in the eligible GHG storage
23 formation;

24

25 (c) delete paragraph (b) and insert:

26

27 (b) means the carrying on of —

28 (i) operations for the recovery of petroleum
29 from that pool; or

30 (ii) operations for the recovery of
31 geothermal energy from that geothermal
32 resources area; or

s. 78

- 1 (iii) GHG injection operations in that
2 eligible GHG storage formation,
3 as the case requires, under cooperative
4 arrangements between the persons entitled to
5 carry on such operations in each of those areas.
6
- 7 (2) In section 69(2) delete “pool or geothermal resources area,” and
8 insert:
9
10 pool, geothermal resources area or eligible GHG storage
11 formation,
12
- 13 (3) Delete section 69(3) and insert:
14
- 15 (3) The Minister, of the Minister’s own motion or on
16 application made to the Minister in writing by —
17 (a) a licensee in whose licence area there is a part
18 of a particular petroleum pool, particular
19 geothermal resources area or particular eligible
20 GHG storage formation; or
21 (b) a person who is lawfully entitled to carry on
22 operations for the recovery of petroleum or
23 geothermal energy, or GHG injection
24 operations, in an area outside the State that
25 includes part of a particular petroleum pool,
26 particular geothermal resources area or
27 particular eligible GHG storage formation that
28 extends into the State,
29 may, for the purpose of securing the more effective
30 recovery of petroleum from the petroleum pool or
31 geothermal energy from the geothermal resources area,
32 or more effective GHG injection operations in the
33 eligible GHG storage formation, direct —
34 (c) any petroleum licensee whose licence area
35 includes part of the petroleum pool; or

- 1 (d) any geothermal licensee whose licence area
2 includes part of the geothermal resources area;
3 or
4 (e) any GHG licensee whose licence area includes
5 part of the eligible GHG storage formation,
6 by instrument in writing served on the licensee, to enter
7 into an agreement in writing, within the period
8 specified in the instrument, for or in relation to the unit
9 development of the petroleum pool, geothermal
10 resources area or eligible GHG storage formation and
11 to lodge an application in accordance with section 75
12 for approval of any dealing to which the agreement
13 relates.
14

15 (4) In section 69(4):

- 16 (a) in paragraph (a) delete “pool or geothermal resources
17 area” and insert:

18

19 pool, geothermal resources area or eligible GHG storage
20 formation

21

- 22 (b) delete “pool or geothermal resources area.” and insert:

23

24 pool, geothermal resources area or eligible GHG storage
25 formation.

26

27 (5) In section 69(5):

- 28 (a) delete “pool or geothermal resources area” and insert:

29

30 pool, geothermal resources area or eligible GHG storage
31 formation

32

s. 78

- 1 (b) delete “area.” and insert:
2
3 area, or more effective GHG injection operations in the
4 eligible GHG storage formation, as the case requires.
5
- 6 (6) In section 69(6):
7 (a) in paragraph (b) delete “area,” and insert:
8
9 area; or
10
11 (b) after paragraph (b) insert:
12
13 (c) the GHG licensee in respect of 2 or more
14 licence areas in each of which there is part of a
15 particular eligible GHG storage formation,
16
17 (c) delete “area.” and insert:
18
19 area, or more effective GHG injection operations in the
20 eligible GHG storage formation, as the case requires.
21
- 22 (7) In section 69(7) delete “area.” and insert:
23
24 area, or more effective GHG injection operations in the eligible
25 GHG storage formation, as the case requires.
26
- 27 (8) In section 69(9) delete “recovered.” and insert:
28
29 recovered or a greenhouse gas substance is to be injected.
30

- 1 (9) Delete section 69(12) and insert:
2
- 3 (12) If an eligible GHG storage formation extends, or is
4 reasonably believed by the Minister to extend, from an
5 area of the State into —
- 6 (a) lands to which other written laws or the laws of
7 another State or of a Territory relating to the
8 carrying on of GHG injection operations apply;
9 or
- 10 (b) the adjacent area of an adjoining State or
11 Territory,
- 12 each Minister concerned must consult concerning the
13 carrying on of GHG injection operations in the eligible
14 GHG storage formation with any other Minister
15 concerned and with the appropriate authority of another
16 State or a Territory referred to in paragraph (a).
- 17 (13) Where subsection (11) applies in relation to a
18 petroleum pool, subsection (11a) applies in relation to a
19 geothermal resources area, or subsection (12) applies in
20 relation to an eligible GHG storage formation, a
21 Minister must not approve an agreement under this
22 section, or give a direction under this section, in
23 relation to that petroleum pool, geothermal resources
24 area or eligible GHG storage formation except with the
25 approval of any other Minister concerned and any State
26 or Territory authority concerned.
27

28 **79. Part III Division 3A heading amended**

29 In the heading to Part III Division 3A delete “**titles and**
30 **geothermal**” and insert:

31
32 **titles, geothermal titles and GHG**
33

s. 80

1 **80. Section 69A amended**

2 (1) In section 69A(1) insert in alphabetical order:

3

4 **GHG title** means a GHG exploration permit,
5 GHG drilling reservation, GHG retention lease,
6 GHG injection licence, GHG special prospecting
7 authority or GHG access authority;

8

9 (2) In section 69A(2)(a) and (b) after “geothermal title” insert:

10

11 or GHG title

12

13 (3) In section 69A(3)(a) after “geothermal” insert:

14

15 title or GHG

16

17 (4) In section 69A(4)(a) and (b) and (5)(a) after “petroleum” insert:

18

19 title or GHG

20

21 (5) After section 69A(5) insert:

22

23 (6A) The Minister is not to grant a GHG title on an
24 application under this Act in respect of a block that is
25 the subject of a petroleum title or geothermal title of
26 which the registered holder is a person other than the
27 applicant, unless the Minister has complied with
28 subsection (6B).

- 1 (6B) The Minister has complied with this subsection if the
2 Minister —
- 3 (a) has, by instrument in writing served on the
4 registered holder of the petroleum title or
5 geothermal title, given not less than one
6 month’s notice of the Minister’s intention to
7 grant the GHG title; and
- 8 (b) has in the instrument —
- 9 (i) given particulars of the GHG title
10 proposed to be granted; and
- 11 (ii) specified a date on or before which the
12 person on whom the instrument is
13 served may, by instrument in writing
14 served on the Minister, submit any
15 matters that the person wishes the
16 Minister to consider;
- 17 and
- 18 (c) has taken into account any matters submitted to
19 the Minister on or before the specified date by
20 that person.
- 21
- 22 (6) In section 69A(6) delete “title or geothermal” and insert:
23
- 24 title, geothermal title or GHG
25
- 26 Note: The heading to amended section 69A is to read:
27 **Petroleum titles, geothermal titles and GHG titles may subsist in**
28 **respect of same blocks**

s. 81

1 **81. Part III Division 4A inserted**

2 After Part III Division 3A insert:

3

4 **Division 4A — Matters relating to GHG injection and**
5 **storage**

6 **Subdivision 1 — Declaration of identified GHG**
7 **storage formation**

8 **69B. Application for declaration of identified GHG**
9 **storage formation**

10 (1) This section applies if —

- 11 (a) a GHG exploration permit, GHG drilling
12 reservation, GHG retention lease, GHG
13 injection licence, petroleum retention lease or
14 petroleum production licence is in force; and
- 15 (b) the permittee, holder of the drilling reservation,
16 lessee or licensee has reasonable grounds to
17 believe that —
- 18 (i) a part of a geological formation is an
19 eligible GHG storage formation; and
- 20 (ii) that part is wholly situated in the permit
21 area, drilling reservation area, lease area
22 or licence area.

23 (2) The permittee, holder of the drilling reservation, lessee
24 or licensee may apply to the Minister for the
25 declaration of the part referred to in subsection (1)(b)
26 as an identified GHG storage formation.

27 (3) An application under this section must set out —

- 28 (a) the applicant's reasons for believing that the
29 part referred to in subsection (1)(b) is an
30 eligible GHG storage formation; and

- 1 (b) assuming that the part referred to in
2 subsection (1)(b) is an eligible GHG storage
3 formation —
4 (i) the fundamental suitability determinants
5 of the eligible GHG storage formation;
6 and
7 (ii) an estimate of the spatial extent of the
8 eligible GHG storage formation; and
9 (iii) such other information (if any) as is
10 specified in the regulations.
11 (4) An estimate of spatial extent must comply with such
12 requirements as are specified in the regulations.

13 **69C. Requirement for further information or further**
14 **analysis**

- 15 (1) The Minister may, by written notice given to the
16 applicant, require the applicant —
17 (a) to give the Minister, within the period specified
18 in the notice, further information in connection
19 with the application; or
20 (b) to —
21 (i) carry out such further analysis of
22 relevant information as is specified in
23 the notice; and
24 (ii) give the Minister, within the period
25 specified in the notice, a written report
26 of the results of that analysis.
27 (2) If the applicant breaches a requirement under
28 subsection (1), the Minister may, by written notice
29 given to the applicant —
30 (a) refuse to consider the application; or
31 (b) refuse to take any action, or any further action,
32 in relation to the application.

s. 81

- 1 **69D. Variation of application**
- 2 (1) At any time before the Minister makes a decision on an
- 3 application under section 69B, the applicant may, by
- 4 written notice given to the Minister, vary —
- 5 (a) any or all of the fundamental suitability
- 6 determinants specified in the application; or
- 7 (b) the spatial extent estimated in the application.
- 8 (2) A variation of an application must be made in the
- 9 approved manner.
- 10 (3) A variation of an application may be made —
- 11 (a) on the applicant’s own initiative; or
- 12 (b) at the request of the Minister.
- 13 (4) If an application under this section is varied, a
- 14 reference in this Act to the application is a reference to
- 15 the application as varied.
- 16 **69E. Declaration of identified GHG storage formation**
- 17 (1) If —
- 18 (a) an application is made under section 69B in
- 19 relation to a part of a geological formation; and
- 20 (b) the Minister is satisfied that, using the
- 21 fundamental suitability determinants set out in
- 22 the application —
- 23 (i) that part is an eligible GHG storage
- 24 formation; and
- 25 (ii) the estimate of the spatial extent set out
- 26 in the application is a reasonable
- 27 estimate of the spatial extent of the
- 28 eligible GHG storage formation,
- 29 the Minister must, by instrument in writing, declare —
- 30 (c) that part to be an identified GHG storage
- 31 formation for the purposes of this Act; and

- 1 (d) that, for the purposes of this Act, the spatial
2 extent of the identified GHG storage formation
3 is the spatial extent estimated in the application;
4 and
- 5 (e) that the fundamental suitability determinants
6 specified in the application are the fundamental
7 suitability determinants of the identified GHG
8 storage formation for the purposes of this Act.
- 9 (2) A declaration under subsection (1) must set out —
- 10 (a) the estimate of the spatial extent specified in
11 the application; and
- 12 (b) the fundamental suitability determinants
13 specified in the application.
- 14 (3) A copy of a declaration under subsection (1) must be
15 published in the *Gazette*.

16 **69F. Refusal to make declaration**

17 If —

- 18 (a) an application is made under section 69B in
19 relation to a part of a geological formation; and
- 20 (b) the Minister is not required by section 69E to
21 make a declaration in relation to that part,

22 the Minister must, by written notice given to the
23 applicant, refuse to declare that part to be an identified
24 GHG storage formation.

25 **69G. Variation of declaration**

- 26 (1) This section applies if a declaration is in force under
27 section 69E in relation to a part of a geological
28 formation.
- 29 (2) The Minister may, by instrument in writing, vary the
30 declaration.

s. 81

- 1 (3) A variation of the declaration may be made —
2 (a) if the part is wholly situated in —
3 (i) the permit area of a GHG exploration
4 permit — on the application of the
5 permittee; or
6 (ii) the drilling reservation area of a GHG
7 drilling reservation — on the
8 application of the holder of the drilling
9 reservation; or
10 (iii) the lease area of a GHG retention lease
11 or petroleum retention lease — on the
12 application of the lessee; or
13 (iv) the licence area of a GHG injection
14 licence or petroleum production
15 licence — on the application of the
16 licensee;
17 or
18 (b) on the Minister's own initiative.
- 19 (4) An application for a variation of the declaration
20 must —
21 (a) set out the proposed variation; and
22 (b) specify the reasons for the proposed variation.
- 23 (5) In deciding whether to vary the declaration, the
24 Minister must have regard to —
25 (a) any new information; and
26 (b) any new analysis; and
27 (c) any relevant scientific or technological
28 developments; and
29 (d) such other matters (if any) as the Minister
30 considers relevant.

- 1 (6) Before varying a declaration under subsection (2) on
2 the Minister's own initiative, the Minister must
3 consult —
- 4 (a) if the part is wholly situated in the permit area
5 of a GHG exploration permit — the permittee;
6 or
- 7 (b) if the part is wholly situated in the drilling
8 reservation area of a GHG drilling
9 reservation — the holder of the drilling
10 reservation; or
- 11 (c) if the part is wholly situated in the lease area of
12 a GHG retention lease or petroleum retention
13 lease — the lessee; or
- 14 (d) if the part is wholly situated in the licence area
15 of a GHG injection licence or petroleum
16 production licence — the licensee.
- 17 (7) A copy of a variation under subsection (2) must be
18 published in the *Gazette*.
- 19 (8) If a declaration in force under section 69E is varied, a
20 reference in this Act to the declaration is a reference to
21 the declaration as varied.

22 **69H. Revocation of declaration**

- 23 (1) This section applies if a declaration is in force under
24 section 69E in relation to a part of a geological
25 formation.
- 26 (2) The Minister may revoke the declaration if the Minister
27 is satisfied that, using any set of fundamental suitability
28 determinants, the part is not an eligible GHG storage
29 formation.
- 30 (3) A copy of a revocation under subsection (2) must be
31 published in the *Gazette*.

s. 81

- 1 (4) Before revoking a declaration under subsection (2), the
2 Minister must consult —
- 3 (a) if the part is wholly situated in the permit area
4 of a GHG exploration permit — the permittee;
5 or
- 6 (b) if the part is wholly situated in the drilling
7 reservation area of a GHG drilling
8 reservation — the holder of the drilling
9 reservation; or
- 10 (c) if the part is wholly situated in the lease area of
11 a GHG retention lease or petroleum retention
12 lease — the lessee; or
- 13 (d) if the part is wholly situated in the licence area
14 of a GHG injection licence or petroleum
15 production licence — the licensee.
- 16 (5) If the Minister proposes to revoke a declaration under
17 subsection (2), the Minister must consider whether the
18 Minister should instead vary the declaration under
19 section 69G.

Subdivision 2 — Approved site plans

20
21 **69I. Approved site plans**

- 22 (1) The regulations may provide that a GHG licensee must
23 not carry on any operations in relation to an identified
24 GHG storage formation specified in the licence unless
25 an approved site plan is in force in relation to the
26 formation.
- 27 (2) The regulations may provide that, if an approved site
28 plan is in force in relation to an identified GHG
29 formation specified in a GHG injection licence, the
30 GHG licensee must comply with the approved site
31 plan.

- 1 (3) The regulations may make provision for the Minister to
2 approve draft site plans.
- 3 (4) The regulations may provide that, if the Minister
4 approves a draft site plan, the approved site plan —
5 (a) comes into force at the time of the approval;
6 and
7 (b) remains in force —
8 (i) if, under the regulations, the Minister
9 withdraws approval of the approved site
10 plan — until the withdrawal; or
11 (ii) otherwise — indefinitely.
- 12 (5) The regulations may make provision for the Minister to
13 withdraw approval of approved site plans.
- 14 (6) The regulations may make provision for and in relation
15 to the variation of approved site plans.
- 16 (7) Regulations made for the purposes of subsection (6)
17 may —
18 (a) require a GHG licensee to prepare a draft
19 variation of an approved site plan —
20 (i) periodically; or
21 (ii) in such circumstances as are specified in
22 the regulations; or
23 (iii) when required to do so by the Minister;
24 and
25 (b) require a GHG licensee to give the draft
26 variation to the Minister; and
27 (c) make provision for the Minister to approve the
28 variation; and
29 (d) provide that, if the Minister approves the
30 variation, the approved site plan is varied
31 accordingly.

s. 81

- 1 (8) If an approved site plan is varied, a reference in this
2 Act to the approved site plan is a reference to the
3 approved site plan as varied.

4 **Subdivision 3 — Serious situations**

5 **69JA. When serious situation exists**

6 For the purposes of this Subdivision, a serious situation
7 exists in relation to an identified GHG storage
8 formation if —

- 9 (a) a greenhouse gas substance that has been
10 injected into the identified GHG storage
11 formation has leaked or will leak; or
12 (b) a greenhouse gas substance has leaked or will
13 leak in the course of being injected into the
14 identified GHG storage formation; or
15 (c) a greenhouse gas substance that has been
16 injected into the identified GHG storage
17 formation has behaved or will behave otherwise
18 than as predicted in Part A of an approved site
19 plan for the formation; or
20 (d) the injection of a greenhouse gas substance
21 into, or the storage of a greenhouse gas
22 substance in, the identified GHG storage
23 formation has had or will have a significant
24 adverse impact on the geotechnical integrity of
25 the whole or a part of a geological formation or
26 geological structure; or
27 (e) the identified GHG storage formation is not
28 suitable for the permanent storage of a
29 greenhouse gas substance as set out in an
30 approved site plan for the formation.

1 **69JB. Reporting of serious situations**

2 If a GHG licensee becomes aware that a serious
3 situation exists in relation to an identified GHG storage
4 formation specified in the licence, the GHG licensee
5 must —

- 6 (a) immediately inform the Minister of the serious
7 situation; and
8 (b) within the period of 3 days after informing the
9 Minister under paragraph (a), furnish to the
10 Minister particulars in writing of the serious
11 situation.

12 Penalty: a fine of \$10 000.

13 **69JC. Minister may give directions**

14 (1) If, in the opinion of the Minister, a serious situation
15 exists in relation to an identified GHG storage
16 formation specified in a GHG injection licence, the
17 Minister may, by written notice given to the GHG
18 licensee, direct the licensee —

- 19 (a) to take all reasonable steps to ensure that a
20 greenhouse gas substance is injected into the
21 identified GHG storage formation in the
22 manner specified in the direction; or
23 (b) to take all reasonable steps to ensure that the
24 greenhouse gas substance is stored in the
25 identified GHG storage formation in the
26 manner specified in the direction; or
27 (c) to stop or suspend the injection of a greenhouse
28 gas substance at the place or places specified in
29 the direction; or
30 (d) to inject a greenhouse gas substance into the
31 identified GHG storage formation at the place
32 or places specified in the direction; or

s. 81

- 1 (e) to undertake the activities specified in the
2 direction for the purposes of eliminating,
3 mitigating, managing or remedying the serious
4 situation; or
- 5 (f) to take such action as is specified in the
6 direction; or
- 7 (g) to refrain from taking such action as is
8 specified in the direction.
- 9 (2) A direction under subsection (1) —
- 10 (a) has effect, and must be complied with,
11 despite —
- 12 (i) any previous direction under that
13 subsection; and
- 14 (ii) anything in the regulations;
15 and
- 16 (b) prevails over anything in an approved site plan
17 for the identified GHG storage formation to the
18 extent of any inconsistency; and
- 19 (c) may make provision in relation to a matter by
20 applying, adopting or incorporating (with or
21 without modification) a code of practice or
22 standard contained in an instrument as in force
23 or existing at the time when the direction takes
24 effect; and
- 25 (d) may prohibit the doing of an act or thing —
- 26 (i) unconditionally; or
- 27 (ii) subject to conditions, including
28 conditions requiring the consent or
29 approval of a person specified in the
30 direction.

- 1 (3) A person to whom a direction is given under
2 subsection (1) must comply with the direction.
3 Penalty: a fine of \$10 000.

4 **Subdivision 4 — Site closing certificates**

5 **69JD. Application for site closing certificate**

- 6 (1) A GHG licensee may apply to the Minister for a site
7 closing certificate in relation to a particular identified
8 GHG storage formation specified in the licence.
- 9 (2) If —
10 (a) a GHG injection licence is in force; and
11 (b) operations for the injection of a greenhouse gas
12 substance into the identified GHG storage
13 formation concerned have ceased,
14 the GHG licensee must, within the application period,
15 make an application under subsection (1) for a site
16 closing certificate in relation to the identified GHG
17 storage formation.
18 Penalty: a fine of \$10 000.
- 19 (3) The ***application period*** for an application referred to in
20 subsection (2) is —
21 (a) the period of 30 days after the day on which the
22 cessation referred to in subsection (2)(b)
23 occurred; or
24 (b) such longer period, not more than 90 days after
25 that day, as the Minister allows.
- 26 (4) The Minister may allow a longer period under
27 subsection (3)(b) only on written application made by
28 the licensee within the period of 30 days mentioned in
29 subsection (3)(a).

s. 81

- 1 (5) If —
2 (a) a GHG licence is in force; and
3 (b) under section 99(1), there is a ground for
4 cancelling the licence,
5 the Minister may, by written notice given to the
6 GHG licensee, direct the licensee —
7 (c) to make an application under subsection (1) for
8 a site closing certificate in relation to each
9 identified GHG storage formation specified in
10 the licence; and
11 (d) to do so within the period specified in the
12 notice.
13 (6) If —
14 (a) a GHG injection licence is in force; and
15 (b) the GHG injection licence is tied to a petroleum
16 retention lease or petroleum production licence;
17 and
18 (c) the petroleum retention lease or petroleum
19 production licence ceases to be in force as a
20 result of being surrendered, cancelled,
21 terminated or wholly revoked,
22 the Minister may, by written notice given to the
23 GHG licensee, direct the licensee —
24 (d) to make an application under subsection (1) for
25 a site closing certificate in relation to each
26 identified GHG storage formation specified in
27 the licence; and
28 (e) to do so within the period specified in the
29 notice.
30 (7) The period specified under subsection (5)(d) or (6)(e)
31 must not be shorter than 30 days.

- 1 (8) For the purposes of subsection (6)(b), a GHG injection
2 licence (the ***GHG licence***) is tied to a petroleum
3 retention lease (the ***petroleum lease***) if —
- 4 (a) the GHG licence is derived from a GHG
5 retention lease —
- 6 (i) granted under section 48CAB to the
7 registered holder of a petroleum
8 retention lease; or
- 9 (ii) granted by way of renewal of a GHG
10 retention lease granted under
11 section 48CAB to the registered holder
12 of a petroleum retention lease;
- 13 and
- 14 (b) the petroleum lease is —
- 15 (i) the petroleum retention lease referred to
16 in paragraph (a)(i) or (ii); or
- 17 (ii) a petroleum retention lease granted by
18 way of renewal of the petroleum
19 retention lease referred to in
20 paragraph (a)(i) or (ii).
- 21 (9) For the purposes of subsection (6)(b), a GHG injection
22 licence (the ***GHG licence***) is tied to a petroleum
23 production licence (the ***petroleum licence***) if —
- 24 (a) the GHG licence is derived from a GHG
25 retention lease —
- 26 (i) granted under section 48CAB to the
27 registered holder of a petroleum
28 retention lease; or
- 29 (ii) granted by way of renewal of a GHG
30 retention lease granted under
31 section 48CAB to the registered holder
32 of a petroleum retention lease;
- 33 and

s. 81

- 1 (b) the petroleum licence is derived from —
2 (i) the petroleum retention lease referred to
3 in paragraph (a)(i) or (ii); or
4 (ii) a petroleum retention lease granted by
5 way of renewal of the petroleum
6 retention lease referred to in
7 paragraph (a)(i) or (ii).

- 8 (10) A person to whom a direction is given under
9 subsection (5) or (6) must comply with the direction.
10 Penalty: a fine of \$10 000.

11 **69JE. Requirements for application**

- 12 (1) An application under section 69JD —
13 (a) must be made in an approved manner; and
14 (b) must be accompanied by a written report that
15 sets out —
16 (i) the applicant's modelling of the
17 behaviour of the greenhouse gas
18 substance injected into the identified
19 GHG storage formation; and
20 (ii) information relevant to that modelling;
21 and
22 (iii) the applicant's analysis of that
23 information;
24 and
25 (c) must be accompanied by a written report that
26 sets out the applicant's assessment of —
27 (i) the behaviour of the greenhouse gas
28 substance injected into the identified
29 GHG storage formation; and
30 (ii) the expected migration pathway or
31 pathways of that greenhouse gas
32 substance; and

- 1 (iii) the short term consequences of the
2 migration of that greenhouse gas
3 substance; and
4 (iv) the long term consequences of the
5 migration of that greenhouse gas
6 substance;
7 and
8 (d) must be accompanied by the applicant's
9 suggestions for the approach to be taken by the
10 State, after the issue of the certificate, to the
11 monitoring of the behaviour of a greenhouse
12 gas substance stored in the identified GHG
13 storage formation; and
14 (e) must be accompanied by such other
15 information (if any) as is specified in the
16 regulations; and
17 (f) may set out any other matters that the applicant
18 wishes the Minister to consider; and
19 (g) must be accompanied by the prescribed fee.
20 (2) Subsection (1)(b) to (e) do not apply if there have not
21 been any operations for the injection of a greenhouse
22 gas substance into the identified GHG storage
23 formation.
24 (3) The Minister may, at any time, by instrument in writing
25 served on the applicant, require the applicant to
26 furnish, within the period specified in the instrument,
27 further information in writing in connection with the
28 application.

29 **69JF. Acknowledgment of receipt of application**

- 30 (1) This section applies if an application for a site closing
31 certificate has been made under section 69JD.
32 (2) The Minister must give the applicant notice of receipt
33 of the application.

s. 81

- 1 **69JG. Variation of application**
- 2 (1) This section applies if an application for a site closing
3 certificate has been made under section 69JD.
- 4 (2) At any time before a decision on the application is
5 made by the Minister, the applicant may, by written
6 notice given to the Minister, vary the application.
- 7 (3) A variation of an application must be made in the
8 approved manner.
- 9 (4) A variation of an application may be made —
10 (a) on the applicant’s own initiative; or
11 (b) at the request of the Minister.
- 12 (5) A variation of an application may set out any additional
13 matters that the applicant wishes to be considered.
- 14 (6) If an application is varied under this section, a
15 reference in this Act to the application is a reference to
16 the application as varied.
- 17 **69JH. Pre-certificate notice**
- 18 (1) If —
19 (a) an application for a site closing certificate has
20 been made under section 69JD; and
21 (b) either —
22 (i) the Minister is satisfied that operations
23 for the injection of a greenhouse gas
24 substance into the identified GHG
25 storage formation concerned have
26 ceased; or
27 (ii) the Minister is satisfied that there have
28 not been any operations for the injection
29 of a greenhouse gas substance into the

- 1 identified GHG storage formation
2 concerned,
- 3 the Minister may give the applicant a written notice (a
4 ***pre-certificate notice***) telling the applicant that the
5 Minister is prepared to issue to the applicant a site
6 closing certificate in relation to the identified GHG
7 storage formation.
- 8 (2) If the Minister is satisfied that there is a significant risk
9 that a greenhouse gas substance injected into the
10 identified GHG storage formation will have a
11 significant adverse impact on —
- 12 (a) the surface of any land or any improvements on
13 any land; or
- 14 (b) any of the following operations of another
15 person that are being lawfully carried on —
- 16 (i) operations relating to the exploration
17 for, recovery of or conveyance of a
18 mineral, whether petroleum or not, or
19 geothermal energy resources or
20 geothermal energy;
- 21 (ii) GHG operations;
- 22 (iii) operations relating to the construction or
23 operation of a pipeline,
- 24 then, in deciding whether to give the applicant a
25 pre-certificate notice, the Minister must have regard to
26 that significant risk.
- 27 (3) Subsection (2) does not limit the matters to which the
28 Minister may have regard.

s. 81

- 1 (4) The Minister may refuse to give the applicant a
2 pre-certificate notice in relation to the identified GHG
3 storage formation if —
- 4 (a) the Minister is not satisfied that the greenhouse
5 gas substance injected into the identified GHG
6 storage formation is behaving as predicted in
7 Part A of an approved site plan for the
8 formation; or
- 9 (b) the Minister is satisfied that there is a
10 significant risk that a greenhouse gas substance
11 injected into the identified GHG storage
12 formation will have a significant adverse
13 impact on —
- 14 (i) the conservation of the resources of the
15 soil or the Earth's crust; or
- 16 (ii) the geotechnical integrity of the whole
17 or a part of a geological formation or
18 geological structure; or
- 19 (iii) the environment; or
20 (iv) human health or safety.
- 21 (5) Subsection (4) does not limit the matters to which the
22 Minister may have regard in deciding whether to refuse
23 to give the applicant a pre-certificate notice.
- 24 (6) The Minister must not give the applicant a
25 pre-certificate notice in relation to the identified GHG
26 storage formation unless the Minister is satisfied
27 that —
- 28 (a) either —
- 29 (i) the relevant statutory requirements have
30 been complied with; or
- 31 (ii) any of the relevant statutory
32 requirements have not been complied
33 with, but there are sufficient grounds to

- 1 warrant the issue of the site closing
2 certificate;
- 3 or
- 4 (b) if any conditions are specified in the
5 regulations — those conditions have been
6 satisfied.
- 7 (7) For the purposes of subsection (6)(a), each of the
8 following is a relevant statutory requirement —
- 9 (a) the conditions to which the GHG injection
10 licence is, or has from time to time been,
11 subject;
- 12 (b) the provisions of this Part and Part IIIA;
- 13 (c) the provisions of the regulations.
- 14 (8) If an application for a site closing certificate has been
15 made under section 69JD, the Minister must make a
16 decision on the application within 5 years after the
17 application was made.
- 18 **69JI. Refusal to give pre-certificate notice**
- 19 (1) This section applies if —
- 20 (a) an application for a site closing certificate has
21 been made under section 69JD; and
- 22 (b) the Minister refuses to give a pre-certificate
23 notice to the applicant.
- 24 (2) The Minister must give written notice of the refusal to
25 the applicant.
- 26 **69JJ. Content of pre-certificate notice**
- 27 (1) A pre-certificate notice that relates to an application for
28 a site closing certificate must —
- 29 (a) specify a programme of operations proposed to
30 be carried out by the State for the purposes of
31 monitoring the behaviour of a greenhouse gas

s. 81

- 1 substance stored in the identified GHG storage
2 formation concerned; and
- 3 (b) set out an estimate of the total costs and
4 expenses of carrying out the programme; and
- 5 (c) specify the form and amount of a security to be
6 lodged by the applicant in respect of the
7 compliance, by the holder for the time being of
8 the site closing certificate, with the holder's
9 obligations under section 69JQ in relation to the
10 costs and expenses of carrying out the
11 programme; and
- 12 (d) contain a statement to the effect that the
13 application will lapse if the applicant does not
14 lodge the security with the Minister within the
15 period applicable under subsection (3).
- 16 (2) The amount of the security is to equal the estimate
17 referred to in subsection (1)(b).
- 18 (3) The period for lodging the security is —
- 19 (a) 60 days after the pre-certificate notice was
20 given to the applicant; or
- 21 (b) such longer period, not more than 180 days
22 after the pre-certificate notice was given to the
23 applicant, as the Minister allows.
- 24 (4) If the applicant does not lodge the security with the
25 Minister within the period applicable under
26 subsection (3), the application lapses at the end of that
27 period.
- 28 (5) The regulations may provide that an estimate referred
29 to in subsection (1)(b) is to be made on the basis of —
- 30 (a) an assumption that costs and expenses will
31 increase at an annual rate specified in the
32 regulations; and

1 (b) such other assumptions (if any) as are specified
2 in the regulations.

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

7 **69JK. Issue of site closing certificate**

8 If —

9 (a) an applicant has been given a pre-certificate
10 notice under section 69JH; and

11 (b) if section 69JJ(1) applies — the applicant has
12 lodged the specified security within the period
13 applicable under section 69JJ(3),

14 the Minister must issue to the applicant a site closing
15 certificate in relation to the identified GHG storage
16 formation specified in the pre-certificate notice.

17 **69JL. Transferee of GHG injection licence treated as**
18 **applicant**

19 (1) This section applies if a transfer of a GHG injection
20 licence is registered under section 72 —

21 (a) after an application has been made under
22 section 69JD for a site closing certificate in
23 relation to an identified GHG storage formation
24 specified in the GHG injection licence; and

25 (b) before any action has been taken by the
26 Minister under section 69JH or 69JI in relation
27 to the application.

28 (2) After the transfer, sections 69JD to 69JK have effect in
29 relation to the application as if any reference in those
30 sections to the applicant were a reference to the
31 transferee.

s. 81

- 1 **69JM. Duration of site closing certificate**
- 2 Subject to this Part, a site closing certificate remains in
3 force indefinitely.
- 4 **69JN. Transfer of site closing certificate**
- 5 If —
- 6 (a) a site closing certificate is held by the
7 registered holder of a GHG injection licence;
8 and
- 9 (b) a transfer of the licence is registered under
10 section 72,
- 11 the site closing certificate is, by force of this section,
12 transferred to the transferee of the licence.
- 13 **69JO. Transfer of securities**
- 14 If —
- 15 (a) a security is in force in relation to a site closing
16 certificate; and
- 17 (b) the site closing certificate is transferred under
18 section 69JN,
- 19 then —
- 20 (c) the interest of the transferor in the security is,
21 by force of this section, transferred to the
22 transferee; and
- 23 (d) a document setting out or relating to the
24 security has effect, after the transfer, as if a
25 reference in the document to the transferor were
26 a reference to the transferee.
- 27 **69JP. Discharge of securities**
- 28 The regulations may make provision in relation to the
29 discharge, in whole or in part, by the Minister of
30 securities in force in relation to site closing certificates.

1 **69JQ. Recovery of State's costs and expenses**

- 2 (1) This section applies if —
- 3 (a) a site closing certificate is in force in relation to
- 4 an identified GHG storage formation; and
- 5 (b) the State incurs reasonable costs or expenses in
- 6 carrying out the programme specified in the
- 7 pre-certificate notice for the site closing
- 8 certificate.
- 9 (2) The costs and expenses —
- 10 (a) are a debt due to the State by the holder of the
- 11 certificate; and
- 12 (b) are recoverable in a court of competent
- 13 jurisdiction.
- 14 (3) The total of the costs and expenses recoverable under
- 15 subsection (2) must not exceed the estimate set out in
- 16 the pre-certificate notice.

17 **Subdivision 5 — Long term liabilities in respect of**

18 **GHG storage**

19 **69JR. Closure assurance period**

- 20 (1) If —
- 21 (a) a site closing certificate is in force in relation to
- 22 an identified GHG storage formation; and
- 23 (b) the Minister is satisfied that operations for the
- 24 injection of a greenhouse gas substance into the
- 25 formation ceased on a day (the *cessation day*)
- 26 before the application for the site closing
- 27 certificate was made; and
- 28 (c) on a day (the *decision day*) that is at least
- 29 15 years after the issue of the site closing
- 30 certificate, the Minister is satisfied that —
- 31 (i) the greenhouse gas substance injected
- 32 into the formation is behaving as

s. 81

- 1 predicted in Part A of an approved site
2 plan for the formation; and
- 3 (ii) there is no significant risk that a
4 greenhouse gas substance injected into
5 the formation will have a significant
6 adverse impact on the geotechnical
7 integrity of the whole or a part of a
8 geological formation or geological
9 structure; and
- 10 (iii) there is no significant risk that a
11 greenhouse gas substance injected into
12 the formation will have a significant
13 adverse impact on the environment; and
- 14 (iv) there is no significant risk that a
15 greenhouse gas substance injected into
16 the formation will have a significant
17 adverse impact on human health or
18 safety; and
- 19 (v) since the cessation day, there have not
20 been any operations for the injection of
21 a greenhouse gas substance into the
22 formation,
- 23 the Minister may, by instrument in writing, declare that
24 the period —
- 25 (d) beginning at the end of the cessation day; and
26 (e) ending at the end of the decision day,
- 27 is the closure assurance period in relation to the
28 formation for the purposes of this Act.
- 29 (2) A copy of a declaration under subsection (1) is to be
30 given to the holder of the site closing certificate.

1 **69JS. Indemnity against long term liability**

- 2 (1) This section applies if —
- 3 (a) a site closing certificate is in force in relation to
4 an identified GHG storage formation; and
- 5 (b) when the application for the certificate was
6 made, the formation was specified in a
7 GHG injection licence; and
- 8 (c) there is a closure assurance period in relation to
9 the formation; and
- 10 (d) the following conditions are satisfied in relation
11 to a liability of an existing person who is or has
12 been the registered holder of the licence
13 (whether or not the licence is in force) —
- 14 (i) the liability is a liability for damages;
- 15 (ii) the liability is attributable to an act done
16 or omitted to be done in the carrying out
17 of operations authorised by the licence
18 in relation to the formation;
- 19 (iii) the liability is incurred or accrued after
20 the end of the closure assurance period
21 in relation to the formation;
- 22 (iv) such other conditions (if any) as are
23 specified in the regulations.
- 24 (2) The State must indemnify the person against the
25 liability.
- 26 (3) The amount of any indemnity under subsection (2) is to
27 be charged to the Consolidated Account, which is, to
28 the necessary extent, appropriated accordingly.

s. 81

- 1 **69JT. State to assume long term liability if licensee has**
2 **ceased to exist**
- 3 (1) This section applies if —
- 4 (a) a site closing certificate is in force in relation to
5 an identified GHG storage formation; and
- 6 (b) when the application for the certificate was
7 made, the formation was specified in a GHG
8 injection licence; and
- 9 (c) there is a closure assurance period in relation to
10 the formation; and
- 11 (d) a person who has been the registered holder of
12 the licence (whether or not the licence is in
13 force) has ceased to exist; and
- 14 (e) if the person had continued in existence, the
15 following conditions would have been satisfied
16 in relation to a liability of the person —
- 17 (i) the liability is a liability for damages;
- 18 (ii) the liability is attributable to an act done
19 or omitted to be done in the carrying out
20 of operations authorised by the licence
21 in relation to the formation;
- 22 (iii) the liability is incurred or accrued after
23 the end of the closure assurance period
24 in relation to the formation;
- 25 (iv) such other conditions (if any) as are
26 specified in the regulations;
- 27 and
- 28 (f) apart from this section, the damages are
29 irrecoverable because the person has ceased to
30 exist.
- 31 (2) The liability is taken to be a liability of the State.

- 1 (3) The amount of any liability under subsection (2) is to
2 be charged to the Consolidated Account, which is, to
3 the necessary extent, appropriated accordingly.
4

5 **82. Section 70 amended**

- 6 (1) In section 70(2)(b) delete “reservation,” (2nd occurrence) and
7 insert:

8

9 reservation area,
10

- 11 (2) After section 70(3)(c) insert:

12

- 13 (da) any instrument under section 69E, 69G or 69H;
14 and
15

15

16 **83. Section 72 amended**

17 In section 72(9) delete “*Petroleum and Geothermal Energy*
18 *Resources*” and insert:

19

20 *Petroleum, Geothermal Energy and Greenhouse Gas Storage*
21

21

22 **84. Section 75 amended**

- 23 (1) In section 75(1):

- 24 (a) in paragraph (c) delete “energy);” and insert:

25

26 energy or the carrying out of GHG operations);

s. 84

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

(b) delete paragraph (d)(ii) and insert:

(ii) any other interest that is similar to an interest referred to in subparagraph (i), being —

(I) an interest relating to petroleum or geothermal energy produced from operations authorised by an existing permit, drilling reservation, lease or licence or relating to revenue derived as a result of the carrying out of operations of that kind; or

(II) an interest relating to a greenhouse gas substance injected or stored under an existing permit, drilling reservation, lease or licence or relating to revenue derived as a result of the carrying out of GHG operations authorised by an existing permit, drilling reservation, lease or licence;

(2) In section 75(12) delete “*Petroleum and Geothermal Energy Resources*” and insert:

Petroleum, Geothermal Energy and Greenhouse Gas Storage

1 **85. Section 76 amended**

2 In section 76(1) and (2) delete “*Petroleum and Geothermal*
3 *Energy Resources*” and insert:

4
5 *Petroleum, Geothermal Energy and Greenhouse Gas Storage*
6

7 **86. Section 85 amended**

8 In section 85(1) delete “*Petroleum and Geothermal Energy*
9 *Resources*” and insert:

10
11 *Petroleum, Geothermal Energy and Greenhouse Gas Storage*
12

13 Note: The heading to amended section 85 is to read:

14 **Assessment of fee payable under *Petroleum, Geothermal Energy***
15 ***and Greenhouse Gas Storage (Registration Fees) Act 1967***

16 **87. Section 89 amended**

17 In section 89(2) delete “reservation,” (2nd occurrence) and
18 insert:

19
20 reservation area,
21

22 **88. Section 91 amended**

23 (1) Delete section 91(1) and insert:

24
25 (1) A permittee, holder of a drilling reservation, lessee or
26 licensee must carry out —

27 (a) all petroleum exploration operations and
28 operations for the recovery of petroleum; or

s. 88

- 1 (b) all geothermal exploration operations and
2 operations for the recovery of geothermal
3 energy; or
4 (c) all GHG operations,
5 as the case requires, in the permit area, drilling
6 reservation area, lease area or licence area —
7 (d) in a proper and workmanlike manner; and
8 (e) in the case of operations referred to in
9 paragraph (a), in accordance with good oil-field
10 practice.
11
- 12 (2) In section 91(1a) delete “(2) and (2a)” and insert:
13
14 (2), (2a) and (3A)
15
- 16 (3) In section 91(2):
17 (a) delete paragraph (a) and insert:
18
19 (a) control the flow and prevent the waste or
20 escape in the permit area, drilling reservation
21 area, lease area or licence area of petroleum,
22 geothermal energy resources, greenhouse gas
23 substances or water; and
24
25 (b) in paragraph (b) delete “reservation,” and insert:
26
27 reservation area,
28
29 (c) in paragraph (c) delete “strata” and insert:
30
31 strata, geothermal energy resources, potential GHG
32 storage formations or potential GHG injection sites
33

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

(d) delete paragraph (d)(i) and insert:

(i) each petroleum pool, geothermal resources area, potential GHG storage formation or potential GHG injection site discovered in the permit area, drilling reservation area, lease area or licence area; and

(e) in paragraph (e) delete “pool through wells in the permit area, drilling reservation,” and insert:

pool, geothermal resources area, potential GHG storage formation or potential GHG injection site through wells in the permit area, drilling reservation area,

(4) In section 91(2a):

(a) delete paragraph (a) and insert:

(a) control the flow and prevent the waste or escape in the permit area, drilling reservation area, lease area or licence area of geothermal energy resources, petroleum, greenhouse gas substances or water; and

(b) in paragraph (b) delete “reservation,” and insert:

reservation area,

(c) in paragraph (c) delete “resources” and insert:

resources, petroleum-bearing strata, potential GHG storage formations or potential GHG injection sites

s. 88

- 1 (d) delete paragraph (d)(i) and insert:
2
- 3 (i) each geothermal resources area,
4 petroleum pool, potential GHG storage
5 formation or potential GHG injection
6 site discovered in the permit area,
7 drilling reservation area, lease area or
8 licence area; and
9
- 10 (e) delete paragraph (e) and insert:
11
- 12 (e) except for the purposes of the recovery of
13 geothermal energy under this Act in a proper
14 and workmanlike manner, prevent water or any
15 other matter entering any geothermal resources
16 area, petroleum pool, potential GHG storage
17 formation or potential GHG injection site
18 through wells in the permit area, drilling
19 reservation area, lease area or licence area.
20
- 21 (5) Delete section 91(3) and insert:
22
- 23 (3A) A GHG permittee, holder of a GHG drilling
24 reservation, GHG lessee or GHG licensee must —
- 25 (a) control the flow and prevent the waste or
26 escape in the permit area, drilling reservation
27 area, lease area or licence area of greenhouse
28 gas substances, petroleum, geothermal energy
29 resources or water; and
- 30 (b) prevent the escape in the permit area, drilling
31 reservation area, lease area or licence area of
32 any mixture of water or drilling fluid with
33 greenhouse gas substances or any other matter;
34 and

- 1 (c) prevent damage to potential GHG storage
2 formations, potential GHG injection sites,
3 petroleum-bearing strata or geothermal energy
4 resources in an area, whether in the State or not,
5 in respect of which the permit, drilling
6 reservation, lease or licence is not in force; and
- 7 (d) keep separate —
- 8 (i) each potential GHG storage formation,
9 potential GHG injection site, petroleum
10 pool or geothermal resources area
11 discovered in the permit area, drilling
12 reservation area, lease area or licence
13 area; and
- 14 (ii) such of the sources of water, if any,
15 discovered in that area as the Minister,
16 by instrument in writing served on that
17 person, directs;
- 18 and
- 19 (e) except for the purposes of carrying on a
20 GHG operation under this Act in a proper and
21 workmanlike manner, prevent water or any
22 other matter entering any potential GHG
23 storage formation, potential GHG injection site,
24 petroleum pool or geothermal resources area
25 through wells in the permit area, drilling
26 reservation area, lease area or licence area.
- 27 (3) A person who is the holder of a special prospecting
28 authority or an access authority must carry out all
29 petroleum exploration operations, geothermal
30 exploration operations or GHG exploration operations,
31 as the case requires, in the area in respect of which the
32 special prospecting authority or access authority is in
33 force —
- 34 (a) in a proper and workmanlike manner; and

s. 89

1 (b) in the case of petroleum exploration operations,
2 in accordance with good oil-field practice.
3

4 (6) In section 91(4) in the Penalty delete “(2a)” and insert:

5

6 (2a), (3A)
7

8 **89. Section 91A amended**

9 In section 91A(1) and (2) delete “petroleum or geothermal
10 energy resources,” and insert:

11

12 petroleum, geothermal energy resources or greenhouse gas
13 substances,
14

15 **90. Section 91B amended**

16 In section 91B(2) delete “reservation,” (2nd occurrence) and
17 insert:

18

19 reservation area,
20

21 **91. Section 92 amended**

22 In section 92(1) in the definition of *operations area*
23 paragraph (a) delete “reservation,” (2nd occurrence) and insert:

24

25 reservation area,
26

1 **92. Section 95 amended**

2 Delete section 95(2)(b) and insert:

3

4 (b) any person (not being a person to whom the
5 direction applies otherwise than in accordance
6 with this paragraph) who is in the State for any
7 reason touching, concerning, arising out of or
8 connected with —

9 (i) exploration for, or the exploitation of,
10 petroleum or geothermal energy
11 resources in the State; or

12 (ii) GHG operations in the State,
13 or is in, on, above, below or in the vicinity of a
14 vessel, aircraft, structure or installation, or
15 equipment or other property, that is in the State
16 for a reason of that kind,
17

18 **93. Section 101 amended**

19 In section 101(2)(a) delete “reservation,” (1st occurrence) and
20 insert:

21

22 reservation area,
23

24 **94. Section 105 amended**

25 (1) In section 105(4a) delete “energy resources”.

26 (2) After section 105(4a) insert:
27

28 (5A) A GHG special prospecting authority, while it remains
29 in force, authorises the holder, subject to this Act and
30 in accordance with the conditions to which the special
31 prospecting authority is subject, to carry on in the

s. 95

1 blocks specified in the special prospecting authority the
2 GHG exploration operations so specified.
3

4 (3) In section 105(6c)(c) delete “energy resources”.

5 (4) After section 105(7) insert:
6

7 (8A) If —

8 (a) a person holds a GHG special prospecting
9 authority in respect of a block; and

10 (b) another GHG special prospecting authority is
11 granted to another person in respect of the
12 block,

13 the Minister must, by notice in writing served on each
14 of those persons, inform each of them of —

15 (c) the GHG exploration operations authorised by
16 the special prospecting authority granted to the
17 other person; and

18 (d) the conditions to which the special prospecting
19 authority granted to the other person is subject.
20

21 **95. Section 106 amended**

22 (1) In section 106(1) delete “reservation,” (2nd and 3rd occurrences)
23 and insert:
24

25 reservation area,
26

27 (2) In section 106(1b):

28 (a) delete “reservation,” (2nd and 3rd occurrences) and insert:
29

30 reservation area,
31

- 1 (b) delete “energy resources”.
- 2 (3) In section 106(1c) delete “energy resources”.
- 3 (4) After section 106(1c) insert:
- 4
- 5 (2A) A person who is a GHG permittee, holder of a GHG
6 drilling reservation, GHG lessee, GHG licensee or
7 holder of a GHG special prospecting authority may
8 make an application to the Minister for the grant of a
9 GHG access authority to enable the person to carry on,
10 in an area being part of the State that is not part of the
11 permit area, drilling reservation area, lease area or
12 licence area or area of the blocks specified in the
13 special prospecting authority, GHG operations in the
14 permit area, drilling reservation area, lease area or
15 licence area or area of the blocks so specified.
- 16 (2B) A holder of a GHG title outside the State may make an
17 application to the Minister for the grant of a
18 GHG access authority to enable the holder to carry on,
19 in a part of the State, GHG operations in the area to
20 which that GHG title relates.
- 21
- 22 (5) In section 106(4):
- 23 (a) in paragraph (bb) delete “authority,” and insert:
- 24
- 25 authority; or
- 26
- 27 (b) after paragraph (bb) insert:
- 28
- 29 (cc) grant a GHG access authority on an application
30 under this section in respect of a block that is
31 the subject of a GHG exploration permit, GHG
32 drilling reservation, GHG retention lease, GHG
33 injection licence or GHG special prospecting

s. 96

1 authority of which the registered holder is a
2 person other than the applicant, or vary a GHG
3 access authority as in force in respect of a block
4 that is the subject of a GHG exploration permit,
5 GHG drilling reservation, GHG retention lease,
6 GHG injection licence or GHG special
7 prospecting authority of which the registered
8 holder is a person other than the registered
9 holder of the access authority,
10

11 (6) In section 106(6) and (8)(b) delete “reservation,” and insert:
12

13 reservation area,
14

15 (7) In section 106(13) insert in alphabetical order:
16

17 ***GHG title*** means an authority, however described,
18 under a law of the Commonwealth, of another State or
19 of the Northern Territory to carry on a GHG injection
20 operation;
21

22 **96. Section 109 amended**

23 In section 109(1):

- 24 (a) delete “energy resources”;
25 (b) after “State,” (2nd occurrence) insert:
26

27 or to GHG operations in the State,
28

1 **97. Section 113 amended**

2 In section 113(1) delete “reservation,” (1st occurrence) and
3 insert:

4
5 reservation area,
6

7 **98. Section 116 amended**

8 In section 116(1) and (3) delete “operations or geothermal
9 energy resources” and insert:

10
11 operations, geothermal exploration operations or GHG
12

13 **99. Section 117 amended**

14 Delete section 117(c) and insert:

- 15
16 (c) any of the following operations of another
17 person that are being lawfully carried on —
18 (i) operations relating to the exploration
19 for, recovery of or conveyance of a
20 mineral, whether petroleum or not, or
21 geothermal energy resources or
22 geothermal energy;
23 (ii) GHG operations;
24 (iii) operations relating to the construction or
25 operation of a pipeline;

26 or
27

s. 100

1 **100. Section 117A amended**

2 In section 117A(a) and (b) delete “operation or geothermal
3 energy” and insert:

4
5 operation, geothermal energy operation or GHG
6

7 Note: The heading to amended section 117A is to read:

8 **Interfering with petroleum operation, geothermal energy**
9 **operation or GHG operation**

10 **101. Section 119 amended**

11 In section 119(1)(a):

12 (a) delete “petroleum or geothermal energy resources” and
13 insert:

14
15 petroleum, geothermal
16

17 (b) delete “energy; and” and insert:

18
19 energy, or GHG operations; and
20

21 **102. Section 123 amended**

22 In section 123(1) delete “29 or 49,” and insert:

23
24 29(1), (2) or (3), 49(1) or (2) or 49A,
25

1 **103. Section 126A amended**

2 In section 126A(1) delete “operation or geothermal energy”
3 (each occurrence) and insert:

4
5 operation, geothermal energy operation or GHG
6

7 **104. Section 136 amended**

8 In section 136:

9 (a) in paragraph (a) delete “29” and insert:

10
11 29(1)
12

13 (b) in paragraphs (b) and (c) delete “49” and insert:

14
15 49(1)
16

17 **105. Section 142 amended**

18 In section 142(1) delete “reservation,” (last occurrence) and
19 insert:

20
21 reservation area,
22

23 **106. Section 144 amended**

24 In section 144(1)(ba) delete “energy resources”.

s. 107

1 **107. Section 149B amended**

2 In section 149B(1) and (2) delete “operation or geothermal
3 energy” (each occurrence) and insert:

4
5 operation, geothermal energy operation or GHG
6

7 **108. Section 149C amended**

8 In section 149C(1) delete “operations or geothermal energy”
9 (each occurrence) and insert:

10
11 operations, geothermal energy operations or GHG
12

13 **109. Section 152 amended**

14 In section 152:

15 (a) delete paragraph (a) and insert:

16
17 (a) a petroleum exploration permit, geothermal
18 exploration permit or GHG exploration permit
19 granted under section 32(4), 37 or 37A(3);
20

21 (b) delete paragraph (c) and insert:

22
23 (c) a petroleum retention lease, geothermal
24 retention lease or GHG retention lease granted
25 under section 48B(5) or 48CB(7);
26

27 (c) in paragraph (d) delete “section 61(4).” and insert:

28
29 section 54(2), 60 or 61(4);
30

- 1 (d) after paragraph (d) insert:
2
- 3 (e) a GHG injection licence granted under
4 section 54(2) or 60.
5
- 6 **110. Section 153 amended**
- 7 (1) In section 153(2):
- 8 (a) after paragraph (b) insert:
9
- 10 (ca) GHG operations;
11
- 12 (b) in paragraph (e) delete “petroleum” and insert:
13
14 petroleum, greenhouse gas substances
15
- 16 (c) in paragraph (f) after “petroleum,” insert:
17
18 greenhouse gas substances,
19
- 20 (d) in paragraph (f) delete “petroleum” (2nd occurrence) and
21 insert:
22
23 petroleum, greenhouse gas substances
24
- 25 (e) in paragraph (fa) delete “petroleum;” and insert:
26
27 petroleum or greenhouse gas substances;
28

s. 110

- 1 (f) in paragraph (g) delete “strata or geothermal energy
2 resources” and insert:
3
4 strata, geothermal energy resources, potential GHG
5 storage formations or potential GHG injection sites
6
- 7 (g) in paragraph (h)(i) and (ii) delete “reservation,” and
8 insert:
9
10 reservation area,
11
- 12 (h) after paragraph (j) insert:
13
- 14 (ka) the maintaining in good condition and repair of
15 all structures, equipment and other property
16 used or intended to be used for or in connection
17 with GHG operations in the State;
18
- 19 (i) after paragraph (k) insert:
20
- 21 (laa) the removal from the State of structures,
22 equipment and other property brought into the
23 State for or in connection with GHG operations
24 that are not used or intended to be used in
25 connection with GHG operations in the State;
26
- 27 (j) in paragraph (l) delete “operations or geothermal
28 energy” and insert:
29
30 operations, geothermal energy operations or GHG
31

1 (2) In section 153(2c) after “*Petroleum*” (1st occurrence) insert:

2

3 *and Greenhouse Gas*

4

5 **111. Schedule 1 amended**

6 (1) In Schedule 1 clause 1 delete “operations or geothermal energy”
7 and insert:

8

9 operations, geothermal energy operations or GHG

10

11 (2) In Schedule 1 clause 2 delete “operations or geothermal energy”
12 and insert:

13

14 operations, geothermal energy operations or GHG

15

16 (3) In Schedule 1 clause 72(1) delete “operations or geothermal
17 energy” (each occurrence) and insert:

18

19 operations, geothermal energy operations or GHG

20

21 (4) In Schedule 1 in the provisions listed in the Table delete
22 “operation or geothermal energy” (each occurrence) and insert:

23

24 operation, geothermal energy operation or GHG

25

s. 111

1

Table

Sch. 1 cl. 2	Sch. 1 cl. 3 def. of <i>designated work group</i> par. (a), <i>employer</i> , <i>group member</i> , <i>member of the workforce</i> , <i>regulated business premises</i> par. (a) and (b), <i>work</i> , <i>workforce representative</i> par. (a) and (b), <i>work group employer</i> and <i>workplace</i>
Sch. 1 cl. 4(1) and (2)	Sch. 1 cl. 5
Sch. 1 cl. 6	Sch. 1 cl. 7(1), (2), (3), (4) and (5)
Sch. 1 cl. 8(1) and (2)	Sch. 1 cl. 9(1) and (5)
Sch. 1 cl. 10(1) and (2)	Sch. 1 cl. 11(1) and (2)
Sch. 1 cl. 12(1)	Sch. 1 cl. 13(1)
Sch. 1 cl. 14(3)	Sch. 1 cl. 15(1) and (2)
Sch. 1 cl. 16	Sch. 1 cl. 17(1) and (2)
Sch. 1 cl. 18(1)	Sch. 1 cl. 19(1) and (2)
Sch. 1 cl. 20(1)	Sch. 1 cl. 22(2), (3) and (4)
Sch. 1 cl. 24(1)	Sch. 1 cl. 25
Sch. 1 cl. 26	Sch. 1 cl. 28(2)
Sch. 1 cl. 32(1)	Sch. 1 cl. 38(1)
Sch. 1 cl. 39(1)	Sch. 1 cl. 40(1)
Sch. 1 cl. 42(1), (2) and (3)	Sch. 1 cl. 45

s. 112

1 **Part 3 — *Petroleum Pipelines Act 1969* amended**

2 **112. Act amended**

3 This Part amends the *Petroleum Pipelines Act 1969*.

4 **113. Long title amended**

5 In the long title after “**petroleum**” insert:

6

7 **or greenhouse gas substances**

8

9 **114. Section 1 amended**

10 In section 1 after “*Petroleum*” insert:

11

12 *and Greenhouse Gas*

13

14 **115. Section 4 amended**

15 (1) In section 4(1) insert in alphabetical order:

16

17 *greenhouse gas substance* has the meaning given in
18 the *Petroleum, Geothermal Energy and Greenhouse*
19 *Gas Storage Act 1967* section 5(1);

20

21 (2) In section 4(1) in the definition of *pipeline* delete “petroleum;”
22 (1st occurrence) and insert:

23

24 petroleum or greenhouse gas substances;

25

1 **116. Section 8 amended**

2 In section 8(1)(g) after “petroleum” insert:

3

4 or greenhouse gas substances

5

6 **117. Section 21 amended**

7 (1) In section 21(1)(a) after “petroleum” insert:

8

9 or greenhouse gas substances

10

11 (2) In section 21(5) after “petroleum” (each occurrence) insert:

12

13 or greenhouse gas substances

14

15 Note: The heading to amended section 21 is to read:

16 **Directions as to conveyance of petroleum or greenhouse gas**
17 **substances**

18 **118. Section 37A amended**

19 In section 37A(1) delete “petroleum.” and insert:

20

21 petroleum or greenhouse gas substances.

22

23 **119. Section 47 amended**

24 In section 47(1):

25 (a) in paragraph (c) delete “petroleum);” and insert:

26

27 petroleum or the injection of greenhouse gas
28 substances);

29

s. 120

1 (b) in paragraph (d)(ii) delete “from” and insert:
2
3 from, or greenhouse gas substances injected as a result
4 of,
5

6 **120. Section 64 amended**

7 In section 64 after “petroleum” insert:

8

9 or greenhouse gas substance

10

11 **121. Section 67 amended**

12 In section 67(1c) delete “*Petroleum and Geothermal Energy*
13 *Resources Act 1967*,” and insert:

14

15 *Petroleum, Geothermal Energy and Greenhouse Gas Storage*
16 *Act 1967*,

17

1

Part 4 — Other Acts amended

2

Division 1 — *Barrow Island Act 2003* amended

3

122. Act amended

4

This Division amends the *Barrow Island Act 2003*.

5

123. Section 7 amended

6

In section 7(5)(b) delete “petroleum or geothermal energy” and insert:

7

8

9

petroleum, geothermal energy or greenhouse gas

10

11

124. Section 11 amended

12

- (1) In section 11(1) delete “*Petroleum Pipelines Act 1969*” and insert:

13

14

15

Petroleum and Greenhouse Gas Pipelines Act 1969

16

17

- (2) In section 11(2) delete “*Petroleum Pipelines Act 1969*,” and insert:

18

19

20

Petroleum and Greenhouse Gas Pipelines Act 1969,

21

22

Note: The heading to amended section 11 is to read:

23

***Petroleum and Greenhouse Gas Pipelines Act 1969* applies to pipelines on Barrow Island for conveyance of carbon dioxide**

24

1 **125. Section 14 amended**

2 In section 14(1) delete “*Petroleum Pipelines Act 1969*” and
3 insert:

4
5 *Petroleum and Greenhouse Gas Pipelines Act 1969*
6

7 **Division 2 — *Building Act 2011* amended**

8 **126. Act amended**

9 This Division amends the *Building Act 2011*.

10 **127. Section 73 amended**

11 In section 73(1):

12 (a) in paragraph (a) delete “*Petroleum and Geothermal*
13 *Energy Resources Act 1967*” and insert:

14
15 *Petroleum, Geothermal Energy and Greenhouse Gas*
16 *Storage Act 1967*
17

18 (b) after paragraph (a) insert:

19
20 (ba) in connection with the carrying on of a GHG
21 operation as defined in the *Petroleum,*
22 *Geothermal Energy and Greenhouse Gas*
23 *Storage Act 1967* section 5(1); or
24

25 (c) in paragraph (b) delete “*Petroleum Pipelines Act 1969*”
26 and insert:

27
28 *Petroleum and Greenhouse Gas Pipelines Act 1969*
29

1 **131. Section 13A amended**

2 Delete section 13A(3) and insert:

3

4 (3) Despite section 4(1) but subject to section 13E, the
5 following activities shall not be carried out in a marine
6 nature reserve —

- 7 (a) exploratory drilling for, or production of,
8 petroleum, geothermal energy resources or
9 geothermal energy under the *Petroleum,*
10 *Geothermal Energy and Greenhouse Gas*
11 *Storage Act 1967*;
- 12 (b) exploratory drilling for potential GHG storage
13 formations or potential GHG injection sites, or
14 injection and storage of greenhouse gas
15 substances, under the *Petroleum, Geothermal*
16 *Energy and Greenhouse Gas Storage Act 1967*;
- 17 (c) exploratory drilling for, or production of,
18 petroleum under the *Petroleum (Submerged*
19 *Lands) Act 1982*.
- 20

21 **132. Section 13B amended**

22 (1) In section 13B(9) delete the passage that begins with
23 “section 13E,” and ends with “shall not” and insert:

24

25 section 13E —

- 26 (aa) exploratory drilling for, or production of,
27 petroleum, geothermal energy resources or
28 geothermal energy under the *Petroleum,*
29 *Geothermal Energy and Greenhouse Gas*
30 *Storage Act 1967*; or
- 31 (ab) exploratory drilling for potential GHG storage
32 formations or potential GHG injection sites, or
33 injection and storage of greenhouse gas

1 substances, under the *Petroleum, Geothermal*
2 *Energy and Greenhouse Gas Storage Act 1967*;
3 or
4 (ac) exploratory drilling for, or production of,
5 petroleum under the *Petroleum (Submerged*
6 *Lands) Act 1982*,

7 shall not
8

9 (2) In section 13B(9) after paragraph (a) insert:
10

11 or
12

13 **133. Section 13C amended**

14 (1) Delete section 13C(1aa) and insert:
15

16 (1A) In this section —
17 ***geothermal energy, geothermal energy resources,***
18 ***greenhouse gas substance, potential GHG injection***
19 ***site and potential GHG storage formation*** have the
20 meanings given in the *Petroleum, Geothermal Energy*
21 *and Greenhouse Gas Storage Act 1967* section 5(1).
22

23 (2) In section 13C(2) in the definition of ***commercial purposes***:

24 (a) delete paragraph (c) and insert:
25

26 (c) seismic surveys and exploratory drilling for
27 petroleum, geothermal energy resources,
28 potential GHG storage formations or potential
29 GHG injection sites; and

- 1 (b) in paragraph (d) delete “energy,” and insert:
2
3 energy; and
4
- 5 (c) after paragraph (d) insert:
6
- 7 (e) injection and storage of greenhouse gas
8 substances,
9
- 10 (3) In section 13C(7):
- 11 (a) in paragraph (a) delete “*Petroleum and Geothermal*
12 *Energy Resources Act 1967*” and insert:
13
14 *Petroleum, Geothermal Energy and Greenhouse Gas*
15 *Storage Act 1967*
16
- 17 (b) in paragraph (ab) delete “*Petroleum and Geothermal*
18 *Energy Resources Act 1967*; and” and insert:
19
20 *Petroleum, Geothermal Energy and Greenhouse Gas*
21 *Storage Act 1967*; and
22
- 23 (c) after paragraph (ab) insert:
24
- 25 (ac) exploratory drilling for potential GHG storage
26 formations and potential GHG injection sites,
27 and injection and storage of greenhouse gas
28 substances, under the *Petroleum, Geothermal*
29 *Energy and Greenhouse Gas Storage Act 1967*;
30 and

1 **134. Section 13E amended**

2 In section 13E(1):

3 (a) delete the definition of *petroleum law* and insert:

4
5 *petroleum law* means the *Petroleum, Geothermal*
6 *Energy and Greenhouse Gas Storage Act 1967*, the
7 *Petroleum (Submerged Lands) Act 1982* or the
8 *Petroleum and Greenhouse Gas Pipelines Act 1969*;

9
10 (b) in the definition of *drilling reservation* delete
11 “*Petroleum and Geothermal Energy Resources*
12 *Act 1967*,” and insert:

13
14 *Petroleum, Geothermal Energy and Greenhouse Gas*
15 *Storage Act 1967*;

16
17 (c) in the definition of *pipeline licence* delete “*Petroleum*
18 *Pipelines Act 1969*,” and insert:

19
20 *Petroleum and Greenhouse Gas Pipelines Act 1969*;

21
22 **135. Section 60 amended**

23 In section 60(2b):

24 (a) delete “*Petroleum and Geothermal Energy Resources*
25 *Act 1967*,” and insert:

26
27 *Petroleum, Geothermal Energy and Greenhouse Gas*
28 *Storage Act 1967*,

29
30 (b) delete “*Petroleum Pipelines Act 1969*.” and insert:

31
32 *Petroleum and Greenhouse Gas Pipelines Act 1969*.

33

1 **Division 4 — *Dampier to Bunbury Pipeline Act 1997* amended**

2 **136. Act amended**

3 This Division amends the *Dampier to Bunbury Pipeline*
4 *Act 1997*.

5 **137. Section 34 amended**

6 (1) In section 34(1)(a)(i) delete “gas; or” and insert:

7

8 gas or any prescribed pipeline for transporting a greenhouse gas
9 substance; or

10

11 (2) In section 34(2) insert in alphabetical order:

12

13 **gas** means a gas or mixture of gases, whether naturally
14 occurring or manufactured, intended for use —

15 (a) as a fuel; or

16 (b) in any chemical process;

17 **greenhouse gas substance** has the meaning given in
18 the *Petroleum, Geothermal Energy and Greenhouse*
19 *Gas Storage Act 1967* section 5(1);

20

21 **138. Schedule 4 Division 8 heading amended**

22 In the heading to Schedule 4 Division 8 delete “***Petroleum***
23 ***Pipelines Act 1969***” and insert:

24

25 ***Petroleum and Greenhouse Gas Pipelines Act 1969***

26

1 **139. Schedule 4 clause 37 amended**

2 In Schedule 4 clause 37 delete “*Petroleum Pipelines Act 1969*”
3 and insert:

4
5 *Petroleum and Greenhouse Gas Pipelines Act 1969*
6

7 **Division 5 — *Land Administration Act 1997* amended**

8 **140. Act amended**

9 This Division amends the *Land Administration Act 1997*.

10 **141. Section 3 amended**

11 (1) In section 3(1) delete the definition of ***mining, petroleum or***
12 ***geothermal energy right***.

13 (2) In section 3(1) insert in alphabetical order:

14
15 ***mining, petroleum, geothermal energy or greenhouse***
16 ***gas right*** means —

17 (a) mining tenement as defined in the *Mining*
18 *Act 1978* section 8(1); or

19 (b) drilling reservation, lease, licence, permit,
20 pipeline licence, special prospecting authority,
21 access authority or other right under the
22 *Petroleum, Geothermal Energy and*
23 *Greenhouse Gas Storage Act 1967*, the
24 *Petroleum and Greenhouse Gas Pipelines*
25 *Act 1969* or the *Petroleum (Submerged Lands)*
26 *Act 1982*;
27

1 (3) In section 3(1) in the definition of *interest* paragraph (d) delete
2 “petroleum or geothermal energy” and insert:

3

4 petroleum, geothermal energy or greenhouse gas

5

6 **142. Section 5 replaced**

7 Delete section 5 and insert:

8

9 **5. Act not to apply to registration of certain rights**

10 (1) This Act does not —

11 (a) apply to the registration of rights over Crown
12 land in respect of minerals, petroleum,
13 geothermal energy, geothermal energy
14 resources or the injection and storage of
15 greenhouse gas substances; or

16 (b) prevent or otherwise affect the system of
17 registration under other Acts of mining,
18 petroleum, geothermal energy or greenhouse
19 gas rights in respect of Crown land.

20 (2) In subsection (1) —

21 *geothermal energy, geothermal energy resources* and
22 *greenhouse gas substances* have the same meanings as
23 they have in the *Petroleum, Geothermal Energy and*
24 *Greenhouse Gas Storage Act 1967*.

25

1 **143. Section 24 amended**

2 In section 24:

3 (a) delete “*Petroleum and Geothermal Energy Resources*
4 *Act 1967*” (each occurrence) and insert:

5

6 *Petroleum, Geothermal Energy and Greenhouse Gas*
7 *Storage Act 1967*

8

9 (b) delete “resources and geothermal energy” and insert:

10

11 resources, geothermal energy, potential GHG storage
12 formations and potential GHG injection sites

13

14 Note: The heading to amended section 24 is to read:

15

Minerals, petroleum and other substances reserved to Crown

16 **144. Section 91 amended**

17 In section 91(5) delete “petroleum or geothermal energy” (each
18 occurrence) and insert:

19

20 petroleum, geothermal energy or greenhouse gas

21

22 **145. Section 164 amended**

23 In section 164(1):

24 (a) in paragraph (b) delete “*Petroleum and Geothermal*
25 *Energy Resources Act 1967*, the *Petroleum Pipelines*
26 *Act 1969*,” and insert:

27

28 *Petroleum, Geothermal Energy and Greenhouse Gas*
29 *Storage Act 1967*, the *Petroleum and Greenhouse Gas*
30 *Pipelines Act 1969*

31

- 1 (b) in paragraph (c) delete “*Petroleum and Geothermal*
2 *Energy Resources Act 1967*,” and insert:
3
4 *Petroleum, Geothermal Energy and Greenhouse Gas*
5 *Storage Act 1967*; and
6
7 (c) after paragraph (c) insert:
8
9 (d) the rights relating to greenhouse gas substances
10 referred to in the *Petroleum, Geothermal*
11 *Energy and Greenhouse Gas Storage Act 1967*,
12

13 Note: The heading to amended section 164 is to read:

14 **Mineral, petroleum and other rights may be excluded when**
15 **interests in land taken**

16 **146. Section 170 amended**

17 In section 170(5)(b) delete “petroleum or geothermal energy”
18 and insert:
19

20 petroleum, geothermal energy or greenhouse gas
21

22 **147. Section 175 amended**

23 In section 175(1)(a)(iii) delete “petroleum or geothermal
24 energy” and insert:
25

26 petroleum, geothermal energy or greenhouse gas
27

1 **148. Section 177 amended**

2 In section 177(5)(c) delete “petroleum or geothermal energy”
3 and insert:

4
5 petroleum, geothermal energy or greenhouse gas
6

7 **Division 6 — *Mining Act 1978* amended**

8 **149. Act amended**

9 This Division amends the *Mining Act 1978*.

10 **150. Section 8 amended**

11 (1) In section 8(1) in the definition of *minerals* paragraphs (b)
12 and (ba) delete “*Petroleum and Geothermal Energy Resources*
13 *Act 1967*” and insert:

14
15 *Petroleum, Geothermal Energy and Greenhouse Gas Storage*
16 *Act 1967*
17

18 (2) In section 8(2) delete “*Petroleum and Geothermal Energy*
19 *Resources Act 1967*” and insert:

20
21 *Petroleum, Geothermal Energy and Greenhouse Gas Storage*
22 *Act 1967*
23

24 **151. Section 8A deleted**

25 Delete section 8A.

1 **152. Section 159 amended**

2 In section 159(1) delete “*Petroleum and Geothermal Energy*
3 *Resources Act 1967*” and insert:

4
5 *Petroleum, Geothermal Energy and Greenhouse Gas Storage*
6 *Act 1967*
7

8 **Division 7 — Occupational Safety and Health Act 1984 amended**

9 **153. Act amended**

10 This Division amends the *Occupational Safety and Health*
11 *Act 1984*.

12 **154. Section 4 amended**

13 In section 4(2):

14 (a) delete paragraph (b) and insert:

15
16 (b) at which a petroleum operation, geothermal
17 energy operation or GHG operation, as defined
18 in the *Petroleum, Geothermal Energy and*
19 *Greenhouse Gas Storage Act 1967* section 5(1),
20 is carried on; or
21

22 (b) in paragraph (c) delete “*Petroleum Pipelines Act 1969*,”
23 and insert:

24
25 *Petroleum and Greenhouse Gas Pipelines Act 1969*,
26

1 **Division 8 — *Petroleum (Submerged Lands) Act 1982* amended**

2 **155. Act amended**

3 This Division amends the *Petroleum (Submerged Lands)*
4 *Act 1982*.

5 **156. Section 112 amended**

6 (1) In section 112(6) delete “*Petroleum and Geothermal Energy*
7 *Resources Act 1967*.” and insert:

8
9 *Petroleum, Geothermal Energy and Greenhouse Gas Storage*
10 *Act 1967*.

11
12 (2) In section 112(13) delete “*Petroleum and Geothermal Energy*
13 *Resources Act 1967*” and insert:

14
15 *Petroleum, Geothermal Energy and Greenhouse Gas Storage*
16 *Act 1967*

17
18 **157. Section 142 amended**

19 In section 142 delete “140” and insert:

20
21 140, 141A

22
23 **158. Section 145 amended**

24 In section 145(3) delete “*Petroleum and Geothermal Energy*
25 *Resources Act 1967*,” and insert:

26
27 *Petroleum, Geothermal Energy and Greenhouse Gas Storage*
28 *Act 1967*,

29

Petroleum and Geothermal Energy Legislation Amendment Bill 2013

Part 4 Other Acts amended

Division 9 Petroleum and Geothermal Energy Resources (Registration Fees) Act 1967 amended

s. 159

1 **159. Section 152 amended**

2 In section 152(2c) delete “*Petroleum and Geothermal Energy*
3 *Resources Act 1967* or the *Petroleum Pipelines Act 1969*,” and
4 insert:

5

6 *Petroleum, Geothermal Energy and Greenhouse Gas Storage*
7 *Act 1967* or the *Petroleum and Greenhouse Gas Pipelines*
8 *Act 1969*,

9

10 **Division 9 — *Petroleum and Geothermal Energy Resources***
11 ***(Registration Fees) Act 1967* amended**

12 **160. Act amended**

13 This Division amends the *Petroleum and Geothermal Energy*
14 *Resources (Registration Fees) Act 1967*.

15 **161. Long title amended**

16 In the long title delete “*Petroleum and Geothermal Energy*
17 *Resources Act 1967*.” and insert:

18

19 *Petroleum, Geothermal Energy and Greenhouse Gas Storage*
20 *Act 1967*.

21

22 **162. Section 1 amended**

23 In section 1 delete “*Petroleum and Geothermal Energy*
24 *Resources*” and insert:

25

26 *Petroleum, Geothermal Energy and Greenhouse Gas Storage*
27

1 **163. Section 3 amended**

2 In section 3 delete “*Petroleum and Geothermal Energy*
3 *Resources Act 1967*” and insert:

4
5 *Petroleum, Geothermal Energy and Greenhouse Gas Storage*
6 *Act 1967*

7
8 Note: The heading to amended section 3 is to read:

9 **Act read with *Petroleum, Geothermal Energy and Greenhouse***
10 ***Gas Storage Act 1967***

11 **164. Section 4 amended**

12 In section 4(2), (4)(a), (5), (6)(b) and (7)(a) delete “*Petroleum*
13 *and Geothermal Energy Resources Act 1967*” and insert:

14
15 *Petroleum, Geothermal Energy and Greenhouse Gas Storage*
16 *Act 1967*

17
18 **Division 10 — *Petroleum and Geothermal Energy Safety Levies***
19 ***Act 2011* amended**

20 **165. Act amended**

21 This Division amends the *Petroleum and Geothermal Energy*
22 *Safety Levies Act 2011*.

23 **166. Section 3 amended**

24 (1) In section 3 in the definition of ***geothermal energy operation***
25 delete “*Petroleum and Geothermal Energy Resources Act 1967*”
26 and insert:

27
28 *Petroleum, Geothermal Energy and Greenhouse Gas Storage*
29 *Act 1967*

30

Petroleum and Geothermal Energy Legislation Amendment Bill 2013

Part 4 Other Acts amended

Division 10 Petroleum and Geothermal Energy Safety Levies Act 2011 amended

s. 166

1 (2) In section 3 in the definition of *licensee* delete “*Petroleum*
2 *Pipelines Act 1969*” and insert:

3

4 *Petroleum and Greenhouse Gas Pipelines Act 1969*

5

6 (3) In section 3 in the definition of *operator* paragraph (a) delete
7 “*Petroleum and Geothermal Energy Resources Act 1967*; or”
8 and insert:

9

10 *Petroleum, Geothermal Energy and Greenhouse Gas Storage*
11 *Act 1967*; or

12

13 (4) In section 3 in the definition of *petroleum operation* delete
14 “*Petroleum and Geothermal Energy Resources Act 1967*” and
15 insert:

16

17 *Petroleum, Geothermal Energy and Greenhouse Gas Storage*
18 *Act 1967*

19

20 (5) In section 3 in the definition of *pipeline operation* delete
21 “*Petroleum Pipelines Act 1969*” and insert:

22

23 *Petroleum and Greenhouse Gas Pipelines Act 1969*

24

25 (6) In section 3 in the definition of *safety case in force*
26 paragraph (a)(i) delete “*Petroleum Pipelines Act 1969*; and” and
27 insert:

28

29 *Petroleum and Greenhouse Gas Pipelines Act 1969*; and

30

- 1 (7) In section 3 in the definition of *safety management system in*
2 *force*:
3 (a) after “geothermal” insert:
4
5 energy
6
7 (b) in paragraph (a) delete “*Petroleum and Geothermal*
8 *Energy Resources Act 1967; and*” and insert:
9
10 *Petroleum, Geothermal Energy and Greenhouse Gas*
11 *Storage Act 1967; and*
12

13 **167. Section 10 amended**

- 14 In section 10(2) delete “*Petroleum and Geothermal Energy*
15 *Resources Act 1967, the Petroleum Pipelines Act 1969*” and
16 insert:
17
18 *Petroleum, Geothermal Energy and Greenhouse Gas Storage*
19 *Act 1967, the Petroleum and Greenhouse Gas Pipelines*
20 *Act 1969*
21

22 **168. Section 21 amended**

- 23 In section 21(3):
24 (a) in paragraph (b) delete “*Petroleum and Geothermal*
25 *Energy Resources Act 1967*” and insert:
26
27 *Petroleum, Geothermal Energy and Greenhouse Gas*
28 *Storage Act 1967*
29

- 1 (b) in paragraph (c) delete “*Petroleum Pipelines Act 1969*”
2 and insert:

3

4 *Petroleum and Greenhouse Gas Pipelines Act 1969*

5

6 **Division 11 — *Transfer of Land Act 1893* amended**

7 **169. Act amended**

8 This Division amends the *Transfer of Land Act 1893*.

9 **170. Section 3 amended**

- 10 (1) In section 3(2):

- 11 (a) in paragraph (a) delete “energy or geothermal energy
12 resources; or” and insert:

13

14 energy, geothermal energy resources or the injection and
15 storage of greenhouse gas substances; or

16

- 17 (b) in paragraph (b) delete “petroleum or geothermal
18 energy” and insert:

19

20 petroleum, geothermal energy or greenhouse gas

21

- 22 (2) Delete section 3(3) and insert:

23

- 24 (3) In subsection (2) —

25 *geothermal energy, geothermal energy resources* and
26 *greenhouse gas substances* have the same meanings as
27 they have in the *Petroleum, Geothermal Energy and*
28 *Greenhouse Gas Storage Act 1967*;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

mining, petroleum, geothermal energy or greenhouse gas rights has the same meaning as it has in the *Land Administration Act 1997*.

Division 12 — Various references to “*Petroleum and Geothermal Energy Resources Act 1967*” and “*Petroleum Pipelines Act 1969*” amended

171. References to “*Petroleum and Geothermal Energy Resources Act 1967*” amended

(1) This section amends the Acts listed in the Table.

(2) In the provisions listed in the Table:

(a) delete “*Petroleum and Geothermal Energy Resources Act 1967*” (each occurrence) and insert:

Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967

(b) delete “*Petroleum and Geothermal Energy Resources Act 1967*” and insert:

Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967

(c) delete “*Petroleum and Geothermal Energy Resources Act 1967*” and insert:

Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967

Petroleum and Geothermal Energy Legislation Amendment Bill 2013

Part 4 Other Acts amended

Division 12 Various references to "Petroleum and Geothermal Energy Resources Act 1967" and "Petroleum Pipelines Act 1969" amended

s. 171

1

Table

<i>Aboriginal Affairs Planning Authority Act 1972</i>	s. 30(2)
<i>Aboriginal Heritage Act 1972</i>	s. 18(1)
<i>Barrow Island Royalty Variation Agreement Act 1985</i>	long title, s. 5(3)
<i>Fire and Emergency Services Act 1998</i>	s. 3A def. of owner par. (f)(iii)
<i>Fish Resources Management Act 1994</i>	s. 114
<i>Gas Standards Act 1972</i>	s. 5(1)(c)
<i>Gas Supply (Gas Quality Specifications) Act 2009</i>	s. 3(1) def. of gas producer par. (a)
<i>Heritage of Western Australia Act 1990</i>	s. 3(2)(a)(v)
<i>Industrial Relations Act 1979</i>	s. 7(3)(c), 8(3A)(b), 113(1)(d)(ii)(III)
<i>Local Government Act 1995</i>	s. 1.4 def. of owner par. (e)(iii), 6.27(c), 6.29(1) def. of relevant interest par. (b)
<i>Soil and Land Conservation Act 1945</i>	Schedule
<i>Valuation of Land Act 1978</i>	s. 4(1) def. of unimproved value par. (b)(ii)(III), (IV)

<i>Waterways Conservation Act 1976</i>	s. 5(4)(b)
--	------------

1 **172. References to “Petroleum Pipelines Act 1969” amended**

- 2 (1) This section amends the Acts listed in the Table.
3 (2) In the provisions listed in the Table delete “*Petroleum Pipelines Act 1969*” and insert:

4
5
6 *Petroleum and Greenhouse Gas Pipelines Act 1969*
7

8 **Table**

<i>Aboriginal Heritage Act 1972</i>	s. 18(1a)(a)(ii)
<i>Dangerous Goods Safety Act 2004</i>	s. 6(1)
<i>Duties Act 2008</i>	s. 3 def. of land par. (c), (da), 17(2)(e), 149(2A)(b)
<i>Energy Coordination Act 1994</i>	s. 24A(2), 24C(1)
<i>Gas Standards Act 1972</i>	s. 4 def. of pipeline licensee
<i>Gas Supply (Gas Quality Specifications) Act 2009</i>	s. 3(1) def. of gas transmission pipeline, operator, pipeline
<i>Industrial Relations Act 1979</i>	s. 7(3)(c), 8(3A)(b), 113(1)(d)(ii)(IV)
<i>National Gas Access (WA) Act 2009</i>	s. 20(1), 22(2)

9