



Western Australia

Petroleum Legislation Amendment Act 2024

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Petroleum Legislation Amendment Act 2024

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Western Australia

Petroleum Legislation Amendment Act 2024

No. 17 of 2024

An Act to —

- **amend the *Petroleum and Geothermal Energy Resources Act 1967*;**
and
- **amend the *Petroleum Pipelines Act 1969*; and**
- **amend the *Petroleum (Submerged Lands) Act 1982*; and**
- **make related and consequential amendments to other Acts.**

[Assented to 14 May 2024]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This is the *Petroleum Legislation Amendment Act 2024*.

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.

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

Division 1 — Preliminary

3. Act amended

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

Division 2 — General amendments

4. Section 5 amended

- (1) In section 5(1) delete the definitions of:

petroleum

petroleum operation

petroleum pool

- (2) In section 5(1) insert in alphabetical order:

Department means the department of the Public Service principally assisting in the administration of this Act;

drilling reservation area means the area constituted by the blocks that are the subject of a drilling reservation;

electronic means includes —

- (a) an electronic database or document system; and
- (b) any other means by which a document can be accessed electronically;

geological formation includes —

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

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geothermal drilling reservation area means the area constituted by the blocks that are the subject of a geothermal drilling reservation;

geothermal exploration operation means an operation to explore for geothermal energy resources, and the carrying on of operations and the execution of works necessary for that purpose;

geothermal licence area means the area constituted by the blocks that are the subject of a geothermal production licence;

instrument of consent has the meaning given in section 116(1);

petroleum —

(a) means any of the following —

- (i) any naturally occurring hydrocarbon, whether in a gaseous, liquid or solid state;
- (ii) any naturally occurring mixture of hydrocarbons, whether in a gaseous, liquid or solid state;
- (iii) any naturally occurring mixture of 1 or more hydrocarbons, whether in a gaseous, liquid or solid state, and 1 or more of hydrogen sulphide, nitrogen, helium and carbon dioxide;

and

(b) includes the following —

- (i) any petroleum as defined by paragraph (a) that has been returned to a natural reservoir, except oil shale;

- (ii) any petroleum as defined by paragraph (a) or subparagraph (i) to which 1 or more things prescribed by the regulations have been added;

petroleum drilling reservation area means the area constituted by the blocks that are the subject of a petroleum drilling reservation;

petroleum exploration operation means an operation to explore for petroleum or a regulated substance, and the carrying on of operations and the execution of works necessary for that purpose;

petroleum licence area means the area constituted by the blocks that are the subject of a petroleum production licence;

petroleum operation —

- (a) means any of the following —
 - (i) a petroleum exploration operation;
 - (ii) an operation to drill for petroleum or a regulated substance, and the carrying on of operations and the execution of works necessary for that purpose;
 - (iii) an operation to recover petroleum or a regulated substance, and the carrying on of operations and the execution of works necessary for that purpose;
 - (iv) an operation for the mining, obtaining or production of petroleum under the Barrow Island lease as renewed, substituted or varied;
 - (v) the injection of petroleum into a natural underground reservoir;

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- (vi) the injection of carbon dioxide, as defined in the *Barrow Island Act 2003* section 3, into an underground reservoir or other subsurface formation;
- (vii) any other kind of operation that is prescribed by the regulations to be a petroleum operation;
- (viii) the care and maintenance of land, waters or infrastructure affected by an operation referred to in subparagraphs (i) to (vii);
- (ix) the decommissioning of an operation referred to in subparagraphs (i) to (vii);
- (x) the rehabilitation of the land or waters affected by an operation referred to in subparagraphs (i) to (vii);

but

- (b) does not include an operation of a kind that is prescribed by the regulations not to be a petroleum operation;

regulated substance means a naturally occurring substance that —

- (a) occurs in a natural geological formation; and
- (b) is prescribed by the regulations;

report means a report, return or other document in connection with, or in connection with operations under, any of the following —

- (a) an access authority or special prospecting authority;
- (b) an authorisation referred to in section 67(2);
- (c) a drilling reservation;
- (d) an instrument of consent;

- (e) a lease;
- (f) a licence;
- (g) a permit;

resources pool means a naturally occurring discrete accumulation of petroleum or a regulated substance;

- (3) In section 5(1) in the definition of **geothermal drilling reservation** delete “referred to in section 43D(2);” and insert:

under Part 3;

- (4) In section 5(1) in the definition of **geothermal energy operation**:

- (a) delete “means —” and insert:

means any of the following —

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

- (a) a geothermal exploration operation;

- (c) in paragraph (d) delete “definition,” and insert:

definition;

- (d) after paragraph (d) insert:

- (e) the care and maintenance of land, waters or infrastructure affected by an operation referred to in paragraphs (a) to (d);

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- (f) the decommissioning of an operation referred to in paragraphs (a) to (d);
- (g) the rehabilitation of the land or waters affected by an operation referred to in paragraphs (a) to (d),

- (5) In section 5(1) in the definition of ***geothermal exploration permit*** delete “permit that confers the authority referred to in section 38(2);” and insert:

geothermal exploration permit under Part 3;

- (6) In section 5(1) in the definition of ***operator***:

- (a) in paragraphs (f) and (g) delete “energy resources”;
- (b) delete paragraph (h) and insert:

(h) in relation to the injection of petroleum into a natural underground reservoir, means the person who has an authorisation referred to in section 67(2) in respect of that injection;

- (c) in paragraphs (j) and (k) delete “such a” and insert:

the

- (7) In section 5(1) in the definition of ***petroleum drilling reservation*** delete “referred to in section 43D(1);” and insert:

under Part 3;

- (8) In section 5(1) in the definition of *petroleum exploration permit* delete “permit that confers the authority referred to in section 38(1);” and insert:

petroleum exploration permit under Part 3;

5. Section 11A amended

In section 11A(1) and (2) delete “reservation,” (2nd occurrence) and insert:

reservation area,

6. Section 15 amended

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

reservation area,

7. Section 31 amended

After section 31(1)(d) insert:

- (da) in the case of an application for the grant of a petroleum exploration permit — may include an application for an approval for the purposes of section 38(3)(a); and

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8. Section 32 amended

(1) After section 32(2)(a) insert:

(aa) if the permit application included an application for an approval for the purposes of section 38(3)(a) — a statement as to whether the approval will be granted with the petroleum exploration permit; and

(2) After section 32(4) insert:

(4A) If applicable, a petroleum exploration permit must include the approval granted for the purposes of section 38(3)(a).

9. Section 33 amended

(1) In section 33(2):

(a) delete “If —” and insert:

Subsection (3) applies if —

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

licence.

(c) delete the passage that begins with “the Minister” and ends with “made.”.

(2) After section 33(2) insert:

(3) The Minister may, at any subsequent time and by instrument published in the *Gazette*, invite applications

for the grant of a geothermal exploration permit in respect of that block or such of those blocks as are specified in the instrument and specify a period within which applications may be made.

(3) After section 33(4)(d) insert:

(da) in the case of an application for the grant of a petroleum exploration permit — may include an application for an approval for the purposes of section 38(3)(a); and

10. Section 35 amended

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

(3),

(2) After section 35(5)(a) insert:

(aa) if the application included an application for an approval for the purposes of section 38(3)(a) — a statement as to whether the approval will be granted with the petroleum exploration permit; and

11. Section 37 amended

(1) In section 37 delete “Where” and insert:

(1) Where

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(2) At the end of section 37 insert:

(2) If applicable, a petroleum exploration permit must include the approval granted for the purposes of section 38(3)(a).

12. Section 37A amended

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

(2) After section 37A(4)(c) insert:

(ca) if the original permit included an approval for the purposes of section 38(3)(a) or an approval had been granted in relation to the original permit for the purposes of section 38(3)(b) — must include an approval corresponding as nearly as may be to the previously granted approval; and

13. Section 38 replaced

Delete section 38 and insert:

38. Rights conferred by petroleum exploration permit or geothermal exploration permit

(1) Except as provided in subsection (3), a petroleum exploration permit, while it remains in force, authorises the petroleum permittee, subject to this Act and in accordance with the conditions to which the petroleum exploration permit is subject —

(a) to explore for petroleum or a regulated substance in the petroleum permit area; and

- (b) to recover petroleum or a regulated substance in the petroleum permit area for the purpose of establishing the nature and probable extent of a discovery of petroleum or a regulated substance; and
 - (c) to carry on any operations and execute any works in the petroleum permit area that are necessary for those purposes.
- (2) A petroleum exploration permit does not authorise the petroleum permittee to make a well outside the petroleum permit area.

Note for this subsection:
The petroleum permittee may be able to make a well outside the petroleum permit area under another authority, for example, a petroleum access authority.
- (3) A petroleum exploration permit does not authorise the petroleum permittee to do the things referred to in subsection (1)(a) to (c) in relation to a regulated substance unless —
 - (a) the petroleum exploration permit includes an approval granted by the Minister extending the permit to cover the regulated substance; or
 - (b) the petroleum permittee applies to the Minister in writing for such an approval and the Minister grants the approval by instrument in writing.
- (4) A geothermal exploration permit, while it remains in force, authorises the geothermal permittee, subject to this Act and in accordance with the conditions to which the geothermal exploration permit is subject —
 - (a) to explore for geothermal energy resources in the geothermal permit area; and

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- (b) to recover geothermal energy in the geothermal permit area for the purpose of establishing the nature and probable extent of a discovery of geothermal energy resources; and
 - (c) to carry on any operations and execute any works in the geothermal permit area that are necessary for those purposes.
- (5) A geothermal exploration permit does not authorise the geothermal permittee to make a well outside the geothermal permit area.

Note for this subsection:

The geothermal permittee may be able to make a well outside the geothermal permit area under another authority, for example, a geothermal access authority.

14. Section 43B amended

After section 43B(1)(d) insert:

- (da) in the case of an application for the grant of a petroleum drilling reservation — may include an application for an approval for the purposes of section 43D(1B)(a); and

15. Section 43C amended

(1) After section 43C(2)(a) insert:

- (aa) if the application included an application for an approval for the purposes of section 43D(1B)(a) — a statement as to whether the approval will be granted with the petroleum drilling reservation; and

(2) After section 43C(4) insert:

(4A) If applicable, a petroleum drilling reservation must include the approval granted for the purposes of section 43D(1B)(a).

16. Section 43D amended

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

- (1) Except as provided in subsection (1B), a petroleum drilling reservation, while it remains in force, authorises the holder of the petroleum drilling reservation, subject to this Act and in accordance with the conditions to which the petroleum drilling reservation is subject —
- (a) to drill for petroleum or a regulated substance in the petroleum drilling reservation area; and
 - (b) to recover petroleum or a regulated substance in the petroleum drilling reservation area for the purpose of establishing the nature and probable extent of a discovery of petroleum or a regulated substance; and
 - (c) to carry on any operations and execute any works in the petroleum drilling reservation area that are necessary for those purposes.
- (1A) A petroleum drilling reservation does not authorise the holder of the petroleum drilling reservation to make a well outside the petroleum drilling reservation area.

Note for this subsection:

The holder of the petroleum drilling reservation may be able to make a well outside the petroleum drilling reservation area under another authority, for example, a petroleum access authority.

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- (1B) A petroleum drilling reservation does not authorise the holder of the petroleum drilling reservation to do the things referred to in subsection (1)(a) to (c) in relation to a regulated substance unless —
- (a) the petroleum drilling reservation includes an approval granted by the Minister extending the drilling reservation to cover the regulated substance; or
 - (b) the holder of the petroleum drilling reservation applies to the Minister in writing for such an approval and the Minister grants the approval by instrument in writing.

- (2) In section 43D(2) before “drilling” (2nd, 3rd, 4th, 5th and 6th occurrences) insert:

geothermal

- (3) After section 43D(2) insert:

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

Note for this subsection:

The holder of the geothermal drilling reservation may be able to make a well outside the geothermal drilling reservation area under another authority, for example, a geothermal access authority.

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

Rights conferred by petroleum drilling reservation or geothermal drilling reservation

17. Section 44 amended

- (1) In section 44(1) and (1a) delete “reservation,” (1st occurrence) and insert:

reservation area,

- (2) In section 44(1b):

- (a) in paragraph (a) delete “reservation; or” and insert:

reservation area; or

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

reservation area,

18. Section 46 amended

- (1) In section 46(1) and (1a):

- (a) delete “reservation,” (1st occurrence) and insert:

reservation area,

- (b) delete “reservation)” and insert:

reservation area)

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

reservation area,

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

reservation area,

19. Section 47 amended

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

reservation area,

20. Section 48A amended

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

- (ca) in the case of an application under subsection (1), may include an application for an approval for the purposes of section 48C(1B)(a); and

21. Section 48B amended

(1) After section 48B(3)(a) insert:

- (aa) if the instrument is under subsection (1) and the application included an application for an approval for the purposes of section 48C(1B)(a) — a statement as to whether the approval will be granted with the petroleum retention lease; and

(2) After section 48B(5) insert:

(5A) If applicable, a petroleum retention lease must include the approval granted for the purposes of section 48C(1B)(a).

22. Section 48CA amended

After section 48CA(4) insert:

(4A) An application under subsection (1) may include an application for an approval for the purposes of section 48C(1B)(a).

23. Section 48CB amended

(1) After section 48CB(4)(a) insert:

(aa) if the notice is under subsection (1) and the application included an application for an approval for the purposes of section 48C(1B)(a) — a statement as to whether the approval will be granted with the petroleum retention lease; and

(2) After section 48CB(7) insert:

(7A) If applicable, a petroleum retention lease must include the approval granted for the purposes of section 48C(1B)(a).

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24. Section 48C amended

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

- (1) Except as provided in subsection (1B), a petroleum retention lease, while it remains in force, authorises the petroleum lessee, subject to this Act and in accordance with the conditions to which the petroleum retention lease is subject —
- (a) to explore for petroleum or a regulated substance in the petroleum lease area; and
 - (b) to recover petroleum or a regulated substance in the petroleum lease area for the purpose of establishing the nature and probable extent of a discovery of petroleum or a regulated substance; and
 - (c) to carry on any operations and execute any works in the petroleum lease area that are necessary for those purposes.
- (1A) A petroleum retention lease does not authorise the petroleum lessee to make a well outside the petroleum lease area.
- Note for this subsection:
- The petroleum lessee may be able to make a well outside the petroleum lease area under another authority, for example, a petroleum access authority.
- (1B) A petroleum retention lease does not authorise the petroleum lessee to do the things referred to in subsection (1)(a) to (c) in relation to a regulated substance unless —
- (a) the petroleum retention lease includes an approval granted by the Minister extending the lease to cover the regulated substance; or

(b) the petroleum lessee applies to the Minister in writing for such an approval and the Minister grants the approval by instrument in writing.

(2) In section 48C(2):

(a) after “geothermal” (1st occurrence) insert:

retention

(b) before “lessee,” insert:

geothermal

(c) before “lease” (2nd occurrence) insert:

geothermal retention

(d) in paragraphs (a), (b) and (c) before “lease” insert:

geothermal

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

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

Note for this subsection:

The geothermal lessee may be able to make a well outside the geothermal lease area under another authority, for example, a geothermal access authority.

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

Rights conferred by petroleum retention lease or geothermal retention lease

25. Section 51 amended

After section 51(1)(c) insert:

- (ca) may, in the case of an application for the grant of a petroleum production licence, include an application for an approval for the purposes of section 62(3)(a); and

26. Section 53 amended

After section 53(2)(a) insert:

- (aa) in respect of an application for the grant of a petroleum production licence that included an application for an approval for the purposes of section 62(3)(a) — contain a statement as to whether the approval will be granted with the licence; and

27. Section 54 amended

Before section 54(3) insert:

- (2B) If applicable, a petroleum production licence must include the approval granted for the purposes of section 62(3)(a).

28. Section 57 amended

After section 57(6)(d) insert:

- (da) in the case of an application under subsection (1), may include an application for an approval for the purposes of section 62(3)(a); and

29. Section 59 amended

After section 59(5)(a) insert:

- (aa) in respect of an application for the grant of a petroleum production licence that included an application for an approval for the purposes of section 62(3)(a) — a statement as to whether the approval will be granted with the licence; and

30. Section 60 amended

- (1) In section 60 delete “Where” and insert:

- (1) Where

- (2) At the end of section 60 insert:

- (2) If applicable, a petroleum production licence must include the approval granted for the purposes of section 62(3)(a).

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31. Section 61 amended

After section 61(5)(c) insert:

- (ca) if the original licence included an approval for the purposes of section 62(3)(a) or an approval had been granted in relation to the original licence for the purposes of section 62(3)(b) — must include an approval corresponding as nearly as may be to the previously granted approval; and

32. Section 62 replaced

Delete section 62 and insert:

62. Rights conferred by licence

- (1) Except as provided in subsection (3), a petroleum production licence, while it remains in force, authorises the petroleum licensee, subject to this Act and in accordance with the conditions to which the petroleum production licence is subject —
 - (a) to recover petroleum or a regulated substance —
 - (i) in the petroleum licence area; and
 - (ii) from the petroleum licence area in another area to which the petroleum licensee has lawful access for that purpose;
 - and
 - (b) to explore for petroleum or a regulated substance in the petroleum licence area; and

- (c) to carry on any operations and execute any works in the petroleum licence area that are necessary for those purposes.
- (2) A petroleum production licence does not authorise the petroleum licensee to make a well outside the petroleum licence area.
- Note for this subsection:
- The petroleum licensee may be able to make a well outside the petroleum licence area under another authority, for example, a petroleum access authority.
- (3) A petroleum production licence does not authorise the petroleum licensee to do the things referred to in subsection (1)(a) to (c) in relation to a regulated substance unless —
- (a) the petroleum production licence includes an approval granted by the Minister extending the licence to cover the regulated substance; or
 - (b) the petroleum licensee applies to the Minister in writing for such an approval and the Minister grants the approval by instrument in writing.
- (4) A geothermal production licence, while it remains in force, authorises the geothermal licensee, subject to this Act and in accordance with the conditions to which the geothermal production licence is subject —
- (a) to recover geothermal energy —
 - (i) in the geothermal licence area; and
 - (ii) from the geothermal licence area in another area to which the geothermal licensee has lawful access for that purpose;
- and
- (b) to explore for geothermal energy resources in the geothermal licence area; and

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- (c) to carry on any operations and execute any works in the geothermal licence area that are necessary for those purposes.
- (5) A geothermal production licence does not authorise the geothermal licensee to make a well outside the geothermal licence area.

Note for this subsection:

The geothermal licensee may be able to make a well outside the geothermal licence area under another authority, for example, a geothermal access authority.

33. Section 67 amended

- (1) In section 67(1)(a) delete “an agreement made under this section; or” and insert:

an authorisation referred to in subsection (2); or

- (2) In section 67(1) in the Penalty delete “Penalty:” and insert:

Penalty for this subsection:

- (3) Delete section 67(2) and (3) and insert:
- (2) The regulations may provide for the grant to a petroleum title holder of an authorisation to inject petroleum into a natural underground reservoir.
- (3) In subsection (2) —
petroleum title holder means the holder of a petroleum exploration permit, petroleum drilling reservation, petroleum retention lease, petroleum production licence or petroleum access authority.

- (4) A person must not inject a regulated substance into a natural underground reservoir.

Penalty for this subsection: a fine of \$10 000.

34. Section 70 amended

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

reservation area,

- (2) Delete section 70(3)(c) and insert:

- (c) an authorisation referred to in section 67(2);
and

35. Section 72 amended

- (1) Before section 72(1) insert:

- (1A) In this section —

instrument of transfer, in relation to an application for approval of a transfer of a title, means an instrument of transfer in the approved form executed —

- (a) by the registered holder or, if there are 2 or more registered holders, by each registered holder; and
(b) by the transferee or, if there are 2 or more transferees, by each transferee.

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- (2) Delete section 72(3) and insert:
- (3) An application for approval of a transfer of a title lodged in hard copy form must be accompanied by —
- (a) the instrument of transfer; and
 - (b) a copy of the instrument of transfer; and
 - (c) for each transferee, if any, who is not a registered holder — a statement of the technical advice and financial resources available, or that will be available, to the transferee.
- (3A) An application for approval of a transfer of a title lodged by electronic means must be accompanied by —
- (a) an electronic copy of the instrument of transfer; and
 - (b) for each transferee, if any, who is not a registered holder — an electronic copy of a statement of the technical advice and financial resources available, or that will be available, to the transferee.
- (3B) If subsection (3A) applies, the Minister may at any time require the instrument of transfer to be lodged in hard copy form.
- (3) Delete section 72(9) and insert:
- (9) If the Minister approves the transfer of a title, the Minister must, on payment of the fee provided for by the *Petroleum and Geothermal Energy Resources (Registration Fees) Act 1967*, enter in the Register a

memorandum of the transfer and the name of the transferee or of each transferee.

(4) Delete section 72(12) and insert:

- (12) If a transfer is registered, the Minister must —
- (a) retain a copy of the instrument of transfer; and
 - (b) make the copy available for inspection in accordance with this Division.

36. Section 75 amended

(1) Delete section 75(4) and (4a) and insert:

- (4) If an application under subsection (3) for approval of a dealing is lodged in hard copy form, the application —
- (a) must be accompanied by either —
 - (i) the instrument evidencing the dealing and a copy of it; or
 - (ii) if the instrument evidencing the dealing has already been lodged with the Minister in hard copy form for the purposes of another application — 2 copies of the instrument;
- and
- (b) may be accompanied by an instrument setting out any particulars prescribed for the purposes of an application for approval of a dealing of that kind, and a copy of it.

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- (4A) If an application under subsection (3) for approval of a dealing is lodged by electronic means, the application —
- (a) must be accompanied by an electronic copy of the instrument evidencing the dealing; and
 - (b) may be accompanied by an electronic copy of an instrument setting out any particulars prescribed for the purposes of an application for approval of a dealing of that kind.
- (4B) If subsection (4A) applies, the Minister —
- (a) may at any time require to be lodged in hard copy form either —
 - (i) the instrument referred to in subsection (4A)(a); or
 - (ii) if the instrument has already been lodged with the Minister in hard copy form for the purposes of another application — a copy of the instrument;and
 - (b) may at any time require to be lodged in hard copy form any instrument that accompanied the application under subsection (4A)(b).
- (2) Delete section 75(8).
- (3) Delete section 75(12) and insert:
- (12) If the Minister approves a dealing, the Minister must, on payment of the fee provided for by the *Petroleum and Geothermal Energy Resources (Registration Fees) Act 1967*, make an entry of the approval of the dealing in the Register.

(4) In section 75(13):

- (a) in paragraph (a) delete “subsection (4)(b), one copy of the instrument evidencing the dealing endorsed with a memorandum of approval shall” and insert:

subsection (4)(b) or (4A)(b) (as the case may be), 1 copy of the instrument evidencing the dealing must

- (b) in paragraph (b) delete “subsection (4)(b), a copy of that instrument endorsed with a copy of the memorandum of approval of the dealing shall” and insert:

subsection (4)(b) or (4A)(b) (as the case may be), a copy of that instrument must

- (c) in paragraph (b) delete “shall” (2nd occurrence) and insert:

must

- (d) in paragraph (c) delete “endorsed with a memorandum of approval”;

- (e) in paragraph (c) delete “shall” and insert:

or (4B)(b) must

37. Section 75A amended

In section 75A(2) delete “(7) and (8) applies” and insert:

(4A), (4B) and (7) apply

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38. Section 76 amended

- (1) In section 76(1)(c) delete “of the kind referred to in section 75(4)(b),” and insert:

described in section 75(4)(b), (4A)(b) or (4B)(b),

- (2) In section 76(1) in the Penalty delete “Penalty:” and insert:

Penalty for this subsection:

39. Part III Division 4A inserted

After Part III Division 4 insert:

Division 4A — Polluter pays

86A. Term used: registered holder

In this Division —

registered holder, in relation to a title referred to in section 86B(2)(g), (n) or (o), means the person who holds the title.

Note for this definition:

In relation to the other titles referred to in section 86B(2), see the definition of **registered holder** in section 5(1).

86B. Escape of petroleum or regulated substance: titleholder’s duty

- (1) In this section —

interstate Act means —

- (a) the Commonwealth Act; or

- (b) an Act of another State or a Territory relating to petroleum or geothermal operations;

interstate land or waters means land or waters to which an interstate Act applies;

petroleum or geothermal operation means —

- (a) a petroleum operation; or
 - (b) a geothermal energy operation.
- (2) This section applies in the event of an escape of petroleum or a regulated substance occurring as a result of, or in connection with, a petroleum or geothermal operation in relation to any of the following titles —
- (a) a geothermal access authority;
 - (b) a geothermal drilling reservation;
 - (c) a geothermal exploration permit;
 - (d) a geothermal production licence;
 - (e) a geothermal retention lease;
 - (f) a geothermal special prospecting authority;
 - (g) any other authority or consent granted by instrument under this Act for the carrying out of geothermal energy operations;
 - (h) a petroleum access authority;
 - (i) a petroleum drilling reservation;
 - (j) a petroleum exploration permit;
 - (k) a petroleum production licence;
 - (l) a petroleum retention lease;
 - (m) a petroleum special prospecting authority;
 - (n) an authorisation referred to in section 67(2);
 - (o) any other authority or consent granted by instrument under this Act for the carrying out of petroleum operations.

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- (3) The registered holder of the title must —
- (a) do all of the following —
 - (i) as soon as possible after becoming aware of the escape of petroleum or a regulated substance, take all reasonably practicable steps to eliminate or control it;
 - (ii) clean up the escaped petroleum or regulated substance and remediate any resulting damage to the environment;
 - (iii) carry out environmental monitoring of the impact of the escape on the environment and anything done by the registered holder of the title under subparagraph (i) or (ii);and
 - (b) if any of the escaped petroleum or regulated substance has migrated to interstate land or waters, on that land or in those waters, as the case may be —
 - (i) clean up the escaped petroleum or regulated substance and remediate any resulting damage to the environment; and
 - (ii) carry out environmental monitoring of the impact of the escape and clean-up on the environment.
- (4) The registered holder of the title must notify the Minister administering the interstate Act as soon as practicable after doing anything under subsection (3)(b).

**86C. Escape of petroleum or regulated substance:
reimbursement of State**

- (1) This section applies if the Minister considers on reasonable grounds that the registered holder of a title has failed to comply with section 86B(3) in relation to an escape of petroleum or a regulated substance.
- (2) The Minister may do any or all of the things that the Minister considers, on reasonable grounds, the registered holder of the title has failed to do to comply with section 86B(3).
- (3) Costs or expenses incurred by the State in doing any thing under subsection (2) are —
 - (a) a debt due to the Crown by the registered holder of the title; and
 - (b) recoverable by the State in a court of competent jurisdiction.

40. Section 89 amended

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

reservation area,

41. Section 90 amended

- (1) At the end of section 90(1) insert:

Penalty for this subsection: a fine of \$10 000.

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- (2) At the end of section 90(3) insert:

Penalty for this subsection: a fine of \$10 000.

- (3) At the end of section 90 delete the Penalty.

42. Section 91 amended

- (1) In section 91(1):

- (a) in paragraph (b) delete “energy resources”;
(b) delete “reservation,” (2nd occurrence) and insert:

reservation area,

- (2) In section 91(2)(a), (b), (d)(i) and (e) and (2a)(a), (b), (d)(i) and (e) delete “reservation,” and insert:

reservation area,

- (3) In section 91(3) delete “energy resources”.

43. Section 91B amended

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

reservation area,

44. Section 91C inserted

After section 91B insert:

91C. Provisions relating to approvals granted in relation to regulated substances

(1) In this section —

petroleum title means any of the following —

- (a) a petroleum exploration permit;
- (b) a petroleum drilling reservation;
- (c) a petroleum retention lease;
- (d) a petroleum production licence;
- (e) a petroleum special prospecting authority;
- (f) a petroleum access authority;

renewed, in the case of a petroleum drilling reservation, means extended.

- (2) Subsections (3) and (4) apply if, on its grant, a petroleum title includes an approval for the purposes of section 38(3)(a), 43D(1B)(a), 48C(1B)(a), 62(3)(a), 105(4AA)(a) or 106(5AA)(a).
- (3) If the petroleum title is renewed, the approval must be included in the petroleum title as renewed.
- (4) The conditions which the Minister may impose on the petroleum title on its grant or renewal include conditions for purposes related to the approval or to anything that is authorised by virtue of the approval.
- (5) Subsections (6) to (9) apply if the Minister grants an approval for the purposes of section 38(3)(b), 43D(1B)(b), 48C(1B)(b), 62(3)(b), 105(4AA)(b) or 106(5AA)(b) in relation to a petroleum title.

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- (6) When granting the approval, the Minister may also, for purposes related to the approval or to anything that is authorised by virtue of the approval, by instrument in writing, vary the conditions to which the petroleum title is subject (including by imposing new conditions or removing conditions).
- (7) If the petroleum title is renewed —
 - (a) the approval applies in relation to the petroleum title as renewed; and
 - (b) the conditions which the Minister may impose on the petroleum title on its renewal include conditions for purposes related to the approval or to anything that is authorised by virtue of the approval.
- (8) The approval applies in relation to the petroleum title, or to the petroleum title as renewed, despite any change in the registered holder.
- (9) Section 70(3)(a) applies to the instrument by which the approval is granted.

45. Section 92 amended

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

reservation area,

46. Section 101 amended

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

reservation area,

47. Section 105 amended

(1) After section 105(2)(c) insert:

(ca) if the application is for the grant of a petroleum special prospecting authority — may include an application for an approval for the purposes of subsection (4AA)(a); and

(2) After section 105(3) insert:

(3A) If the Minister grants a petroleum special prospecting authority on an application that included an application for an approval for the purposes of subsection (4AA)(a), the Minister may grant the approval and include it in the petroleum special prospecting authority.

(3) In section 105(4) delete “A petroleum” and insert:

Except as provided in subsection (4AA), a petroleum

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(4) After section 105(4) insert:

(4AA) A petroleum special prospecting authority does not authorise the holder to carry on petroleum exploration operations in relation to a regulated substance unless —

- (a) the petroleum special prospecting authority includes an approval granted by the Minister extending the petroleum special prospecting authority to cover the regulated substance; or
- (b) the holder applies to the Minister in writing for such an approval and the Minister grants the approval by instrument in writing.

(5) In section 105(4a) and (6c)(c) delete “energy resources”.

48. Section 106 amended

(1) In section 106(1):

(a) delete “reservation,” (2nd occurrence) and insert:

reservation area,

(b) delete “exploration”;

(c) delete “reservation,” (3rd occurrence) and insert:

reservation area,

(2) In section 106(1a) delete “exploration”.

- (3) In section 106(1b):
- (a) delete “reservation,” (2nd occurrence) and insert:

reservation area,
 - (b) delete “resources exploration”;
 - (c) delete “reservation,” (3rd occurrence) and insert:

reservation area,
- (4) In section 106(1c) delete “resources exploration”.
- (5) After section 106(2)(c) insert:
- (ca) if the application is for the grant of a petroleum access authority — may include an application for an approval for the purposes of subsection (5AA)(a); and
- (6) After section 106(3) insert:
- (3A) If the Minister grants a petroleum access authority on an application that included an application for an approval for the purposes of subsection (5AA)(a), the Minister may grant the approval and include it in the petroleum access authority.
- (7) In section 106(5) delete “An access” and insert:
- Except as provided in subsection (5AA), an access

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(8) After section 106(5) insert:

(5AA) A petroleum access authority does not authorise the holder to carry on operations in relation to a regulated substance unless —

- (a) the petroleum access authority includes an approval granted by the Minister extending the petroleum access authority to cover the regulated substance; or
- (b) the holder applies to the Minister in writing for such an approval and the Minister grants the approval by instrument in writing.

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

reservation area,

49. Section 109 amended

In section 109(1) delete “energy resources”.

50. Section 113 amended

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

reservation area,

51. Section 115 amended

In section 115(1)(c) delete “returns, other documents,”.

52. Section 116A amended

In section 116A(1)(c) delete “returns, other documents,”.

53. Section 116 amended

(1) Delete section 116(1) and insert:

(1) The Minister, on the application of a person, may consent in writing (an *instrument of consent*) to the carrying on in the State by any person of petroleum exploration operations or geothermal exploration operations in the course of scientific investigation.

(2) In section 116(2):

- (a) delete “under subsection (1)”;
- (b) delete “such conditions, if any, as are” and insert:

any conditions

(3) In section 116(3):

- (a) delete “in force under subsection (1)”;
- (b) delete “energy resources”.

54. Section 119 amended

In section 119(1)(a) delete “energy resources”.

55. Section 126A amended

In section 126A(4) in the definition of *CEO* delete “department of the Public Service principally assisting in the administration of this Act.” and insert:

Department.

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56. Section 127 amended

(1) In section 127(1):

(a) delete “shall” and insert:

must

(b) in paragraphs (b) and (d) delete “one” and insert:

1

(c) in paragraph (d) delete “age.” and insert:

age; or

(d) after paragraph (d) insert:

(e) by sending the document by electronic means
in the manner prescribed by the regulations.

(2) In section 127(2):

(a) delete “shall” and insert:

must

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

age; or

(c) after paragraph (b) insert:

(c) by sending the document by electronic means
in the manner prescribed by the regulations.

(3) In section 127(3):

(a) delete “shall” and insert:

must

(b) in paragraphs (a) and (b) delete “one” and insert:

1

(c) in paragraph (b) delete “age.” and insert:

age; or

(d) after paragraph (b) insert:

(c) by sending the document by electronic means
in the manner prescribed by the regulations.

(4) In section 127(4) delete “shall, unless the contrary is proved, be
deemed” and insert:

is, unless the contrary is proved, taken

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(5) After section 127(4) insert:

- (5) Regulations may prescribe the time at which documents sent by electronic means in accordance with this section are taken to have been served.
- (6) This section applies subject to any regulations made under section 153(1A).
- (7) This section does not limit any power of the Minister under another provision of this Act to approve a manner in which something must be done.

57. Section 134A amended

In section 134A(c) in the inserted section 117(2) delete “paragraphs (d) and (f)” and insert:

paragraph (a)(iv) and (vi)

58. Section 142 amended

In section 142(1) delete “reservation,” (4th occurrence) and insert:

reservation area,

59. Section 144 amended

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

- (2) In section 144(3):
- (a) delete “pursuant to an agreement entered into under section 67(2)(a),” and insert:

in accordance with an authorisation referred to in section 67(2),
 - (b) delete “agreement.” and insert:

authorisation or regulations under section 67(2).
- (3) In section 144(4) delete “Subject to any agreement entered into under section 67(2)(a),” and insert:
- Except as provided in an authorisation referred to in section 67(2) or regulations under section 67(2),

60. Section 147 replaced

Delete section 147 and insert:

147. Ascertainment of quantity of petroleum, regulated substance or geothermal energy recovered

- (1) In this section —
title holder means a permittee, holder of a drilling reservation, lessee or licensee.
- (2) For the purposes of this Act, the quantity of petroleum, a regulated substance or geothermal energy recovered by a title holder during a period is taken to be —
- (a) the quantity measured during the period by a measuring device approved by the Minister that

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- is installed at the well-head or at another place approved by the Minister; or
- (b) the quantity determined by the Minister as being the quantity recovered by the title holder during the period.
- (3) Without limiting subsection (2)(a), in the case of petroleum, the approved measuring device may be a measuring device installed in accordance with a condition imposed under the *Petroleum Pipelines Act 1969* section 12(2A).
- (4) The Minister may approve a measuring device or place under subsection (2)(a) subject to conditions.
- (5) The Minister's power under subsection (2)(b) can be exercised only in the following cases —
- (a) there is no approved measuring device installed as referred to in subsection (2)(a);
- (b) there is an approved measuring device installed as referred to in subsection (2)(a) but the Minister is not satisfied that the quantity of petroleum, the regulated substance or geothermal energy recovered by the title holder has been properly or accurately measured by the measuring device;
- (c) there is an approved measuring device installed as referred to in subsection (2)(a) but the Minister is satisfied that there has been a contravention of a condition imposed under subsection (4) on the approval of the measuring device or of the place at which it is installed.

61. Section 150A amended

In section 150A in the definition of *applicable document* paragraph (c) delete “report, return or other document” and insert:

report

62. Part IV Division 1 heading inserted

At the beginning of Part IV insert:

Division 1 — General

63. Part IV Division 2 heading inserted

After section 152 insert:

Division 2 — Regulations and forms

64. Section 152A inserted

Before section 153 insert:

152A. Approved forms

- (1) The Minister may approve forms that must be used for applications, notices and other documents under this Act.

Examples for this subsection:

1. If the Minister approves a form for a type of application, a person making an application of that type must use the approved form for the application.

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2. If the Minister approves a form for a type of notice, a person giving a notice of that type must use the approved form for the notice.
- (2) An approved form must be published on a website maintained by, or on behalf of, the Department.

65. Section 153 amended

(1) After section 153(1) insert:

- (1A) Without limiting subsection (1), the regulations may make provision for or in relation to the following —
 - (a) the giving of a document required or permitted to be given under this Act (including the giving of the document by electronic means);
 - (b) the time at which the document is taken to have been given;
 - (c) the means of satisfying a requirement under this Act in relation to a document in writing (for example, a requirement that the original of a document be given or that a document be signed) if the document is given by electronic means.
- (1B) Subsection (1A) applies to a requirement or permission to give a document whether the term “give”, “send” or “serve”, or any other similar word or term, is used.

(2) In section 153(2):

- (a) delete “In particular, but without limiting the generality of” and insert:

Without limiting

- (b) in paragraph (h)(i) and (ii) delete “reservation,” and insert:

reservation area,

- (3) In section 153(2c) delete “Act as defined in that”.

66. Section 154 amended

- (1) In section 154(1) delete the definition of *Gazettal day*.
(2) In section 154(1) insert in alphabetical order:

publication day means the day on which transitional regulations are published in accordance with the *Interpretation Act 1984* section 41(1)(a);

specified means specified or described in transitional regulations;

- (3) Delete section 154(3) and (4) and insert:
- (3) Regulations may prescribe anything required, necessary or convenient to be prescribed in relation to a transitional matter in connection with —
- (a) amendments made to this Act by another Act (the *amending Act*); or
- (b) amendments made to another written law by the amending Act that, wholly or partly, are consequential on, or otherwise connected with, amendments referred to in paragraph (a).

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- (4) Without limiting subsection (3), transitional regulations may provide for specified provisions of this Act or another written law —
- (a) not to apply to, or in relation to, a specified matter or thing; or
 - (b) to apply with specified modifications to, or in relation to, a specified matter or thing.
- (4) In section 154(5):
- (a) delete “Gazettal” and insert:

publication
 - (b) delete “commences.” and insert:

receives the Royal Assent.
- (5) In section 154(6)(a) and (b) delete “Gazettal” and insert:

publication
- (6) After section 154(6) insert:
- (7) The *Interpretation Act 1984* applies in relation to an amendment made by the amending Act subject to Schedule 2 and transitional regulations.

67. Schedule 2 Division 2 inserted

At the end of Schedule 2 insert:

Division 2 — Provisions for *Petroleum Legislation Amendment Act 2024*

4. Storage of petroleum underground

- (1) In this clause —
amendment day means the day on which the *Petroleum Legislation Amendment Act 2024* section 33 comes into operation.
- (2) This clause applies to an agreement that is in force under section 67 immediately before amendment day.
- (3) On and after amendment day, the agreement continues in force in accordance with its terms.
- (4) In the following provisions, references to an authorisation referred to in section 67(2) include a reference to the agreement —
 - (a) paragraph (b) of the definition of *report* in section 5(1);
 - (b) paragraph (h) of the definition of *operator* in section 5(1);
 - (c) section 67(1)(a);
 - (d) section 70(3)(c);
 - (e) section 86B(2)(n);
 - (f) section 144(3) and (4);
 - (g) the *Petroleum (Submerged Lands) Act 1982* section 145(3).

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s. 68

5. Royalty condition included in petroleum title

(1) In this clause —

amendment day means the day on which the *Petroleum Legislation Amendment Act 2024* section 69 comes into operation;

petroleum title means any of the following —

- (a) a petroleum exploration permit;
- (b) a petroleum drilling reservation;
- (c) a petroleum retention lease;
- (d) a petroleum production licence.

(2) This clause applies to a petroleum title that is in force immediately before amendment day.

(3) The amendment made to section 142(1) by the *Petroleum Legislation Amendment Act 2024* section 69 does not apply to the petroleum title unless, and until, the Minister grants an approval in relation to the petroleum title as referred to in section 91C(5).

(4) If the Minister grants such an approval, the Minister must, under section 91C(6), vary the conditions to which the petroleum title is subject so as to ensure compliance with section 142(1) as amended by the *Petroleum Legislation Amendment Act 2024* section 69.

68. Various references to “petroleum pool” amended

In the provisions listed in the Table:

- (a) delete “petroleum pool” (each occurrence) and insert:

resources pool

(b) delete “petroleum pools” (each occurrence) and insert:
 resources pools

Table

s. 7A(8)(e)	s. 7B(2), (3), (5), (8), (9), (11), (12), (13), (15)(a) and (16)(e)
s. 33(1)(c)	s. 46(1), (2) and (5)
s. 47(4)(a) and (b)	s. 48K(1)
s. 57(1)(ba)	s. 68(3) and (4)
s. 69(1)(a)(i), (2) to (7), (11) and (12)	s. 91(2)(d) and (e)
s. 153(2)(h)(i) and (i)	

Note: The heading to amended section 7B is to read:
Resources pool in, or extending into, other areas

69. Various references to “petroleum” amended

Amend the provisions listed in the Table as set out in the Table.

Table

Provision	Delete	Insert
s. 5(1) def. of <i>good oil-field practice</i> s. 31(1)(c)(i) s. 48B(1)(c)(i) and (ii)	petroleum (each occurrence)	petroleum or a regulated substance

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s. 69

Provision	Delete	Insert
s. 48CA(1)(b), (4) and (7)(b) s. 48CB(1)(c) s. 53(1)(c) s. 57(1)(b)(ii) s. 65(1)(c)(ii) s. 68(2) s. 123(1)(c)(i) and (2) s. 143(1) s. 144(1)(c)(i) s. 150A def. of <i>mining sample</i> par. (b) and (c) s. 153(2)(fa)		
s. 5(1) def. of <i>operator</i> par. (a) to (d) s. 5(1) def. of <i>well</i> s. 48A(2)(c)(ii) s. 69(9) s. 75(1)(c) and (d)(ii) s. 91(2)(a) and (b) s. 95(2)(b) s. 106(11)	petroleum (each occurrence)	petroleum, a regulated substance

Provision	Delete	Insert
s. 123(1)(c)(ii) and (iii) s. 143(2) s. 148(1) s. 153(2)(a) to (c), (e), (f), (j) and (k)		
s. 7B(2)	petroleum recovered	petroleum or regulated substance recovered
s. 7B(3), (8)(f), (12)(h) and (15)(c)	petroleum is recovered	petroleum or a regulated substance is recovered
s. 7B(3), (5), (8)(c) and (g), (12)(g) and (i) and (15) s. 142(3) and (9)	petroleum so recovered	petroleum or regulated substances so recovered
s. 7B(5)	petroleum, and petroleum	petroleum or a regulated substance, and petroleum or a regulated substance
s. 7B(8)(a) and (12)(a) s. 106(13) def. of <i>petroleum title</i>	recover, petroleum	recover, petroleum or a regulated substance

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s. 69

Provision	Delete	Insert
s. 7B(8)(b) and (d) and (12)(f) s. 142(2), (3) and (7) to (9)	petroleum recovered (each occurrence)	petroleum or regulated substances recovered
s. 7B(8)(c) and (12)(g)	petroleum were recovered	petroleum or regulated substances were recovered
s. 7B(8)(c) and (12)(g)	petroleum in	petroleum or regulated substances in
s. 7B(15)(a)	recover petroleum	recover petroleum or a regulated substance
s. 9 s. 10	all petroleum	all petroleum, regulated substances
s. 10	obtaining petroleum	obtaining petroleum, regulated substances
s. 11A(1)	any petroleum petroleum becomes	any petroleum or regulated substance petroleum or regulated substance becomes

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Division 2

s. 69

Provision	Delete	Insert
s. 13(1)	all petroleum such petroleum; delivery of the petroleum	all petroleum or regulated substances the petroleum or regulated substances delivery of the petroleum or regulated substances
s. 13(2) s. 142(4), (5) and (6)	petroleum (each occurrence)	petroleum or regulated substances
s. 13(3) and (4)	petroleum	petroleum or regulated substances,
s. 15A(1)(c) and (d) s. 16(1)(a) and (b) s. 17(3) s. 24(2) s. 29(3) def. of <i>explore for</i> s. 48J s. 91A(1) and (2)	petroleum (each occurrence)	petroleum, regulated substances
Pt. III heading	petroleum	petroleum, regulated substances
s. 29(1)	explore for petroleum	explore for petroleum or a regulated substance

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s. 69

Provision	Delete	Insert
s. 33(1)(c)	petroleum has been recovered	petroleum or a regulated substance has been recovered
s. 43B(1)(c)	petroleum deposits	petroleum or regulated substance deposits
s. 43B(1)(d)(iv)	petroleum deposit	sites of petroleum or regulated substance deposits
s. 44(1) and (1b)(a) s. 48K(1)	petroleum is discovered	petroleum or a regulated substance is discovered
s. 46(5)	recovered petroleum	recovered petroleum or a regulated substance
s. 47(4)	relates to petroleum	relates to petroleum or a regulated substance

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s. 69

Provision	Delete	Insert
s. 48E(1)(c) s. 48F(2)(c)(ii) s. 48G(1)(c) s. 48H(3) s. 49(1) s. 64A(1)(a) and (3)(a) s. 69(1)(a)(i) and (b), (5), (6) and (7) s. 91(1)(a) s. 106(1) and (1a) s. 109(1) s. 119(1)(a) s. 144(1)(b)	recovery of petroleum (each occurrence)	recovery of petroleum or a regulated substance
s. 48K(1) s. 52(1) and (3)(b) s. 57(2)(b) s. 68(1) s. 144(2)	that petroleum	that petroleum or regulated substance
s. 48K(1)	quantity of petroleum	quantity of petroleum or regulated substance
s. 52(1) to (3) s. 57(2)(b)	petroleum recovered	petroleum or a regulated substance recovered

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Provision	Delete	Insert
s. 52(3)(b)	for petroleum	for petroleum or a regulated substance
s. 57(1)(ba)	petrol	petroleum or a regulated substance
s. 68(1) s. 144(2)	Where petroleum	Where petroleum or a regulated substance
s. 68(1)	recoverable petroleum	recoverable petroleum or a regulated substance
s. 68(3) and (4)	petroleum is being recovered (each occurrence)	petroleum or a regulated substance is being recovered
s. 69(3)(b)	petroleum or geothermal	petroleum, a regulated substance or geothermal
s. 69(3)	petroleum from	petroleum or a regulated substance from
s. 91(2)(c) s. 153(2)(g)	petroleum-bearing strata	strata bearing petroleum or a regulated substance
s. 117(c)	petroleum or not	petroleum or a regulated substance or neither

Provision	Delete	Insert
s. 142(1)	petroleum or all	petroleum, regulated substances or
s. 142(2) and (9)	the petroleum	the petroleum or regulated substances
s. 144(1)(a)	respect of petroleum	respect of petroleum, a regulated substance
s. 144(1)(a) s. 144A(2)	that petroleum	that petroleum, regulated substance
s. 144(1)(b) and (2)	respect of petroleum	respect of petroleum or a regulated substance
s. 144A(1) s. 145 s. 146	petroleum	petroleum, regulated substance
s. 144A(2)	of petroleum	of petroleum, a regulated substance
s. 148(3)	petroleum	petroleum, regulated substance or geothermal energy

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Division 2 General amendments

s. 70

70. Various modernisations

Amend the provisions listed in the Table as set out in the Table.

Table

Provision	Delete	Insert
s. 5(1) def. of <i>partly cancelled</i>	one (each occurrence)	1
s. 5(1) def. of <i>partly determined</i>		
s. 5(3)		
s. 7A(3) and (8)(e)		
s. 7B(3), (8)(d) and (16)(e)		
s. 31(3)(b)		
s. 32(3)		
s. 43B(2) and (3)		
s. 43C(3)		
s. 46(3) and (5)		
s. 47(2A)(a) and (2C)(a)		
s. 48A(1) and (1a)		
s. 48B(1)(c)(i), (2A)(c)(i), (3A)(b) and (4)		
s. 48CB(6)		
s. 48E(1)(e) and (3)(b)		

Provision	Delete	Insert
s. 48G(3)(a), (5), (6) and (10)(b)		
s. 48H(5)		
s. 50(1)(e) and (f)		
s. 50A(1)(e) and (f) and (1a)(b)		
s. 52(2)		
s. 53(1)(c) and (2A)(c)		
s. 54(3)		
s. 56(6)(b)		
s. 59(1) and (2)		
s. 64A(1) and (2)		
s. 65(4)(a) and (8)		
s. 69A(3)(a)		
s. 72(2)		
s. 75(1), (3)(a) and (7)		
s. 75A(1)(a)		
s. 95(2)(a)		
s. 106(4)(a) and (9)		
s. 113(1)		
s. 115(1)		
s. 123(1)		
s. 142(3)		

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Provision	Delete	Insert
s. 5(1) def. of <i>private land</i>	hereafter (each occurrence)	
s. 5(7) s. 11(1) s. 48G(3)(a) s. 65(4)(a) s. 69(3) s. 106(4)(a)	his	the Minister's
s. 5(7) s. 17(2)	shall be	is
s. 5(8) s. 11(3) s. 13(4) s. 15A(1) and (3) s. 16(1) s. 17(5) s. 28(1), (1a), (2) and (3) s. 29(1) and (2) s. 31(1) to (3) s. 32A(6) s. 32(2) and (4) s. 33(4)	shall (each occurrence)	must

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Part 2

General amendments

Division 2

s. 70

Provision	Delete	Insert
s. 35(5)		
s. 40(2)(b) and (c)		
s. 43A(2) and (2a)		
s. 43B(1) to (3)		
s. 43CA(6)		
s. 43C(2) and (4)		
s. 44(1)(b), (1a)(b) and (1b)		
s. 46(4) and (7)		
s. 47(1) and (2)		
s. 48A(2)		
s. 48B(1) to (3) and (5)		
s. 48CB(1) to (4) and (7)		
s. 48E(2)		
s. 48F(2)		
s. 48G(1)(d), (2), (3), (4), (5) and (7)		
s. 48H(4)		
s. 48J(b)		
s. 48K(2)		
s. 49(1) and (2)		
s. 51(1)(b), (c) and (e)		

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s. 70

Provision	Delete	Insert
s. 52(1) to (3) and (4)		
s. 53(1) to (3)		
s. 54(3)		
s. 55(1)		
s. 56(3), (5) and (6)		
s. 57(2), (4) and (6)		
s. 59(5)		
s. 61(2), (4) and (5)		
s. 65(1)(c), (3), (4), (7) and (9)		
s. 67(1)		
s. 68(5)		
s. 69(8) and (11) to (12)		
s. 70(1) to (3) and (6)		
s. 72(4), (5), (6) and (11)		
s. 75(5) and (6), (9), (11) and (14)		
s. 75A(3)		
s. 76(1)		
s. 90(1) and (3)		
s. 91(1) and (2) to (3)		

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Part 2

amended

General amendments

Division 2

s. 70

Provision	Delete	Insert
s. 91A(3) s. 92(2) and (3) s. 95(2a) to (4) s. 105(2), (6b), (6c) and (9) s. 106(2), (4), (10) and (11) s. 115(2) s. 117 s. 119(2) and (3) s. 142(6) s. 143(1)		
s. 7A(2), (3), (5) and (7) s. 10(a) s. 48E(4) s. 48G(9) and (10) s. 48H(3) s. 65(11) s. 72(10) s. 95(2)	shall be deemed	is taken
s. 7A(3) and (5)	shall be determined	must be determined
s. 9	Notwithstanding shall be deemed	Despite are taken

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Division 2 General amendments

s. 70

Provision	Delete	Insert
s. 10(b)	shall contain be deemed	contains is taken
s. 10 s. 11(2)	therein	in the land
s. 10	hereinafter contained	of this Act
s. 11(1)	workmen deemed	workers
s. 11(2)	on thereon	out on the land
s. 13(1)	shall have exercising such concerned shall thereof,	has exercising the concerned must of them,
s. 13(2)	No licensee shall him thereof	A licensee must not the licensee, of them
s. 13(3) and (4)	thereof	of them,
s. 13(3) s. 75(7)	shall	are
s. 13(3)	be null	null
s. 15(1)	notwithstanding the provisions of	despite

Provision	Delete	Insert
s. 15A(1) s. 106(1)	A	A person who is a
s. 15A(1)(a)	he	the person
s. 17(2)	thereof, and to any improvements thereon thereon or thereunder such	of the land, and to any improvements on the land on or under the land the
s. 17(3)	no allowance shall	allowance must not
s. 17(5) s. 48G(3)(d) s. 65(4)(d) s. 75(13)(b)	so	
s. 30(2) s. 35(1) s. 40(3) s. 52(2) and (4) s. 57(3) s. 59(1) s. 64(3) s. 68(1) and (3) s. 69(7) and (8)	he (each occurrence)	the Minister

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Provision	Delete	Insert
s. 90(2) s. 91A(3) s. 106(3)(a), (4)(b)(i) and (ii) s. 109(1)		
s. 30(2)	subsection (2) or (3) of section 31	section 31(2) or (3)
s. 31(1)(d)(ii)	his employees	the employees of the applicant
s. 31(4) s. 33(5) s. 43B(4) s. 48A(3) s. 48F(4) s. 51(2) s. 106(11) s. 109(1)(a) s. 113(1) s. 115(1)(c)	furnish	give

Provision	Delete	Insert
s. 31(4) s. 33(5) s. 35(1) s. 43B(4) s. 51(2) s. 57(7) s. 59(1), (2) and (5)(b) s. 106(3)(a)	him (each occurrence)	the applicant
s. 31(4) s. 33(5) s. 43B(4) s. 51(2) s. 57(2)(a) and (b) and (7)	his	the
s. 32(3)	instrument on him served on him	instrument on the applicant served on the Minister
s. 33(4)(d) s. 47(5)(c) s. 57(2)(a) and (b) and (3)	to him	

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Provision	Delete	Insert
s. 35(2)	if he he is prepared to pay in respect of the grant of a permit to him him that he is prepared to grant to him	if the Minister the applicant is prepared to pay in respect of the grant of a permit to the applicant the applicant that the Minister is prepared to grant the applicant
s. 44(1)(a) and (1a)(a) s. 48J(a)	shall forthwith	must immediately
s. 46(6)	his or her	the permittee's
s. 48B(1)(b), (2A)(b) and (2)(a) s. 119(1)	furnished	given
s. 48CA(3)	is to (each occurrence)	must
s. 48CA(4) and (5)	is also to	must also
s. 48G(3) s. 65(4) s. 106(4)	unless	unless the Minister has

Provision	Delete	Insert
s. 48G(3)(a) and (c) s. 65(4)(a) and (c) s. 106(4)(a) and (c)	he has,	
s. 48G(3)(b) and (d) s. 65(4)(b) and (d) s. 106(4)(b) and (d)	he has	
s. 48G(3)(b) s. 65(4)(b)	as he	as the Minister
s. 50(2) and (3)	his (each occurrence)	their
s. 52(4) s. 65(4)(d) s. 69(4) and (8) s. 70(1) s. 106(4)(d)	him	the Minister
s. 53(2)(b)	periods related thereto	related periods
s. 57(2)(a) and (b)	he	the applicant
s. 59(1) and (2)	subsection (1) or (1a) of section 57	section 57(1) or (1a)

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Provision	Delete	Insert
s. 59(2)	he does his he would he is he will	the Minister does the applicant's the applicant would the Minister is the applicant will
s. 59(6)	instrument on him served on him to him	instrument on the applicant served on the Minister
s. 61(1)	him	the licensee
s. 65(4)(c)(ii)	he	the licensee
s. 65(8)	of the instrument on him	
s. 65(8) and (9)	to him	to the licensee
s. 69(3)	made to him	
s. 72(7)	shall,	must
s. 75(7)	be taken	taken
s. 90(2)(a) and (b)	him	the permittee, holder of a drilling reservation, lessee or licensee

Provision	Delete	Insert
s. 91(4)	he	the person or defendant
s. 92(2) and (3)	he	the operator
s. 95(3) and (4)	notwithstanding	despite
s. 95(7)	shall not	cannot
s. 106(1) s. 109(2)	him (each occurrence)	the person
s. 106(4)(c)(ii) and (11)	he	the person
s. 106(6)	him	the holder
s. 106(11)	The	A person who is the
s. 109(1)(a) and (b)	him	the Minister or inspector (as the case requires)
s. 109(2)	furnishing so furnished	giving given
s. 109(3)	furnished, furnishing document, as the case may be,	or giving document (as the case requires)
s. 113(1)	licensee, as the case may be, shall	licensee (as the case requires) must

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Provision	Delete	Insert
s. 117(a)	thereon	on the land
s. 119(1)	him	the inspector
s. 119(1) to (3)	his (each occurrence)	the inspector's
s. 119(1)(a)	shall have	must be given
s. 142(1)	shall include	include
s. 142(1)	licensee shall,	must,
s. 142(3)	the succeeding provisions of to the provisions of in pursuance of subsection (1) of section 52	under section 52(1)
s. 142(4)	in pursuance of	under
s. 142(6)	Notwithstanding the provisions of	Despite
s. 142(8)	subsection (1) of section 61 subsection (1) of (2 nd occurrence)	section 61(1)

Provision	Delete	Insert
s. 143(1a)	to be at such provision) as the Minister specifies in respect of such period as the Minister specifies	at a provision), and in respect of a period, specified by the Minister
s. 148(2)	one third of one per centum per day upon	one-third of 1% per day on

Note: The headings to the amended sections listed in the Table are to read as set out in the Table.

Table

Amended section	Section heading
s. 9	Petroleum, regulated substances, geothermal energy resources and geothermal energy declared to be property of Crown
s. 11A	Property rights in recovered petroleum, regulated substances and geothermal energy
s. 13	Governor to have right of pre-emption of petroleum or regulated substances in emergency
s. 29	Exploration for petroleum, regulated substances and geothermal energy resources restricted
s. 44	Discovery of petroleum, regulated substances or geothermal energy resources to be notified
s. 48J	Discovery of petroleum, regulated substances or geothermal energy resources to be notified
s. 48K	Directions by Minister on discovery of petroleum, regulated substances or geothermal energy resources
s. 49	Recovery of petroleum, regulated substances or geothermal energy resources in State

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Amended section	Section heading
s. 68	Directions as to recovery of petroleum or regulated substance
s. 109	Minister or inspector may require information to be given
s. 145	Ascertainment of value of petroleum, regulated substance or geothermal energy

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71. Long title replaced

Delete the long title and insert:

An Act relating to —

- **the exploration for, and the exploitation of, petroleum resources, geothermal energy resources and certain other resources within certain lands of the State; and**
- **the injection and storage of greenhouse gas substances within certain lands of the State.**

72. Section 1 amended

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

Petroleum, Geothermal Energy and Greenhouse Gas Storage

73. Section 5 amended

(1) In section 5(1) delete the definitions of:

partly cancelled

permit area

well

(2) In section 5(1) insert in alphabetical order:

approved site plan means a site plan in respect of which an approval is in force under regulations made for the purposes of section 69HA;

closure assurance period means a closure assurance period declared under section 69HW(2);

detection agent means a substance, whether in a gaseous or liquid state, that —

(a) facilitates the monitoring of the behaviour of another substance or a mixture of other substances when added to —

(i) that other substance; or

(ii) that mixture of other substances;

and

(b) is prescribed by the regulations;

eligible GHG storage formation has the meaning given in section 6C(1);

fundamental suitability determinants, in relation to an eligible GHG storage formation, has the meaning given in section 6C(9);

GHG access authority means a GHG access authority under Part 3;

GHG drilling reservation means a GHG drilling reservation under Part 3;

GHG drilling reservation area means the area constituted by the blocks that are the subject of a GHG drilling reservation;

GHG exploration operation means an operation to explore for potential GHG storage formations or potential GHG injection sites, and the carrying on of operations and the execution of works necessary for that purpose;

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GHG exploration permit means a GHG exploration permit under Part 3;

GHG injection licence means a GHG injection licence under Part 3;

GHG injection operation means —

- (a) an operation to inject a greenhouse gas substance into an identified GHG storage formation, and to permanently store the greenhouse gas substance in the identified GHG storage formation, and the carrying on of operations and the execution of works necessary for those purposes; or
- (b) an operation to monitor a greenhouse gas substance stored in an identified GHG storage formation, and the carrying on of operations and the execution of works necessary for that purpose;

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

GHG lessee means the registered holder of a GHG retention lease;

GHG licence area means the area constituted by the blocks that are the subject of a GHG injection licence;

GHG licensee means the registered holder of a GHG injection licence;

GHG operation —

- (a) means —
 - (i) a GHG exploration operation; or
 - (ii) an operation to drill for potential GHG storage formations or potential GHG injection sites, and the carrying on of operations and the execution of works necessary for that purpose; or

- (iii) a GHG injection operation; or
- (iv) any other kind of operation prescribed by the regulations to be a GHG operation;

but

- (b) does not include —
 - (i) an operation of the kind described in paragraph (a)(vi) of the definition of **petroleum operation**; or
 - (ii) an operation of a kind prescribed by the regulations not to be a GHG operation;

GHG permit area means the area constituted by the blocks that are the subject of a GHG exploration permit;

GHG permittee means the registered holder of a GHG exploration permit;

GHG retention lease means a GHG retention lease under Part 3;

GHG special prospecting authority means a GHG special prospecting authority under Part 3;

greenhouse gas substance or **GHG** has the meaning given in section 6E(1);

identified GHG storage formation means a part of a geological formation declared to be an identified GHG storage formation under section 69E(2)(a);

incidental greenhouse gas-related substance, in relation to a primary greenhouse gas substance, has the meaning given in section 6D(2);

partly cancelled, in relation to a permit, drilling reservation or licence, means cancelled as to 1 or more but not all of the blocks the subject of the permit, drilling reservation or licence;

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permit area means the area constituted by the blocks that are the subject of a permit;

potential GHG injection site means a place that is a suitable place to make a well or wells to inject a greenhouse gas substance into a part of a geological formation;

potential GHG storage formation has the meaning given in section 6B(1);

pre-certificate notice has the meaning given in section 69HL(2);

primary greenhouse gas substance means —

- (a) carbon dioxide; or
- (b) a prescribed greenhouse gas;

site closing certificate has the meaning given in section 69HP(2);

site plan means a document that —

- (a) relates to an identified GHG storage formation; and
- (b) complies with any requirements specified in the regulations; and
- (c) is divided into the following parts —
 - (i) Part A, which sets out predictions for the behaviour of a greenhouse gas substance stored in the identified GHG storage formation;
 - (ii) Part B, which deals with other matters;

spatial extent, of an eligible GHG storage formation, has the meaning given in section 6C(3);

well —

- (a) means a hole in the Earth’s crust made by drilling, boring or other means in connection with any of the following —
 - (i) exploration for petroleum, a regulated substance or geothermal energy resources;
 - (ii) operations for the recovery of petroleum, a regulated substance or geothermal energy;
 - (iii) GHG operations;but
- (b) does not include a seismic shot hole;

(3) In section 5(1) in the definition of ***access authority***:

- (a) in paragraph (b) delete “authority;” and insert:

authority; or

- (b) after paragraph (b) insert:

- (c) a GHG access authority;

(4) In section 5(1) in the definition of ***drilling reservation***:

- (a) in paragraph (b) delete “reservation;” and insert:

reservation; or

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(b) after paragraph (b) insert:

(c) a GHG drilling reservation;

(5) In section 5(1) in the definition of *facility* delete “operation or geothermal energy” and insert:

operation, geothermal energy operation or GHG

(6) In section 5(1) in the definition of *lease*:

(a) in paragraph (b) delete “lease;” and insert:

lease; or

(b) after paragraph (b) insert:

(c) a GHG retention lease;

(7) In section 5(1) in the definition of *licence*:

(a) in paragraph (b) delete “licence;” and insert:

licence; or

(b) after paragraph (b) insert:

(c) a GHG injection licence;

(8) In section 5(1) in the definition of *operator*:

(a) delete paragraphs (a) to (d) and insert:

(a) in relation to a petroleum exploration operation,
geothermal exploration operation or

GHG exploration operation in a permit area, means the registered holder of the permit for that area; or

- (b) in relation to the following, means the registered holder of the drilling reservation for the drilling reservation area —
- (i) an operation to drill for petroleum, a regulated substance or geothermal energy resources in a drilling reservation area and the execution of works necessary for that purpose;
 - (ii) an operation to drill for potential GHG storage formations or potential GHG injection sites in a drilling reservation area and the execution of works necessary for that purpose;

or

- (c) in relation to a petroleum exploration operation, geothermal exploration operation or GHG exploration operation in a lease area, means the registered holder of the lease for that area; or
- (d) in relation to the following, means the registered holder of the licence for the licence area —
- (i) a petroleum exploration operation, geothermal exploration operation or GHG exploration operation in a licence area;
 - (ii) an operation to recover petroleum, a regulated substance or geothermal energy in a licence area, or to recover petroleum, a regulated substance or geothermal energy from a licence area in another area, or the carrying on of

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any operations or the execution of any works in a licence area that are necessary for those purposes;

- (iii) a GHG injection operation in a licence area;

or

- (b) delete paragraphs (f) and (g) and insert:

- (f) in relation to a petroleum exploration operation, geothermal exploration operation or GHG exploration operation in an area specified in a special prospecting authority, means the registered holder of the special prospecting authority; or

- (g) in relation to the following, means the registered holder of the access authority —

- (i) a petroleum exploration operation, geothermal exploration operation or GHG exploration operation in an area specified in an access authority;
- (ii) an operation to recover petroleum, a regulated substance or geothermal energy in an area specified in an access authority;
- (iii) a GHG injection operation in an area specified in an access authority;

or

- (c) after paragraph (k) insert:

- (l) in relation to any other kind of operation prescribed by the regulations to be a GHG

operation for the purposes of the definition of **GHG operation**, means the person prescribed by the regulations to be the operator of the GHG operation;

- (9) In section 5(1) in the definition of **operator** after each of paragraphs (e) and (h) to (k) insert:

or

- (10) In section 5(1) in the definition of **permit**:

- (a) in paragraph (b) delete “permit;” and insert:

permit; or

- (b) after paragraph (b) insert:

- (c) a GHG exploration permit;

- (11) In section 5(1) in the definition of **primary entitlement** paragraph (b) delete “(1a);” and insert:

(1A);

- (12) In section 5(1) in the definition of **special prospecting authority**:

- (a) in paragraph (b) delete “authority;” and insert:

authority; or

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(b) after paragraph (b) insert:

(c) a GHG special prospecting authority;

74. Sections 6B to 6E inserted

At the end of Part I insert:

6B. Potential GHG storage formation

- (1) For the purposes of this Act, a *potential GHG storage formation* is a part of a geological formation that is suitable for the permanent storage of a greenhouse gas substance injected into that part.
- (2) For the purposes of subsection (1), it is not necessary to identify the greenhouse gas substance.
- (3) For the purposes of subsection (1), in determining whether a part of a geological formation is suitable for the permanent storage of a greenhouse gas substance injected into that part, regard may be had to reasonably foreseeable technological developments.

6C. Eligible GHG storage formation and related terms

- (1) For the purposes of this Act, an *eligible GHG storage formation* is a part of a geological formation that is suitable for the permanent storage of a particular amount of a particular greenhouse gas substance injected at a particular point or points into that part over a particular period.
- (2) An amount referred to in subsection (1) must be at least 100 000 tonnes.

- (3) For the purposes of this Act, the *spatial extent* of an eligible GHG storage formation is the expected migration pathway or pathways of the particular amount of the particular greenhouse gas substance injected as referred to in subsection (1), over the period —
- (a) beginning at the start of the particular period referred to in that subsection; and
 - (b) ending at the notional site closing certificate time as defined in subsection (8).
- (4) In determining the spatial extent of an eligible GHG storage formation, regard must be had to —
- (a) the fundamental suitability determinants; and
 - (b) any other relevant matters.
- (5) The regulations may provide that the expected migration pathway or pathways are to be ascertained for the purposes of subsection (3) on the basis of —
- (a) 1 or more assumptions (if any) specified in the regulations; and
 - (b) a level of probability specified in the regulations; and
 - (c) a methodology (if any) specified in the regulations.
- (6) For the purposes of the application of this section to a part of a geological formation covered by subsection (1), the notional site closing certificate time is worked out by —
- (a) assuming that the particular amount of the particular greenhouse gas substance referred to in that subsection was injected at the particular point or points referred to in that subsection

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over the particular period referred to in that subsection; and

- (b) assuming that, throughout that period, that part was an identified GHG storage formation; and
- (c) assuming that, throughout that period, operations for the injection of the greenhouse gas substance into that part —
 - (i) were authorised by a GHG injection licence; and
 - (ii) complied with the requirements of this Act and the regulations;

and

- (d) assuming that, at the end of that period, operations for the injection of the greenhouse gas substance into that part ceased; and
 - (e) estimating the earliest time after the end of that period when the Minister would be in a position to issue a site closing certificate in relation to the identified GHG storage formation.
- (7) When making an estimate under subsection (6)(e), section 69HK is to be disregarded.
 - (8) The *notional site closing certificate time* is the time estimated under subsection (6)(e).
 - (9) For the purposes of this Act, the following are the *fundamental suitability determinants* of an eligible GHG storage formation —
 - (a) the particular amount referred to in subsection (1);
 - (b) the particular greenhouse gas substance referred to in subsection (1);

- (c) the particular point or points referred to in subsection (1);
- (d) the particular period referred to in subsection (1);
- (e) the effective sealing feature or attribute that enables the permanent storage referred to in subsection (1).

6D. Incidental greenhouse gas-related substance

- (1) This section applies if a primary greenhouse gas substance is captured from a particular source material.
- (2) For the purposes of this Act, each of the following is an *incidental greenhouse gas-related substance* in relation to a primary greenhouse gas substance —
 - (a) any substance that is incidentally derived from the source material;
 - (b) any substance that is incidentally derived from the capture;
 - (c) if the primary greenhouse gas substance, whether in a pure form or in a mixture with other substances, is transported — any substance that is incidentally derived from the transportation;
 - (d) if the primary greenhouse gas substance, whether in a pure form or in a mixture with other substances, is injected into a part of a geological formation — any substance that is incidentally derived from the injection;

- (e) if the primary greenhouse gas substance, whether in a pure form or in a mixture with other substances, is stored in a part of a geological formation — any substance that is incidentally derived from the storage.

6E. Greenhouse gas substance or GHG

- (1) For the purposes of this Act, each of the following is a *greenhouse gas substance* or *GHG* —
 - (a) a primary greenhouse gas substance, whether in a gaseous or liquid state;
 - (b) subject to subsection (2), a mixture of a substance referred to in paragraph (a) with —
 - (i) 1 or more incidental greenhouse gas-related substances, whether in a gaseous or liquid state, that relate to a substance referred to in paragraph (a);
or
 - (ii) a detection agent, whether in a gaseous or liquid state.
- (2) Subsection (1)(b) applies only if —
 - (a) the mixture consists overwhelmingly of a primary greenhouse gas substance, whether in a gaseous or liquid state; and
 - (b) in a case where the mixture includes a detection agent — the concentration of the detection agent in the mixture is not more than the concentration prescribed in relation to that detection agent.

75. Section 9 amended

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

resources, geothermal energy and potential GHG storage formations

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

Certain resources and formations declared to be property of Crown

76. Section 10 replaced

Delete section 10 and insert:

10. Reservations in Crown grants and leases

- (1) Every Crown grant and lease under any Act relating to Crown land issued before the coming into operation of this Act is taken to have contained the reservations set out in subsection (3).
- (2) Every Crown grant, transfer of Crown land in fee simple and lease under any Act relating to Crown land issued on or after the coming into operation of this Act must contain, or if not containing those reservations, is taken to contain, the reservations set out in subsection (3).
- (3) For subsections (1) and (2), the reservations are —
 - (a) a reservation of all petroleum, regulated substances, geothermal energy resources, geothermal energy and potential GHG storage formations on or below the surface of the land comprised in the Crown grant, lease or transfer; and

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- (b) a reservation of the right of access, subject to and in accordance with this Act —
 - (i) for the purpose of searching for and for the operations of obtaining petroleum, regulated substances, geothermal energy resources or geothermal energy in or on any part of the land; or
 - (ii) for the purpose of carrying out GHG operations in or on any part of the land.

77. Section 11 amended

(1) Before section 11(1) insert:

(1A) In this section —

unallocated Crown land means Crown land —

- (a) in which no interest is known to exist, but in which native title as defined in the *Native Title Act 1993* (Commonwealth) section 223 may or may not exist; and
- (b) which is not reserved, declared or otherwise dedicated under the *Land Administration Act 1997* or any other written law.

(2) In section 11(1)(a) delete “vacant” and insert:

unallocated

78. Section 15 amended

In section 15(1) delete “43D, 48C” and insert:

38A, 43D, 43DAA, 48C, 48CAA

79. Section 15A amended

In section 15A(1):

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

energy; or

(b) after paragraph (d) insert:

(e) carrying out GHG operations,

80. Section 16 amended

In section 16(1):

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

energy; or

(b) after paragraph (b) insert:

(c) carrying out GHG operations,

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81. Section 17 amended

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

resources, geothermal energy or potential GHG storage formations

82. Section 24 amended

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

resources, geothermal energy or potential GHG storage formations

83. Part III heading replaced

Delete the heading to Part III and insert:

Part 3 — Operations relating to recovery of petroleum, regulated substances and geothermal energy or GHG injection and storage

84. Section 26 amended

In section 26 after “*Petroleum*” insert:

and Greenhouse Gas Storage

85. Section 28 amended

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

(1B) The Minister may, by instrument published in the *Gazette*, declare that a block specified in the instrument (not being a block in respect of which a GHG exploration permit, GHG drilling reservation, GHG retention lease or GHG injection licence is in force) must not be the subject of a GHG exploration permit, GHG drilling reservation, GHG retention lease, GHG injection licence, GHG special prospecting authority or GHG access authority.

(2) After section 28(3) insert:

(4) While a declaration under subsection (1B) remains in force in respect of a block, a GHG exploration permit, GHG drilling reservation, GHG retention lease, GHG injection licence, GHG special prospecting authority or GHG access authority must not be granted in respect of that block.

86. Section 29 amended

(1) Before section 29(1) insert:

(1AA) In this section —

explore for, in relation to petroleum, a regulated substance, geothermal energy resources, a potential GHG storage formation or a potential GHG injection site, includes to conduct any geophysical survey the data from which is intended for use in the search for petroleum, a regulated substance, geothermal energy

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resources, a potential GHG storage formation or a potential GHG injection site.

- (2) In section 29(1) delete the Penalty and insert:

Penalty for this subsection: imprisonment for 5 years or a fine of \$50 000.

- (3) In section 29(2) delete the Penalty and insert:

Penalty for this subsection: imprisonment for 5 years or a fine of \$50 000.

- (4) Delete section 29(3) and insert:

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

- (a) under and in accordance with a GHG exploration permit or a GHG drilling reservation; or
- (b) as otherwise permitted by this Act.

Penalty for this subsection: imprisonment for 5 years or a fine of \$50 000.

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

Exploration for petroleum, regulated substances, geothermal energy resources, potential GHG storage formations and potential GHG injection sites restricted

87. Section 30 amended

After section 30(2) insert:

- (3) The Minister may, in an instrument under subsection (1) inviting applications for the grant of a GHG exploration permit, require that the applications be accompanied by —
 - (a) information concerning the source, volume and composition of the greenhouse gas substance that is proposed to be initially injected and stored; and
 - (b) any other information the Minister considers relevant.

88. Section 30A inserted

After section 30 insert:

30A. Petroleum or geothermal lessee or licensee to be notified of proposal to advertise certain blocks

- (1) In this section —
relevant title holder means, as the case requires —
 - (a) the petroleum lessee; or
 - (b) the geothermal lessee; or
 - (c) the petroleum licensee; or
 - (d) the geothermal licensee.
- (2) This section applies if —
 - (a) the Minister proposes to publish an instrument under section 30(1) inviting applications for the

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grant of a GHG exploration permit in respect of a block or blocks that is or are the subject of —

- (i) a petroleum retention lease; or
 - (ii) a geothermal retention lease; or
 - (iii) a petroleum production licence; or
 - (iv) a geothermal production licence;
- and
- (b) at the time of the proposal, the relevant title holder is entitled to apply for the grant of a GHG retention lease or GHG injection licence over the block or blocks.
- (3) The Minister must, at least 60 days before the proposed publication of the instrument, notify the relevant title holder of the proposed publication.
- (4) Subsection (5) applies if the relevant title holder makes an application referred to in subsection (2)(b) during the period —
- (a) beginning when the relevant title holder is given the notification under subsection (3); and
 - (b) ending at the end of the day before the day of proposed publication of the instrument.
- (5) The Minister must not publish the instrument until —
- (a) the application lapses; or
 - (b) the relevant title holder withdraws the application; or
 - (c) the Minister refuses to grant the GHG retention lease or GHG injection licence.

89. Section 31 amended

After section 31(1)(da) insert:

- (db) in the case of an application for the grant of a GHG exploration permit — must be accompanied by any information required under section 30(3); and

90. Section 32A amended

In section 32A(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 30 for the grant of a GHG exploration permit for the same block or blocks.

91. Section 32 amended

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

permit, a geothermal exploration permit or a GHG

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92. Section 33 amended

- (1) In section 33(1)(c) delete “permit, drilling reservation, lease or licence,” and insert:

petroleum exploration permit, petroleum drilling reservation,
petroleum retention lease or petroleum production licence,

- (2) In section 33(2)(d) delete “permit, drilling reservation, lease or licence.” and insert:

geothermal exploration permit, geothermal drilling reservation,
geothermal retention lease or geothermal production licence.

Note: The heading to amended section 33 is to read:

**Application for petroleum exploration permit or geothermal
exploration permit for surrendered, cancelled or determined
blocks**

93. Section 35 amended

- (1) In section 35(1) delete “a permit” and insert:

a petroleum exploration permit or a geothermal exploration
permit, as the case requires,

- (2) In section 35(2) delete “a permit” (last occurrence) and insert:

a petroleum exploration permit or a geothermal exploration
permit, as the case requires,

94. Section 38A inserted

After section 38 insert:

38A. Rights conferred by GHG exploration permit

- (1) A GHG exploration permit, while it remains in force, authorises the GHG permittee, subject to this Act and in accordance with the conditions to which the GHG exploration permit is subject —
- (a) to explore for a potential GHG storage formation in the GHG permit area; and
 - (b) to explore for a potential GHG injection site in the GHG permit area; and
 - (c) to inject, on an appraisal basis, a greenhouse gas substance into a part of a geological formation, so long as the relevant well is situated in the GHG permit area; and
 - (d) to store, on an appraisal basis, a greenhouse gas substance in a part of a geological formation, so long as the relevant well is situated in the GHG permit area; and
 - (e) to inject, on an appraisal basis, any of the following into a part of a geological formation for purposes in connection with the exploration authorised by paragraph (a) or (b), so long as the relevant well is situated in the GHG permit area —
 - (i) air;
 - (ii) petroleum;
 - (iii) water;and

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- (f) to store, on an appraisal basis, any of the following in a part of a geological formation for purposes in connection with the exploration authorised by paragraph (a) or (b), so long as the relevant well is situated in the GHG permit area —
 - (i) air;
 - (ii) petroleum;
 - (iii) water;and
- (g) with the written consent of the Minister, to recover petroleum or a regulated substance in the GHG permit area for the sole purpose of appraising a discovery of —
 - (i) petroleum or a regulated substance that was made as an incidental consequence of the exploration authorised by paragraph (a) or (b); or
 - (ii) petroleum that was made as an incidental consequence of the injection authorised by paragraph (c) or (e);and
- (h) with the written consent of the Minister, to recover geothermal energy in the GHG permit area for the sole purpose of appraising a discovery of geothermal energy resources that was made as an incidental consequence of —
 - (i) the exploration authorised by paragraph (a) or (b); or
 - (ii) the injection authorised by paragraph (c) or (e);and

- (i) to carry on any operations and execute any works in the GHG permit area that are necessary for those purposes.
- (2) If petroleum or a regulated substance is recovered by the GHG permittee in the GHG permit area as authorised by subsection (1)(g), the petroleum or regulated substance does not become the property of the GHG permittee.
- (3) If geothermal energy is recovered by the GHG permittee in the GHG permit area as authorised by subsection (1)(h), the geothermal energy does not become the property of the GHG permittee.
- (4) A GHG exploration permit does not authorise the GHG permittee to make a well outside the GHG permit area.

95. Section 40 amended

- (1) In section 40(1) delete “42A and 42B,” and insert:

42A, 42B and 42C,

- (2) In section 40(2) delete “the permit —” and insert:

a petroleum exploration permit or geothermal exploration permit —

- (3) In section 40(3) delete “the permit” (1st occurrence) and insert:

a petroleum exploration permit or geothermal exploration permit

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(4) After section 40(3) insert:

(4) An application for the renewal of a GHG exploration permit —

(a) subject to subsection (5), must be made in an approved manner —

(i) not more than 12 months before the day of expiration of the permit; and

(ii) at least 6 months before the day of expiration of the permit;

and

(b) must be accompanied by the prescribed fee.

(5) The Minister may, for reasons that the Minister thinks sufficient, receive an application for the renewal of a GHG exploration permit less than 6 months before, but not in any case after, the day of expiration of the permit.

96. Section 42A amended

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

petroleum exploration permit or geothermal exploration

(2) In section 42A(2) after “if a” insert:

petroleum exploration permit or geothermal exploration

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

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

97. Section 42C inserted

After section 42B insert:

42C. GHG exploration permits cannot be renewed more than once

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

- (a) the permittee is not entitled to apply for a further renewal of the permit; and
- (b) the Minister cannot grant a further renewal of the permit.

98. Section 43A amended

- (1) In section 43A(2) and (2a) before “lease” insert:

retention

- (2) After section 43A(2a) insert:

(2B) Applications for the grant of a GHG drilling reservation must not be invited under subsection (1) over any area that is included in an existing GHG exploration permit or an application for a GHG exploration permit, GHG drilling reservation, GHG retention lease or GHG injection licence.

- (3) After section 43A(3) insert:

(4) The Minister may, in an instrument under subsection (1) inviting applications for the grant of a

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GHG drilling reservation, require that the applications be accompanied by —

- (a) information concerning the source, volume and composition of the greenhouse gas substance that is proposed to be initially injected and stored; and
- (b) any other information the Minister considers relevant.

99. Section 43B amended

In section 43B(1):

- (a) delete paragraph (c) and insert:
 - (c) in the case of an application for the grant of a petroleum drilling reservation, must be in respect of a block or blocks containing a potential site of petroleum or regulated substance deposits; and
 - (ca) in the case of an application for the grant of a geothermal drilling reservation, must be in respect of a block or blocks containing a potential site of geothermal energy resources; and
 - (cb) in the case of an application for the grant of a GHG drilling reservation, must be in respect of a block or blocks containing a potential GHG storage formation or potential GHG injection site; and

- (b) in paragraph (d)(iv) delete “potential sites of petroleum or regulated substance deposits or geothermal energy resources,” and insert:

potential petroleum or regulated substance deposit sites,
potential geothermal energy resources, potential GHG
storage formations or potential GHG injection sites,

- (c) after paragraph (da) insert:

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

100. 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.

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101. Section 43C amended

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

43A

102. Section 43DAA inserted

After section 43D insert:

43DAA. Rights conferred by GHG drilling reservation

- (1) A GHG drilling reservation, while it remains in force, authorises the holder of the GHG drilling reservation, subject to this Act and in accordance with the conditions to which the GHG drilling reservation is subject —
- (a) to drill for a potential GHG storage formation in the GHG drilling reservation area; and
 - (b) to drill for a potential GHG injection site in the GHG drilling reservation area; and
 - (c) to inject, on an appraisal basis, a greenhouse gas substance into a part of a geological formation, so long as the relevant well is situated in the GHG drilling reservation area; and
 - (d) to store, on an appraisal basis, a greenhouse gas substance in a part of a geological formation, so long as the relevant well is situated in the GHG drilling reservation area; and
 - (e) to inject, on an appraisal basis, any of the following into a part of a geological formation for purposes in connection with the drilling authorised by paragraph (a) or (b), so long as

the relevant well is situated in the GHG drilling reservation area —

- (i) air;
- (ii) petroleum;
- (iii) water;

and

- (f) to store, on an appraisal basis, any of the following in a part of a geological formation for purposes in connection with the drilling authorised by paragraph (a) or (b), so long as the relevant well is situated in the GHG drilling reservation area —

- (i) air;
- (ii) petroleum;
- (iii) water;

and

- (g) with the written consent of the Minister, to recover petroleum or a regulated substance in the GHG drilling reservation area for the sole purpose of appraising a discovery of —

- (i) petroleum or a regulated substance that was made as an incidental consequence of the drilling authorised by paragraph (a) or (b); or
- (ii) petroleum that was made as an incidental consequence of the injection authorised by paragraph (c) or (e);

and

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- (h) with the written consent of the Minister, to recover geothermal energy in the GHG drilling reservation area for the sole purpose of appraising a discovery of geothermal energy resources that was made as an incidental consequence of —
 - (i) the drilling authorised by paragraph (a) or (b); or
 - (ii) the injection authorised by paragraph (c) or (e);and
 - (i) to carry on any operations and execute any works in the GHG drilling reservation area that are necessary for those purposes.
- (2) If petroleum or a regulated substance is recovered by the holder of the GHG drilling reservation in the GHG drilling reservation area as authorised by subsection (1)(g), the petroleum or regulated substance does not become the property of the holder of the GHG drilling reservation.
- (3) If geothermal energy is recovered by the holder of the GHG drilling reservation in the GHG drilling reservation area as authorised by subsection (1)(h), the geothermal energy does not become the property of the holder of the GHG drilling reservation.
- (4) A GHG drilling reservation does not authorise the holder of the GHG drilling reservation to make a well outside the GHG drilling reservation area.

103. Section 44 replaced

Delete section 44 and insert:

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

- (1) Subsection (2) applies if any of the following is discovered in a permit area or drilling reservation area —
 - (a) petroleum or a regulated substance;
 - (b) geothermal energy resources;
 - (c) a potential GHG storage formation or potential GHG injection site.
- (2) The permittee or holder of the drilling reservation, as the case requires, must —
 - (a) immediately inform the Minister of the discovery; and
 - (b) within the period of 3 days after the day of the discovery, give the Minister particulars in writing of the discovery.

Penalty for this subsection: a fine of \$10 000.

104. Section 48A amended

- (1) After section 48A(1a) insert:
 - (1B) A permittee whose GHG exploration permit is in force, or the holder of a GHG drilling reservation that is in force, in respect of a block that constitutes, or the blocks that constitute, 1 or more identified GHG storage formations may, within the application period, apply to the Minister for the grant of a GHG retention

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lease in respect of that block, or in respect of 1 or more of those blocks, as the case may be.

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

(2A) An application under subsection (1B) —

- (a) must be made in an approved manner; and
- (b) must be accompanied by —
 - (i) particulars of the proposals of the applicant for work and expenditure in respect of the 1 or more identified GHG storage formations in relation to which the application is made; and
 - (ii) an assessment of when the applicant will be in a position to carry on a GHG injection operation in respect of each identified GHG storage formation in relation to which the application is made;

and

- (c) may set out any other matters that the applicant wishes to be considered; and
- (d) must be accompanied by the prescribed fee.

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

subsection (1) or (1a)

- (4) After section 48A(4) insert:
- (5) The application period in respect of an application under subsection (1B) is —
- (a) the period of 12 months after —
 - (i) if there is a single identified GHG storage formation — the day on which the identified GHG storage formation was declared; or
 - (ii) if there are 2 or more identified GHG storage formations — the earliest day on which any of the identified GHG storage formations was declared;
- or
- (b) if the Minister, on application in writing made to the Minister before the end of the period referred to in paragraph (a), allows a further period of not more than 6 months — that further period.

105. Section 48B amended

- (1) After section 48B(2A) insert:
- (2B) On an application under section 48A(1B), the Minister must, by written notice served on the applicant, inform the applicant that the Minister is prepared to grant to the applicant a GHG retention lease in respect of 1 or more of the blocks specified in the application if —
- (a) the applicant gives any further information as and when required by the Minister under section 48A(3); and

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- (b) the Minister is satisfied that —
 - (i) the area comprised in the block, or any 1 or more of the blocks, specified in the application contains an identified GHG storage formation; and
 - (ii) the applicant is not, at the time of the application, in a position to carry on a GHG injection operation in respect of the identified GHG storage formation but is likely to be in that position within the period of 10 years after that time.

(2) In section 48B(2)(b) delete “(1)(c) or (2A)(c),” and insert:

(1)(c), (2A)(c) or (2B)(b),

(3) In section 48B(3A):

(a) in paragraph (b) delete “(1)(c) or (2A)(c),” and insert:

(1)(c), (2A)(c) or (2B)(b),

(b) delete “(1)(c) or (2A)(c).” and insert:

(1)(c), (2A)(c) or (2B)(b).

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

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

- (5) In section 48B(5):
- (a) delete “(1) or (2A)” and insert:

(1), (2A) or (2B)
 - (b) delete “lease or geothermal” and insert:

lease, geothermal retention lease or GHG
- (6) In section 48B(6) delete “(1) or (2A)” and insert:
- (1), (2A) or (2B)

106. Section 48BA amended

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

(2B),

107. Sections 48BB to 48BD inserted

After section 48BA insert:

48BB. Application by petroleum or geothermal lessee for GHG retention lease

- (1) A petroleum lessee may apply to the Minister for the grant of a GHG retention lease in respect of 1 or more of the blocks specified in the application if —
- (a) the petroleum retention lease is in force in respect of the block or blocks; and

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- (b) 1 or more identified GHG storage formations are wholly situated in the petroleum lease area; and
 - (c) none of the following is in force in respect of the block or blocks —
 - (i) a GHG drilling reservation;
 - (ii) a GHG exploration permit;
 - (iii) a GHG injection licence;
 - (iv) a GHG retention lease.
- (2) A geothermal lessee may apply to the Minister for the grant of a GHG retention lease in respect of 1 or more of the blocks specified in the application if —
 - (a) the geothermal retention lease is in force in respect of the block or blocks; and
 - (b) 1 or more identified GHG storage formations are wholly situated in the geothermal lease area; and
 - (c) none of the following is in force in respect of the block or blocks —
 - (i) a GHG drilling reservation;
 - (ii) a GHG exploration permit;
 - (iii) a GHG injection licence;
 - (iv) a GHG retention lease.
- (3) An application under subsection (1) or (2) —
 - (a) must be made in an approved manner; and
 - (b) must be accompanied by —
 - (i) particulars of the proposals of the applicant for work and expenditure in respect of the 1 or more identified GHG storage formations in relation to which the application is made; and

- (ii) an assessment of when the applicant will be in a position to carry on a GHG injection operation in respect of each identified GHG storage formation in relation to which the application is made;
 - and
 - (c) may set out any other matters that the applicant wishes to be considered; and
 - (d) must be accompanied by the prescribed fee.
- (4) The Minister may, at any time and by instrument in writing served on the applicant, require the applicant to give the Minister, within the period specified in the instrument, further information in writing in connection with the application.

48BC. Grant or refusal of GHG retention lease in relation to application by petroleum or geothermal lessee

- (1) On an application under section 48BB(1) or (2), the Minister must, by written notice served on the applicant, inform the applicant that the Minister is prepared to grant to the applicant a GHG retention lease in respect of 1 or more of the blocks specified in the application if —
- (a) the applicant gives any further information as and when required by the Minister under section 48BB(4); and
 - (b) the Minister is satisfied that —
 - (i) the area comprised in the block, or any 1 or more of the blocks, specified in the application contains an identified GHG storage formation; and

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- (ii) the applicant is not, at the time of the application, in a position to carry on a GHG injection operation in respect of the identified GHG storage formation but is likely to be in that position within the period of 10 years after that time.
- (2) On an application under section 48BB(1) or (2), the Minister must, by written notice served on the applicant, refuse to grant a GHG retention lease to the applicant if —
 - (a) the applicant has not given any further information as and when required by the Minister under section 48BB(4); or
 - (b) the Minister is not satisfied as to the matters referred to in subsection (1)(b).
- (3) A notice under subsection (1) must contain —
 - (a) a summary of the conditions subject to which the lease is to be granted; and
 - (b) a statement to the effect that the application will lapse if the applicant does not make a request under subsection (4) in respect of the grant of the lease.
- (4) An applicant on whom a notice is served under subsection (1) may request the Minister to grant the lease to the applicant.
- (5) The request must be in writing and must be made —
 - (a) before the end of the period of 1 month after the day of service of the notice on the applicant under subsection (1); or

- (b) if the Minister, on application in writing made to the Minister before the end of that period, allows a further period of not more than 1 month for the making of the request — before the end of that further period.
- (6) If the applicant makes the request within the period applicable under subsection (5), the Minister must grant to the applicant a GHG retention lease in respect of the block or blocks specified in the notice under subsection (1).
- (7) If the applicant does not make the request within the period applicable under subsection (5), the application lapses at the end of that period.

48BD. Application of s. 48BB and 48BC if petroleum or geothermal retention lease is transferred

- (1) This section applies if a transfer of a petroleum retention lease or geothermal retention lease is registered under section 72 —
 - (a) after an application is made under section 48BB(1) or (2) in relation to a block or blocks in respect of which the petroleum retention lease or geothermal retention lease is in force; and
 - (b) before a decision is made by the Minister under section 48BC(1) or (2) in relation to the application.
- (2) Sections 48BB and 48BC have effect, after the time of the transfer, as if any reference in those sections to the applicant were a reference to the transferee.

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108. Section 48CA amended

(1) In section 48CA(1) before “licensee” insert:

petroleum

(2) In section 48CA(2) before “licensee” insert:

geothermal

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

(2A) Subsection (2B) applies if —

- (a) a GHG injection licence is in force in respect of a block or blocks; and
- (b) 1 or more identified GHG storage formations are wholly situated in the GHG licence area.

(2B) The GHG licensee may, within the application period, apply to the Minister for the grant of a GHG retention lease in respect of the block or blocks.

(2C) Subsection (2D) applies if —

- (a) a petroleum production licence is in force in respect of a block or blocks; and
- (b) a single identified GHG storage formation extends to the block or blocks; and
- (c) none of the following is in force in respect of the block or blocks —
 - (i) a GHG drilling reservation;
 - (ii) a GHG exploration permit;

- (iii) a GHG injection licence;
 - (iv) a GHG retention lease.
 - (2D) The petroleum licensee may apply to the Minister for the grant of a GHG retention lease in respect of the block or blocks.
 - (2E) Subsection (2F) applies if —
 - (a) a geothermal production licence is in force in respect of a block or blocks; and
 - (b) a single identified GHG storage formation extends to the block or blocks; and
 - (c) none of the following is in force in respect of the block or blocks —
 - (i) a GHG drilling reservation;
 - (ii) a GHG exploration permit;
 - (iii) a GHG injection licence;
 - (iv) a GHG retention lease.
 - (2F) The geothermal licensee may apply to the Minister for the grant of a GHG retention lease in respect of the block or blocks.
- (4) Delete section 48CA(3)(b) and insert:
- (b) must be accompanied by particulars of the proposals of the applicant for work and expenditure in respect of —
 - (i) in the case of an application under subsection (1) or (2), the unused area; and

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- (ii) in the case of an application under subsection (2B), (2D) or (2F), the block or blocks specified in the application;

and

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

- (5A) An application under subsection (2B), (2D) or (2F) must also be accompanied by —
 - (a) particulars of the proposals of the applicant for work and expenditure in respect of the 1 or more identified GHG storage formations in relation to which the application is made; and
 - (b) an assessment of when the applicant will be in a position to carry on a GHG injection operation in respect of each identified GHG storage formation in relation to which the application is made.

(6) After section 48CA(8) insert:

- (9) The application period in respect of an application under subsection (2B) by a GHG licensee is the period of 5 years beginning on —
 - (a) the day on which the GHG injection licence is granted; or
 - (b) if any GHG injection operations have been carried on under the licence in respect of the GHG licence area — the last day on which those operations are carried on.

109. Section 48CB amended

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

(2A) Subsection (2B) applies if —

- (a) an application is made under section 48CA(2B), (2D) or (2F); and
 - (b) the applicant gives any further information as and when required by the Minister under section 48CA(6); and
 - (c) the Minister is satisfied that the applicant is not, at the time of the application, in a position to —
 - (i) inject a greenhouse gas substance into the identified GHG storage formation, or at least 1 of the identified GHG storage formations, concerned; and
 - (ii) store the greenhouse gas substance in the identified GHG storage formation, or at least 1 of the identified GHG storage formations, concerned;
- and
- (d) the Minister is satisfied that the applicant is likely to be in the position referred to in paragraph (c) within 10 years; and
 - (e) the Minister is satisfied of the matters prescribed by the regulations.

(2B) The Minister must, by written notice served on the applicant, inform the applicant that the Minister is prepared to grant to the applicant a GHG retention lease in respect of the block or blocks specified in the application.

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- (2) In section 48CB(3):
- (a) delete “48CA and —” and insert:

48CA(1) or (2) and —
 - (b) delete “lease” and insert:

petroleum retention lease or geothermal retention lease,
as the case requires,
- (3) After section 48CB(3) insert:
- (3A) Subsection (3B) applies if an application has been made under section 48CA(2B), (2D) or (2F) and —
 - (a) the applicant has not given further information as and when required by the Minister under section 48CA(6); or
 - (b) the Minister is not satisfied as mentioned in subsection (2A)(c), (d) or (e) in relation to the block or blocks specified in the application.
 - (3B) The Minister must, by written notice served on the applicant, refuse to grant a GHG retention lease to the applicant.
- (4) In section 48CB(4) and (5) delete “(1) or (2)” and insert:
- (1), (2) or (2B)
- (5) In section 48CB(6)(a) delete “(1) or (2); or” and insert:
- (1), (2) or (2B); or

- (6) Delete section 48CB(7) and insert:
- (7) If an applicant makes a request within the period applicable under subsection (6), the Minister must —
- (a) in the case of a request for a petroleum retention lease, grant a petroleum retention lease in respect of the unused area; or
 - (b) in the case of a request for a geothermal retention lease, grant a geothermal retention lease in respect of the unused area; or
 - (c) in the case of a request for a GHG retention lease, grant a GHG retention lease in respect of the block or blocks to which the request relates.
- (7) In section 48CB(9):
- (a) delete “lease” and insert:

petroleum retention lease or geothermal retention lease
 - (b) delete “licence” and insert:

petroleum production licence or geothermal production licence, as the case requires,
- (8) After section 48CB(9) insert:
- (10) On the day on which a GHG retention lease granted under this section in respect of a block or blocks comes into force, any GHG injection licence ceases to be in force in respect of the block or blocks.

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110. Section 48CC amended

In section 48CC(b) delete “(2) or (3)” and insert:

(2), (2B), (3) or (3B)

111. Section 48CAA inserted

After section 48C insert:

48CAA. Rights conferred by GHG retention lease

- (1) A GHG retention lease, while it remains in force, authorises the GHG lessee, subject to this Act and in accordance with the conditions to which the GHG retention lease is subject —
 - (a) to explore for a potential GHG storage formation in the GHG lease area; and
 - (b) to explore for a potential GHG injection site in the GHG lease area; and
 - (c) to inject, on an appraisal basis, a greenhouse gas substance into a part of a geological formation, so long as the relevant well is situated in the GHG lease area; and
 - (d) to store, on an appraisal basis, a greenhouse gas substance in a part of a geological formation, so long as the relevant well is situated in the GHG lease area; and
 - (e) to inject, on an appraisal basis, any of the following into a part of a geological formation for purposes in connection with the exploration authorised by paragraph (a) or (b), so long as

the relevant well is situated in the GHG lease area —

- (i) air;
- (ii) petroleum;
- (iii) water;

and

- (f) to store, on an appraisal basis, any of the following in a part of a geological formation for purposes in connection with the exploration authorised by paragraph (a) or (b), so long as the relevant well is situated in the GHG lease area —

- (i) air;
- (ii) petroleum;
- (iii) water;

and

- (g) with the written consent of the Minister, to recover petroleum or a regulated substance in the GHG lease area for the sole purpose of appraising a discovery of —

- (i) petroleum or a regulated substance that was made as an incidental consequence of the exploration authorised by paragraph (a) or (b); or
- (ii) petroleum that was made as an incidental consequence of the injection authorised by paragraph (c) or (e);

and

- (h) with the written consent of the Minister, to recover geothermal energy in the GHG lease area for the sole purpose of appraising a

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discovery of geothermal energy resources that was made as an incidental consequence of —

- (i) the exploration authorised by paragraph (a) or (b); or
- (ii) the injection authorised by paragraph (c) or (e);

and

- (i) to carry on any operations and execute any works in the GHG lease area that are necessary for those purposes.
- (2) If petroleum or a regulated substance is recovered by the GHG lessee in the GHG lease area as authorised by subsection (1)(g), the petroleum or regulated substance does not become the property of the GHG lessee.
 - (3) If geothermal energy is recovered by the GHG lessee in the GHG lease area as authorised by subsection (1)(h), the geothermal energy does not become the property of the GHG lessee.
 - (4) A GHG retention lease does not authorise the GHG lessee to make a well outside the GHG lease area.

112. Section 48E amended

(1) Delete section 48E(1) and (2) and insert:

- (1) Subsection (2) applies if —
 - (a) a lessee has been given a notice of the kind referred to in section 48H(3A) during the term of the lease and has carried out, and has informed the Minister of the results of, the re-evaluation required by the notice; and

- (b) the lessee has not applied for the renewal of the lease; and
 - (c) after consideration of the results of the re-evaluation referred to in paragraph (a) and any other matters that the Minister thinks fit, the Minister is of the opinion that any of the following applies —
 - (i) recovery of petroleum or a regulated substance from the petroleum lease area is commercially viable;
 - (ii) recovery of geothermal energy from the geothermal lease area is commercially viable;
 - (iii) the lessee is in a position to carry on a GHG injection operation in the GHG lease area.
- (2) The Minister may serve on the lessee and on any other person that the Minister thinks appropriate an instrument in writing —
- (a) informing the lessee and the other person that the Minister is of the opinion referred to in subsection (1)(c) and that the Minister intends to cancel the lease; and
 - (b) stating that the lessee or the other person may serve an instrument in writing on the Minister within the period specified in the first-mentioned instrument, not being a period ending earlier than 1 month after the day of service of the first-mentioned instrument, setting out any matters that the lessee or other person (as the case requires) wishes to be considered.

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- (2A) Subsection (2B) applies if —
- (a) an instrument under subsection (2) is served on a lessee; and
 - (b) either —
 - (i) the lessee does not, within the period referred to in subsection (2)(b), serve on the Minister an instrument setting out matters that the lessee wishes to be considered; or
 - (ii) the Minister, after consideration of matters set out in an instrument served on the Minister by the lessee within the period referred to in subsection (2)(b), determines that the lease should be cancelled.

(2B) The Minister must, by instrument in writing served on the lessee, cancel the lease.

(2) In section 48E(3) delete “(2)” and insert:

(2B)

(3) In section 48E(4) delete “(2),” and insert:

(2B),

113. Section 48F amended

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

petroleum retention lease or geothermal retention

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

(2A) An application for the renewal of a GHG retention lease —

- (a) subject to subsection (3), must be made in an approved manner not less than 6 months or more than 12 months before the day on which the lease ceases to be in force; and
 - (b) must be accompanied by —
 - (i) particulars of the proposals of the applicant for work and expenditure in respect of the lease area; and
 - (ii) any other information specified in the regulations;
- and
- (c) must be accompanied by the prescribed fee.

114. Section 48G amended

(1) Delete section 48G(1) and (2) and insert:

- (1) Subsections (1A) and (1B) apply if —
 - (a) an application for the renewal of a lease is made under section 48F(1); and
 - (b) the applicant gives any further information as and when required by the Minister under section 48F(4); and
 - (c) in the case of a petroleum retention lease or a geothermal retention lease, the Minister is satisfied that recovery of petroleum or a regulated substance from the petroleum lease

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area or geothermal energy from the geothermal lease area, as the case requires —

- (i) is not, at the time of the application, commercially viable; and
- (ii) is likely to become commercially viable within the period of 15 years after that time;

and

(d) in the case of a GHG retention lease, the Minister is satisfied that the applicant —

- (i) is not, at the time of the application, in a position to carry on a GHG injection operation in the GHG lease area; and
- (ii) is likely to be in that position within the period of 10 years after that time.

(1A) The Minister must inform the applicant, by instrument in writing served on the applicant, that the Minister is prepared to grant to the applicant the renewal of the lease if the following have been complied with —

- (a) the conditions to which the lease is, or has from time to time been, subject;
- (b) the provisions of this Part and of the regulations.

(1B) The Minister may inform the applicant, by instrument in writing served on the applicant, that the Minister is prepared to grant to the applicant the renewal of the lease if —

- (a) any condition to which the lease is, or has from time to time been, subject or any provision of this Part or the regulations has not been complied with; and

- (b) the Minister is, nevertheless, satisfied that special circumstances exist that justify the granting of the renewal of the lease.
- (2) Subject to subsection (3), if an application for the renewal of a lease is made under section 48F(1), the Minister must, by instrument in writing served on the applicant, refuse to grant the renewal of the lease if —
- (a) the applicant has not given any further information as and when required by the Minister under section 48F(4); or
 - (b) the Minister is not satisfied as to the matters referred to in subsection (1)(c) or (d), whichever is applicable; or
 - (c) both of the following apply —
 - (i) any condition to which the lease is, or has from time to time been, subject or any provision of this Part or the regulations has not been complied with;
 - (ii) the Minister is not satisfied that special circumstances exist that justify the granting of the renewal of the lease.
- (2) In section 48G(4) delete “(1)” and insert:
- (1A) or (1B)
- (3) In section 48G(5) delete “(1)(c)(i),” and insert:
- (1)(c)(i) or (d)(i),

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

(1A) or (1B)

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

(1)(c)(i) or (d)(i),

115. Section 48GA inserted

After section 48G insert:

48GA. GHG retention lease cannot be renewed more than once

Despite sections 48F and 48G, if a GHG retention lease is renewed once —

- (a) the GHG lessee is not entitled to apply for a further renewal of the GHG retention lease; and
- (b) the Minister cannot grant a further renewal of the GHG retention lease.

116. Section 48H amended

(1) Delete section 48H(3) and insert:

(3) A lease is taken to contain a condition that the lessee will within the required period —

- (a) re-evaluate, as the case requires —
 - (i) the commercial viability of the recovery of petroleum or a regulated substance from the petroleum lease area

(otherwise than by the drilling of wells);
or

- (ii) the commercial viability of the recovery of geothermal energy from the geothermal lease area (otherwise than by the drilling of wells); or
- (iii) whether or not the lessee is in a position to carry on a GHG injection operation in the GHG lease area;

and

- (b) inform the Minister in writing of the results of the re-evaluation.

(3A) For the purposes of subsection (3), the ***required period*** is —

- (a) 3 months after the receipt of a written notice from the Minister requesting the lessee to comply with subsection (3); or
- (b) any further period that the Minister, on application in writing served on the Minister before the end of the period mentioned in paragraph (a), allows.

(2) In section 48H(4) delete “(3)” and insert:

(3A)

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117. Section 48J replaced

Delete section 48J and insert:

48J. Certain discoveries in lease area to be notified

- (1) Subsection (2) applies if any of the following is discovered in a lease area —
 - (a) petroleum or a regulated substance;
 - (b) geothermal energy resources;
 - (c) a potential GHG storage formation or potential GHG injection site.
- (2) The lessee must —
 - (a) immediately inform the Minister of the discovery; and
 - (b) within the period of 3 days after the day of the discovery, give the Minister particulars in writing of the discovery.

Penalty for this subsection: a fine of \$10 000.

118. Part III Division 3 heading amended

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

and GHG injection licences

119. Section 49 amended

- (1) In section 49(1) delete the Penalty and insert:

Penalty for this subsection: imprisonment for 5 years or
a fine of \$50 000.

- (2) In section 49(2) delete the Penalty and insert:

Penalty for this subsection: imprisonment for 5 years or
a fine of \$50 000.

120. Section 49A inserted

After section 49 insert:

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

121. Section 50 amended

- (1) In section 50(1) before “permittee” insert:

petroleum

- (2) In section 50(1a) before “permittee” insert:

geothermal

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(3) In section 50(2):

(a) delete “A permittee whose” and insert:

A petroleum permittee whose 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

(e) in paragraph (b) before “licence” (1st occurrence) insert:

petroleum production

(4) In section 50(3)(b) delete “permittee or the holder of a petroleum drilling reservation who is the holder of a petroleum” and insert:

permittee, or the holder of a petroleum drilling reservation, who is the holder of a petroleum production

(5) In section 50(4) delete “a permittee or the holder of a drilling reservation” and insert:

a petroleum permittee, the holder of a petroleum drilling reservation, a geothermal permittee or the holder of a geothermal drilling reservation

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

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

122. Section 50AA inserted

After section 50 insert:

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

- (1) A GHG permittee whose GHG exploration permit is in force, or the holder of a GHG drilling reservation that is in force, in respect of a block that constitutes, or the blocks that constitute, 1 or more identified GHG storage formations may apply to the Minister for the grant of a GHG injection licence in respect of —
 - (a) the block that constitutes the 1 or more identified GHG storage formations; or
 - (b) all of the blocks that constitute the 1 or more identified GHG storage formations; or
 - (c) some of the blocks that constitute the 1 or more identified GHG storage formations.
- (2) Subject to subsection (4), an application under subsection (1) must be made within —
 - (a) the period of 12 months after —
 - (i) if there is a single identified GHG storage formation — the day on which the identified GHG storage formation was declared; or
 - (ii) if there are 2 or more identified GHG storage formations — the earliest day on which any of the identified GHG storage formations was declared;

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or

- (b) if the Minister, on application in writing made to the Minister before the end of the period referred to in paragraph (a), allows a further period of not more than 6 months — that further period.
- (3) Subsection (4) applies if —
 - (a) an application under subsection (1) (the *licence application*) relates to a block or blocks in respect of which the GHG permittee or the holder of the GHG drilling reservation, as the case requires, has applied for a GHG retention lease under section 48A(1B); and
 - (b) an instrument refusing to grant the GHG retention lease is served on the GHG permittee or the holder of the GHG drilling reservation under section 48B(2).
- (4) The licence application must be made within 12 months after the day of service of the instrument.

123. Section 50A amended

- (1) In section 50A(1):
 - (a) before “lessee” insert:

petroleum
 - (b) after “petroleum” (1st occurrence) insert:

retention

(2) Delete section 50A(1a) and insert:

- (1A) A geothermal lessee whose geothermal retention lease is in force may apply to the Minister for the grant of a geothermal production licence —
- (a) if the lease is in respect of 2 or more blocks, in respect of all of those blocks; or
 - (b) if the lease is in respect of 1 block, in respect of that block.
- (1B) A GHG lessee whose GHG retention lease is in force may apply to the Minister for the grant of a GHG injection licence —
- (a) if the lease is in respect of 2 or more blocks, in respect of all of those blocks; or
 - (b) if the lease is in respect of 1 block, in respect of that block.
- (1C) A petroleum lessee whose petroleum retention lease is in force in respect of a block or blocks may apply to the Minister for the grant of a GHG injection licence over the block or blocks if —
- (a) a single identified GHG storage formation extends to the block or blocks; and
 - (b) none of the following is in force in respect of the block or blocks —
 - (i) a GHG drilling reservation;
 - (ii) a GHG exploration permit;
 - (iii) a GHG injection licence;
 - (iv) a GHG retention lease.
- (1D) A geothermal lessee whose geothermal retention lease is in force in respect of a block or blocks may apply to

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the Minister for the grant of a GHG injection licence
over the block or blocks if —

- (a) a single identified GHG storage formation
extends to the block or blocks; and
- (b) none of the following is in force in respect of
the block or blocks —
 - (i) a GHG drilling reservation;
 - (ii) a GHG exploration permit;
 - (iii) a GHG injection licence;
 - (iv) a GHG retention lease.

(3) In section 50A(2):

(a) before “lease” insert:

petroleum retention

(b) before “lessee” insert:

petroleum

(c) delete “or (1a)”;

(d) before “licence” insert:

petroleum production

(4) In section 50A(3):

(a) before “lease concerned” insert:

petroleum retention

(b) before “licence” insert:

petroleum production

(c) before “lease.” insert:

petroleum retention

124. Section 50B inserted

After section 50A insert:

50B. Application by petroleum or geothermal licensee for GHG injection licence

- (1) A petroleum licensee whose petroleum production licence is in force in respect of a block or blocks may apply to the Minister for the grant of a GHG injection licence over the block or blocks if —
- (a) a single identified GHG storage formation extends to the block or blocks; and
 - (b) none of the following is in force in respect of the block or blocks —
 - (i) a GHG drilling reservation;
 - (ii) a GHG exploration permit;
 - (iii) a GHG injection licence;
 - (iv) a GHG retention lease.

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- (2) A geothermal licensee whose geothermal production licence is in force in respect of a block or blocks may apply to the Minister for the grant of a GHG injection licence over the block or blocks if —
- (a) a single identified GHG storage formation extends to the block or blocks; and
 - (b) none of the following is in force in respect of the block or blocks —
 - (i) a GHG drilling reservation;
 - (ii) a GHG exploration permit;
 - (iii) a GHG injection licence;
 - (iv) a GHG retention lease.

125. Section 51 amended

In section 51(1):

- (a) delete “50 or 50A —” and insert:

50, 50AA, 50A or 50B —

- (b) after paragraph (ca) insert:

- (cb) must, in the case of an application for the grant of a GHG injection licence, specify the source, volume and composition of the greenhouse gas substance to be initially injected and stored; and

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

Requirements for application for licence under s. 50, 50AA, 50A or 50B

126. Section 53 amended

- (1) In section 53(1)(a) delete “50A; and” and insert:

50A(1); and

- (2) In section 53(2A)(a) delete “50A; and” and insert:

50A(1A); and

- (3) After section 53(2A) insert:

- (2B) On an application under section 50AA(1), 50A(1B), (1C) or (1D) or 50B(1) or (2) for the grant of a GHG injection licence, the Minister must, by written notice served on the applicant, inform the applicant that the Minister is prepared to grant the licence in respect of 1 or more of the blocks specified in the application if —

- (a) the applicant gives any further information as and when required by the Minister under section 51(2); and
- (b) the Minister is satisfied that the area comprised in the block, or any 1 or more of the blocks, specified in the application contains an identified GHG storage formation.

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

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

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(5) Delete section 53(3)(b) and insert:

- (b) the Minister is not satisfied as mentioned in subsection (1)(c), (2A)(c) or (2B)(b), whichever is applicable, in respect of the block,

127. Section 54 amended

(1) Delete section 54(1) and (2) and insert:

- (1) An applicant on whom a notice is served under section 53(1), (2A) or (2B) may, within the required period, by instrument in writing served on the Minister, request the Minister to grant to the applicant the licence referred to in the notice.
- (2) If an applicant on whom a notice is served under section 53(1), (2A) or (2B) has made a request under subsection (1) within the required period, the Minister must grant to the applicant a petroleum production licence, geothermal production licence or GHG injection licence, as the case requires, in respect of the block or blocks as to which the Minister is satisfied as mentioned in section 53(1)(c), (2A)(c) or (2B)(b).
- (2A) For the purposes of subsections (1) and (2), the *required period* is —
 - (a) 3 months after the day of service of the notice;
or
 - (b) any further period, not exceeding 3 months, that the Minister, on application in writing served on the Minister before the end of the period mentioned in paragraph (a), allows.

- (2) In section 54(4) delete “an instrument under section 53(1)” and insert:

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

- (3) After section 54(5) insert:

- (6) Subsection (5) does not apply if the licence is a GHG injection licence granted on an application made under section 50A(1C) or (1D) or 50B(1) or (2).

128. Section 54AA inserted

After section 54 insert:

54AA. Certain discoveries in licence area to be notified

- (1) Subsection (2) applies if —
- (a) petroleum or a regulated substance is discovered in a licence area; or
 - (b) geothermal energy resources are discovered in a licence area; or
 - (c) a potential GHG storage formation or potential GHG injection site is discovered in a licence area.
- (2) The licensee must —
- (a) immediately inform the Minister of the discovery; and

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- (b) within the period of 3 days after the day of the discovery, give the Minister particulars in writing of the discovery.

Penalty for this subsection: a fine of \$10 000.

129. Section 54A amended

In section 54A:

- (a) in paragraph (a)(i) delete “50” and insert:

50 or 50AA

- (b) in paragraph (a)(ii) delete “force;” and insert:

force; or

- (c) after paragraph (a)(ii) insert:

- (iii) under section 50B for the grant of a GHG injection licence in respect of a block or blocks in respect of which a petroleum production licence or geothermal production licence is in force;

- (d) in paragraph (b) delete “53(1)” and insert:

53(1), (2A), (2B) or (3)

- (e) delete “reservation or lease,” and insert:

reservation, lease or licence,

Note: The heading to amended section 54A is to read:

**Application of s. 51 to 54 if permit, drilling reservation, lease or
licence transferred**

130. Section 55 amended

- (1) In section 55(1):

- (a) before “licence,” insert:

petroleum production

- (b) before “licensee,” insert:

petroleum

- (c) delete “53(1)(c) or (2A)(c).” and insert:

53(1)(c).

- (2) In section 55(2)(b) delete “permit” and insert:

petroleum exploration permit or petroleum drilling reservation

Note: The heading to amended section 55 is to read:

Variation of petroleum licence area

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131. Section 56 amended

- (1) In section 56(1):
- (a) in paragraph (a) before “permittee” insert:

petroleum
 - (b) in paragraph (a) before “drilling” insert:

petroleum
 - (c) in paragraph (b) before “permittee” insert:

petroleum
 - (d) in paragraph (b) before “drilling” insert:

petroleum
 - (e) before “permit” insert:

petroleum exploration
 - (f) before “drilling” (3rd occurrence) insert:

petroleum
- (2) In section 56(1a):
- (a) before “lessee” insert:

petroleum

(b) delete “50A” and insert:

50A(1)

(c) before “lease” insert:

petroleum retention

(3) In section 56(2):

(a) before “permittee,” insert:

petroleum

(b) before “drilling” (1st occurrence) insert:

petroleum

(c) before “lessee” insert:

petroleum

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

petroleum exploration permit, petroleum

(e) in paragraph (a) before “lease” insert:

petroleum retention

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- (4) In section 56(3) delete “permit, drilling reservation or” and insert:

petroleum exploration permit, petroleum drilling reservation or
petroleum retention

- (5) In section 56(4):

- (a) in paragraph (a) before “lease” insert:

petroleum retention

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

petroleum production

- (c) in paragraph (b) before “lease” insert:

petroleum retention

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

petroleum production

- (6) In section 56(5):

- (a) before “lease” (1st occurrence) insert:

petroleum retention

(b) before “lease” (2nd occurrence) insert:

petroleum

(7) In section 56(6)(a) before “lease” insert:

petroleum retention

Note: The heading to amended section 56 is to read:

Determination of petroleum exploration permit, petroleum drilling reservation or petroleum retention lease

132. Section 59 amended

In section 59(1) and (2) delete “a licence” and insert:

a petroleum production licence or a geothermal production licence, as the case requires,

Note: The heading to amended section 59 is to read:

Request by applicant for grant of petroleum production licence or geothermal production licence

133. Section 61 amended

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

petroleum production licence or geothermal production

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

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

134. Section 62 amended

After section 62(5) insert:

- (6) A GHG injection licence, while it remains in force, authorises the GHG licensee, subject to this Act and in accordance with the conditions to which the GHG injection licence is subject —
- (a) to inject a greenhouse gas substance into an identified GHG storage formation that is wholly situated in the GHG licence area, so long as the relevant well is situated in the GHG licence area; and
 - (b) to permanently store a greenhouse gas substance in an identified GHG storage formation that is wholly situated in the GHG licence area, so long as the injection of the stored greenhouse gas substance takes place at a well situated in the GHG licence area; and
 - (c) to explore for a potential GHG storage formation in the GHG licence area; and
 - (d) to explore for a potential GHG injection site in the GHG licence area; and
 - (e) to inject, on an appraisal basis, a greenhouse gas substance into a part of a geological formation, so long as the relevant well is situated in the GHG licence area; and
 - (f) to store, on an appraisal basis, a greenhouse gas substance in a part of a geological formation, so long as the relevant well is situated in the GHG licence area; and
 - (g) to inject, on an appraisal basis, any of the following into a part of a geological formation for purposes in connection with the exploration

authorised by paragraph (c) or (d), so long as the relevant well is situated in the GHG licence area —

- (i) air;
- (ii) petroleum;
- (iii) water;

and

- (h) to store, on an appraisal basis, any of the following in a part of a geological formation for purposes in connection with the exploration authorised by paragraph (c) or (d), so long as the relevant well is situated in the GHG licence area —

- (i) air;
- (ii) petroleum;
- (iii) water,

and

- (i) with the written consent of the Minister, to recover petroleum or a regulated substance in the GHG licence area for the sole purpose of appraising a discovery of —

- (i) petroleum that was made as an incidental consequence of the injection authorised by paragraph (a), (e) or (g);
or
- (ii) petroleum or a regulated substance that was made as an incidental consequence of the exploration authorised by paragraph (c) or (d);

and

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- (j) with the written consent of the Minister, to recover geothermal energy in the GHG licence area for the sole purpose of appraising a discovery of geothermal energy resources that was made as an incidental consequence of —
 - (i) the injection authorised by paragraph (a), (e) or (g); or
 - (ii) the exploration authorised by paragraph (c) or (d);and
 - (k) to carry on any operations and execute any works in the GHG licence area that are necessary for those purposes.
- (7) If petroleum or a regulated substance is recovered by the GHG licensee in the GHG licence area as authorised by subsection (6)(i), the petroleum or regulated substance does not become the property of the GHG licensee.
- (8) If geothermal energy is recovered by the GHG licensee in the GHG licence area as authorised by subsection (6)(j), the geothermal energy does not become the property of the GHG licensee.
- (9) A GHG injection licence does not authorise the GHG licensee to make a well outside the GHG licence area.

135. Section 63 amended

- (1) In section 63(1) and (2) before “licence” (1st occurrence) insert:

petroleum production licence or geothermal production

(2) After section 63(3) insert:

(4) Subject to this Part, a GHG injection licence remains in force indefinitely.

136. Section 64A amended

(1) In section 64A(1):

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

years; or

(b) after paragraph (b) insert:

(c) a GHG injection licence is in force under section 63(4) and the licensee has not carried on any GHG injection operations under the licence at any time during a continuous period of at least 5 years,

(2) In section 64A(3):

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

licence; or

(b) after paragraph (b) insert:

(c) for the purposes of subsection (1)(c) the duration of the period in which no GHG injection operations were carried on under a GHG injection licence,

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137. Section 64 amended

In section 64(1) delete “a licence” and insert:

a petroleum production licence or geothermal production
licence

138. Section 65 amended

In section 65(1)(a) delete “a licence” and insert:

a petroleum production licence or geothermal production
licence

139. Section 66 amended

After section 66(2) insert:

- (2A) Without limiting subsection (1), a GHG injection licence is subject to the condition that the GHG licensee must comply with any requirements imposed on the GHG licensee by any regulations made for the purposes of subsection (2B).
- (2B) The regulations may establish a regime for third party access to services provided by means of the use of —
 - (a) identified GHG storage formations; or
 - (b) wells, equipment or structures for use in injecting greenhouse gas substances into identified GHG storage formations; or
 - (c) equipment or structures for use in the processing, compressing or storing of greenhouse gas substances prior to the injection

of the substances into identified GHG storage formations.

140. Part III Division 3A heading amended

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

titles, geothermal titles and GHG

141. Section 69A amended

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

GHG title means a GHG exploration permit, GHG drilling reservation, GHG retention lease, GHG injection licence, GHG special prospecting authority or GHG access authority;

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

or GHG title

(3) In section 69A(3):

(a) delete “has complied” and insert:

complies

(b) in paragraph (a) after “geothermal” insert:

title or GHG

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(4) Delete section 69A(4) and insert:

(4) The Minister must not grant a geothermal title on an application under this Act in respect of a block that is the subject of a petroleum title or GHG title the registered holder of which is a person other than the applicant unless the Minister complies with subsection (5).

(5) In section 69A(5):

(a) delete “has complied” and insert:

complies

(b) delete paragraph (a) and insert:

(a) by instrument in writing served on the registered holder of the petroleum title or GHG title, gives not less than 1 month’s notice of the Minister’s intention to grant the geothermal title; and

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

(i) given particulars of the geothermal title proposed to be granted; and

(6) Delete section 69A(6) and insert:

(6) The Minister must not grant a GHG title on an application under this Act in respect of a block that is the subject of a petroleum title or geothermal title the registered holder of which is a person other than the

applicant unless the Minister complies with subsection (7).

- (7) The Minister complies with this subsection if the Minister —
- (a) by instrument in writing served on the registered holder of the petroleum title or geothermal title, gives not less than 1 month's notice of the Minister's intention to grant the GHG title; and
 - (b) has, in the instrument —
 - (i) given particulars of the GHG title proposed to be granted; and
 - (ii) specified a day on or before which the person on whom the instrument is served may, by instrument in writing served on the Minister, submit any matters that the person wishes the Minister to consider;
- and
- (c) takes into account any matters the person submits to the Minister on or before the specified day.
- (8) Nothing in this section limits the operation of any other provisions of this Act relating to applying for or granting a petroleum title, geothermal title or GHG title or varying a petroleum title.

Note: The heading to amended section 69A is to read:

Petroleum titles, geothermal titles and GHG titles may subsist in respect of same blocks

142. Part III Division 3B inserted

After Part III Division 3A insert:

Division 3B — Matters relating to GHG injection and storage

Subdivision 1 — Declaration of identified GHG storage formation

69B. Application for declaration of identified GHG storage formation

- (1) This section applies if —
 - (a) a GHG exploration permit, GHG drilling reservation, GHG retention lease, GHG injection licence, petroleum retention lease, petroleum production licence, geothermal retention lease or geothermal production licence is in force; and
 - (b) the permittee, holder of the drilling reservation, lessee or licensee has reasonable grounds to believe that —
 - (i) a part of a geological formation is an eligible GHG storage formation; and
 - (ii) that part is wholly situated in the permit area, drilling reservation area, lease area or licence area.
- (2) The permittee, holder of the drilling reservation, lessee or licensee may apply to the Minister for the declaration of the part referred to in subsection (1)(b) as an identified GHG storage formation.

- (3) An application under this section must be made in an approved manner and set out —
- (a) the applicant's reasons for believing that the part referred to in subsection (1)(b) is an eligible GHG storage formation; and
 - (b) assuming that the part referred to in subsection (1)(b) is an eligible GHG storage formation —
 - (i) the fundamental suitability determinants of the eligible GHG storage formation; and
 - (ii) an estimate of the spatial extent of the eligible GHG storage formation; and
 - (iii) any other information that is prescribed by the regulations.
- (4) An estimate of spatial extent must comply with any requirements specified in the regulations.

69C. Requirement for further information or further analysis

- (1) If an application is made under section 69B, the Minister may, by written notice given to the applicant, require the applicant —
- (a) to give the Minister, within the period specified in the notice, further information in connection with the application; or
 - (b) to —
 - (i) carry out any further analysis of relevant information specified in the notice; and
 - (ii) give the Minister, within the period specified in the notice, a written report of the results of that analysis.

- (2) If the applicant breaches a requirement under subsection (1), the Minister may, by written notice given to the applicant —
 - (a) refuse to consider the application; or
 - (b) refuse to take any action, or any further action, in relation to the application.

69D. Variation of application

- (1) At any time before the Minister makes a decision under section 69E on an application under section 69B, the applicant may, by written notice given to the Minister, vary —
 - (a) any or all of the fundamental suitability determinants specified in the application; or
 - (b) the spatial extent estimated in the application.
- (2) A variation of an application must be made in an approved manner.
- (3) A variation of an application may be made —
 - (a) on the applicant’s own initiative; or
 - (b) at the request of the Minister.
- (4) If an application is varied under this section, a reference in this Act to the application is a reference to the application as varied.

69E. Declaration of identified GHG storage formation

- (1) This section applies if —
 - (a) an application is made under section 69B in relation to a part of a geological formation; and
 - (b) the Minister is satisfied that, using the fundamental suitability determinants set out in the application —
 - (i) that part is an eligible GHG storage formation; and

- (ii) the estimate of the spatial extent set out in the application is a reasonable estimate of the spatial extent of the eligible GHG storage formation.
- (2) The Minister must, by instrument in writing, declare —
 - (a) that part to be an identified GHG storage formation for the purposes of this Act; and
 - (b) that, for the purposes of this Act, the spatial extent of the identified GHG storage formation is the spatial extent estimated in the application; and
 - (c) that the fundamental suitability determinants specified in the application are the fundamental suitability determinants of the identified GHG storage formation for the purposes of this Act.
- (3) A declaration under subsection (2) must set out —
 - (a) the estimate of the spatial extent specified in the application; and
 - (b) the fundamental suitability determinants specified in the application.
- (4) A copy of a declaration under subsection (2) must be published in the *Gazette*.

69F. Refusal to make declaration

- (1) This section applies if —
 - (a) an application is made under section 69B in relation to a part of a geological formation; and
 - (b) the Minister is not required by section 69E to make a declaration in relation to that part.
- (2) The Minister must, by written notice given to the applicant, refuse to declare that part to be an identified GHG storage formation.

69G. Variation of declaration

- (1) This section applies if a declaration is in force under section 69E in relation to a part of a geological formation.
- (2) The Minister may, by instrument in writing, vary the declaration.
- (3) A variation of the declaration may be made —
 - (a) if the part is wholly situated in —
 - (i) a GHG permit area — on the application of the GHG permittee; or
 - (ii) a GHG drilling reservation area — on the application of the holder of the GHG drilling reservation; or
 - (iii) a lease area — on the application of the lessee; or
 - (iv) a licence area — on the application of the licensee;
 - or
 - (b) on the Minister’s own initiative.
- (4) An application for a variation of the declaration must —
 - (a) be made in an approved manner; and
 - (b) set out the proposed variation; and
 - (c) specify the reasons for the proposed variation.
- (5) In deciding whether to vary the declaration, the Minister must have regard to —
 - (a) any new information; and
 - (b) any new analysis; and
 - (c) any relevant scientific or technological developments; and

- (d) any other matters that the Minister considers relevant.
- (6) Before varying a declaration on the Minister's own initiative, the Minister must consult —
 - (a) if the part is wholly situated in a GHG permit area — the GHG permittee; or
 - (b) if the part is wholly situated in a GHG drilling reservation area — the holder of the GHG drilling reservation; or
 - (c) if the part is wholly situated in a lease area — the lessee; or
 - (d) if the part is wholly situated in a licence area — the licensee.
- (7) A copy of a variation under subsection (2) must be published in the *Gazette*.
- (8) If a declaration in force under section 69E is varied, a reference in this Act to the declaration is a reference to the declaration as varied.

69H. Revocation of declaration

- (1) This section applies if a declaration is in force under section 69E in relation to a part of a geological formation.
- (2) The Minister may, by instrument in writing, revoke the declaration if the Minister is satisfied that, using any set of fundamental suitability determinants, the part is not an eligible GHG storage formation.
- (3) Before revoking the declaration, the Minister must —
 - (a) consult —
 - (i) if the part is wholly situated in a GHG permit area — the GHG permittee; or

- (ii) if the part is wholly situated in a GHG drilling reservation area — the holder of the GHG drilling reservation; or
 - (iii) if the part is wholly situated in a lease area — the lessee; or
 - (iv) if the part is wholly situated in a licence area — the licensee;
- and
- (b) consider whether the Minister should instead vary the declaration under section 69G.
- (4) A copy of a revocation under subsection (2) must be published in the *Gazette*.

Subdivision 2 — Approved site plans

69HA. Approved site plans

- (1) The regulations may provide that a GHG licensee must not carry on any operations in relation to an identified GHG storage formation specified in the licence unless an approved site plan is in force in relation to the formation.
- (2) The regulations may provide that, if an approved site plan is in force in relation to an identified GHG storage formation specified in a GHG injection licence, the GHG licensee must comply with the approved site plan.
- (3) The regulations may make provision for the Minister to approve draft site plans.
- (4) The regulations may provide that, if the Minister approves a draft site plan, the approved site plan —
 - (a) comes into force at the time of the approval;and

- (b) remains in force —
 - (i) if, under the regulations, the Minister withdraws approval of the approved site plan — until the withdrawal; or
 - (ii) otherwise — indefinitely.
- (5) The regulations may make provision for the Minister to withdraw approval of approved site plans.
- (6) The regulations may make provision for and in relation to the variation of approved site plans.
- (7) Regulations made for the purposes of subsection (6) may —
 - (a) require a GHG licensee to prepare a draft variation of an approved site plan —
 - (i) periodically; or
 - (ii) in any circumstances specified in the regulations; or
 - (iii) when required to do so by the Minister;and
 - (b) require a GHG licensee to give the draft variation to the Minister; and
 - (c) make provision for the Minister to approve the variation; and
 - (d) provide that, if the Minister approves the variation, the approved site plan is varied accordingly.
- (8) If an approved site plan is varied, a reference in this Act to the approved site plan is a reference to the approved site plan as varied.

Subdivision 3 — Serious situations

69HB. When serious situation exists

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

- (a) a greenhouse gas substance that has been injected into the identified GHG storage formation has leaked or will leak; or
- (b) a greenhouse gas substance has leaked or will leak in the course of being injected into the identified GHG storage formation; or
- (c) a greenhouse gas substance that has been injected into the identified GHG storage formation has behaved or will behave otherwise than as predicted in Part A of an approved site plan for the formation; or
- (d) the injection of a greenhouse gas substance into, or the storage of a greenhouse gas substance in, the identified GHG storage formation has had or will have a significant adverse impact on the geotechnical integrity of the whole or a part of a geological formation or geological structure; or
- (e) the identified GHG storage formation is not suitable for the permanent storage of a greenhouse gas substance as set out in an approved site plan for the formation.

69HC. Reporting of serious situations

If a GHG licensee becomes aware that a serious situation exists in relation to an identified GHG storage

formation specified in the licence, the GHG licensee must —

- (a) immediately inform the Minister of the serious situation; and
- (b) within the period of 3 days after informing the Minister under paragraph (a), give to the Minister particulars in writing of the serious situation.

Penalty: a fine of \$10 000.

69HD. Minister may give directions

- (1) If, in the opinion of the Minister, a serious situation exists in relation to an identified GHG storage formation specified in a GHG injection licence, the Minister may, by written notice given to the GHG licensee, direct the licensee —
 - (a) to take all reasonable steps to ensure that a greenhouse gas substance is injected into the identified GHG storage formation in the manner specified in the direction; or
 - (b) to take all reasonable steps to ensure that a greenhouse gas substance is stored in the identified GHG storage formation in the manner specified in the direction; or
 - (c) to stop or suspend the injection of a greenhouse gas substance at the place or places specified in the direction; or
 - (d) to inject a greenhouse gas substance into the identified GHG storage formation at the place or places specified in the direction; or
 - (e) to undertake the activities specified in the direction for the purposes of eliminating, mitigating, managing or remedying the serious situation; or

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- (f) to take any action that is specified in the direction; or
 - (g) to refrain from taking any action that is specified in the direction.
- (2) A direction under subsection (1) —
- (a) has effect, and must be complied with, despite —
 - (i) any previous direction under that subsection; and
 - (ii) anything in the regulations;and
 - (b) prevails over anything in an approved site plan for the identified GHG storage formation to the extent of any inconsistency; and
 - (c) may make provision in relation to a matter by applying, adopting or incorporating (with or without modification) a code of practice or standard contained in an instrument as in force or existing at the time when the direction takes effect; and
 - (d) may prohibit the doing of an act or thing —
 - (i) unconditionally; or
 - (ii) subject to conditions, including conditions requiring the consent or approval of a person specified in the direction.
- (3) A person to whom a direction is given under subsection (1) must comply with the direction.
Penalty for this subsection: a fine of \$10 000.

Subdivision 4 — Site closing certificates

69HE. Application for site closing certificate

A GHG licensee may apply to the Minister for a site closing certificate in relation to a particular identified GHG storage formation specified in the GHG injection licence.

69HF. Application for site closing certificate required if operations have ceased

- (1) This section applies if —
 - (a) a GHG injection licence is in force; and
 - (b) operations for the injection of a greenhouse gas substance into a particular identified GHG storage formation specified in the licence have ceased.
- (2) The GHG licensee must, within the application period, apply under section 69HE for a site closing certificate in relation to the identified GHG storage formation.
Penalty for this subsection: a fine of \$10 000.
- (3) The application period for an application referred to in subsection (2) is —
 - (a) the period of 30 days after the day on which the cessation referred to in subsection (1)(b) occurred; or
 - (b) any longer period, not more than 90 days after that day, that the Minister allows.
- (4) The Minister may allow a longer period under subsection (3)(b) only on written application made by the licensee within the period of 30 days mentioned in subsection (3)(a).

69HG. Application for site closing certificate may be directed if ground for terminating or cancelling GHG injection licence exists

- (1) This section applies if —
 - (a) a GHG injection licence is in force; and
 - (b) under section 64A(1)(c) or 99(1), there is a ground for terminating or cancelling the licence.
- (2) The Minister may, by written notice given to the GHG licensee, direct the licensee —
 - (a) to apply under section 69HE for a site closing certificate in relation to each identified GHG storage formation specified in the licence; and
 - (b) to do so within the period specified in the notice.
- (3) The period specified under subsection (2)(b) must not be shorter than 30 days.
- (4) A person to whom a direction is given under subsection (2) must comply with the direction.
Penalty for this subsection: a fine of \$10 000.

69HH. Application for site closing certificate may be directed if GHG injection licence tied to ceased petroleum lease or licence

- (1) This section applies if —
 - (a) a GHG injection licence is in force; and
 - (b) the GHG injection licence is tied to a petroleum retention lease or petroleum production licence; and
 - (c) the petroleum retention lease or petroleum production licence ceases to be in force as a

result of being surrendered, cancelled,
terminated or wholly revoked.

- (2) The Minister may, by written notice given to the GHG licensee, direct the licensee —
 - (a) to apply under section 69HE for a site closing certificate in relation to each identified GHG storage formation specified in the licence; and
 - (b) to do so within the period specified in the notice.
- (3) The period specified under subsection (2)(b) must not be shorter than 30 days.
- (4) A person to whom a direction is given under subsection (2) must comply with the direction.
Penalty for this subsection: a fine of \$10 000.
- (5) For the purposes of subsection (1)(b), a GHG injection licence (the **GHG licence**) is tied to a petroleum retention lease (the **petroleum lease**) if —
 - (a) the GHG licence is derived from a GHG retention lease —
 - (i) granted under section 48BC to the registered holder of a petroleum retention lease; or
 - (ii) granted by way of renewal of a GHG retention lease granted under section 48BC to the registered holder of a petroleum retention lease;and
 - (b) the petroleum lease is —
 - (i) the petroleum retention lease referred to in paragraph (a)(i) or (ii); or

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- (ii) a petroleum retention lease granted by way of renewal of the petroleum retention lease referred to in paragraph (a)(i) or (ii).
- (6) For the purposes of subsection (1)(b), a GHG injection licence (the **GHG licence**) is tied to a petroleum production licence (the **petroleum licence**) if —
 - (a) the GHG licence is derived from a GHG retention lease —
 - (i) granted under section 48BC to the registered holder of a petroleum retention lease; or
 - (ii) granted by way of renewal of a GHG retention lease granted under section 48BC to the registered holder of a petroleum retention lease;
 - and
 - (b) the petroleum licence is derived from —
 - (i) the petroleum retention lease referred to in paragraph (a)(i) or (ii); or
 - (ii) a petroleum retention lease granted by way of renewal of the petroleum retention lease referred to in paragraph (a)(i) or (ii).

69HI. Requirements for application for site closing certificate

- (1) An application under section 69HE —
 - (a) must be made in an approved manner; and
 - (b) must be accompanied by a written report that sets out —
 - (i) the applicant's modelling of the behaviour of the greenhouse gas

- substance injected into the identified GHG storage formation; and
 - (ii) information relevant to that modelling; and
 - (iii) the applicant's analysis of that information;
- and
- (c) must be accompanied by a written report that sets out the applicant's assessment of —
 - (i) the behaviour of the greenhouse gas substance injected into the identified GHG storage formation; and
 - (ii) the expected migration pathway or pathways of that greenhouse gas substance; and
 - (iii) the short-term consequences of the migration of that greenhouse gas substance; and
 - (iv) the long-term consequences of the migration of that greenhouse gas substance;
- and
- (d) must be accompanied by the applicant's suggestions for the approach to be taken by the State, after the issue of the site closing certificate, to the monitoring of the behaviour of a greenhouse gas substance stored in the identified GHG storage formation; and
 - (e) must be accompanied by any other information prescribed by the regulations; and
 - (f) may set out any other matters that the applicant wishes the Minister to consider; and
 - (g) must be accompanied by the prescribed fee.

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- (2) Subsection (1)(b) to (d) do not apply if there have not been any operations for the injection of a greenhouse gas substance into the identified GHG storage formation.
- (3) The Minister may, at any time and by instrument in writing served on the applicant, require the applicant to give to the Minister, within the period specified in the instrument, further information in writing in connection with the application.

69HJ. Variation of application for site closing certificate

- (1) This section applies if an application for a site closing certificate is made under section 69HE.
- (2) At any time before any action is taken by the Minister under section 69HL, 69HM or 69HN, the applicant may, by written notice given to the Minister, vary the application.
- (3) A variation of an application must be made in an approved manner.
- (4) A variation of an application may be made —
 - (a) on the applicant's own initiative; or
 - (b) at the request of the Minister.
- (5) A variation of an application may set out any additional matters that the applicant wishes to be considered.
- (6) If an application is varied under this section, a reference in this Act to the application is a reference to the application as varied.

69HK. Time for decision on application for site closing certificate

If an application for a site closing certificate is made under section 69HE, the Minister must make a decision on the application, and a decision whether to give the applicant a pre-certificate notice, within 5 years after the day on which the application is made.

69HL. Pre-certificate notice

- (1) This section applies if an application for a site closing certificate is made under section 69HE.
- (2) The Minister may give the applicant a written notice (a *pre-certificate notice*) informing the applicant that the Minister is prepared to issue to the applicant a site closing certificate in relation to an identified GHG storage formation specified in the application if the Minister is satisfied that —
 - (a) operations for the injection of a greenhouse gas substance into the identified GHG storage formation have ceased; or
 - (b) there have not been any operations for the injection of a greenhouse gas substance into the identified GHG storage formation.
- (3) In deciding whether to give the applicant a pre-certificate notice, the Minister must have regard to any significant risk the Minister is satisfied exists that a greenhouse gas substance injected into the identified GHG storage formation will have a significant adverse impact on —
 - (a) the surface of any land or any improvements on any land; or
 - (b) navigation; or
 - (c) fishing; or

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- (d) any of the following operations of another person that are being lawfully carried on —
 - (i) operations relating to the exploration for, recovery of or conveyance of a mineral, whether petroleum or not, or geothermal energy resources or geothermal energy;
 - (ii) GHG operations;
 - (iii) operations relating to the construction or operation of a pipeline.
- (4) Subsection (3) does not limit the matters to which the Minister may have regard.
- (5) Before giving the applicant a pre-certificate notice in relation to the identified GHG storage formation, the Minister must be satisfied that —
 - (a) either —
 - (i) the relevant statutory requirements have been complied with; or
 - (ii) any of the relevant statutory requirements have not been complied with, but there are sufficient grounds to warrant the issue of the site closing certificate;
 - and
 - (b) if any conditions are specified in the regulations — those conditions have been satisfied.
- (6) For the purposes of subsection (5)(a), each of the following is a relevant statutory requirement —
 - (a) the conditions to which the GHG injection licence is, or has from time to time been, subject;

- (b) the provisions of this Part;
- (c) the provisions of the regulations.

69HM. Refusal of pre-certificate notice

- (1) This section applies if an application for a site closing certificate is made under section 69HE.
- (2) The Minister must refuse to give the applicant a pre-certificate notice in relation to the identified GHG storage formation if the Minister is not satisfied as to the matters referred to in section 69HL(5)(a) and (b).
- (3) The Minister may refuse to give the applicant a pre-certificate notice in relation to the identified GHG storage formation if —
 - (a) the Minister is not satisfied that the greenhouse gas substance injected into the identified GHG storage formation is behaving as predicted in Part A of an approved site plan for the formation; or
 - (b) the Minister is satisfied that there is a significant risk that a greenhouse gas substance injected into the identified GHG storage formation will have a significant adverse impact on —
 - (i) the conservation of the resources of the soil or the Earth's crust; or
 - (ii) the geotechnical integrity of the whole or a part of a geological formation or geological structure; or
 - (iii) the environment; or
 - (iv) human health or safety.

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- (4) Subsection (3) does not limit the matters to which the Minister may have regard in deciding whether to refuse to give the applicant a pre-certificate notice.

69HN. Notice of refusal to give pre-certificate notice

- (1) This section applies if —
- (a) an application for a site closing certificate is made under section 69HE; and
 - (b) the Minister refuses to give a pre-certificate notice to the applicant.
- (2) The Minister must give written notice of the refusal to the applicant.

69HO. Content of pre-certificate notice

- (1) A pre-certificate notice that relates to an application for a site closing certificate must —
- (a) specify a program of operations proposed to be carried out by the State for the purposes of monitoring the behaviour of a greenhouse gas substance stored in the identified GHG storage formation concerned; and
 - (b) set out an estimate of the total costs and expenses of carrying out the program; and
 - (c) specify the form and amount of a security to be lodged by the applicant in respect of the compliance, by the holder for the time being of the site closing certificate, with the holder's obligations under section 69HV in relation to the costs and expenses of carrying out the program; and
 - (d) contain a statement to the effect that the application will lapse if the applicant does not lodge the security with the Minister within the period applicable under subsection (3).

- (2) The amount of the security is to equal the estimate referred to in subsection (1)(b).
- (3) The period for lodging the security is —
 - (a) 2 months after the pre-certificate notice was given to the applicant; or
 - (b) any longer period, not more than 6 months after the pre-certificate notice was given to the applicant, that the Minister allows.
- (4) If the applicant does not lodge the security with the Minister within the period applicable under subsection (3), the application lapses at the end of that period.
- (5) The regulations may provide that an estimate referred to in subsection (1)(b) is to be made on the basis of —
 - (a) an assumption that costs and expenses will increase at an annual rate specified in the regulations; and
 - (b) any other assumptions specified in the regulations.
- (6) Subsection (1) does not apply if the Minister is satisfied that there have not been any operations for the injection of a greenhouse gas substance into the identified GHG storage formation concerned.

69HP. Issue of site closing certificate

- (1) This section applies if —
 - (a) an applicant has been given a pre-certificate notice under section 69HL; and
 - (b) if section 69HO(1) applies — the applicant has lodged the specified security within the period applicable under section 69HO(3).

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- (2) The Minister must issue to the applicant a certificate (a *site closing certificate*) in relation to the identified GHG storage formation specified in the pre-certificate notice.

69HQ. Transferee of GHG injection licence treated as applicant

- (1) This section applies if a transfer of a GHG injection licence is registered under section 72 —
 - (a) after an application is made under section 69HE for a site closing certificate in relation to an identified GHG storage formation specified in the GHG injection licence; and
 - (b) before any action is taken by the Minister under section 69HL, 69HM or 69HN in relation to the application.
- (2) After the transfer, sections 69HE to 69HP have effect in relation to the application as if any reference in those sections to the applicant were a reference to the transferee.

69HR. Duration of site closing certificate

Subject to this Part, a site closing certificate remains in force indefinitely.

69HS. Transfer of site closing certificate

- (1) This section applies if —
 - (a) a site closing certificate is issued to the registered holder of a GHG injection licence; and
 - (b) a transfer of the licence is registered under section 72.

- (2) The site closing certificate is, by force of this section, transferred to the transferee of the licence.

69HT. Transfer of securities

- (1) This section applies if —
- (a) a security is lodged in relation to a site closing certificate; and
 - (b) the site closing certificate is transferred under section 69HS.
- (2) The interest of the transferor in the security is, by force of this section, transferred to the transferee.
- (3) A document setting out or relating to the security has effect, after the transfer, as if a reference in the document to the transferor were a reference to the transferee.

69HU. Discharge of securities

The regulations may make provision in relation to the discharge, in whole or in part, by the Minister of securities lodged in relation to site closing certificates.

69HV. Recovery of State's costs and expenses

- (1) This section applies if —
- (a) a site closing certificate is in force in relation to an identified GHG storage formation; and
 - (b) the State incurs reasonable costs or expenses in carrying out the program specified in the pre-certificate notice for the site closing certificate.
- (2) The costs and expenses —
- (a) are a debt due to the State by the holder of the certificate; and

- (b) are recoverable in a court of competent jurisdiction.
- (3) The total of the costs and expenses recoverable under subsection (2) must not exceed the estimate set out in the pre-certificate notice.

**Subdivision 5 — Long-term liabilities in respect of
GHG storage**

69HW. Closure assurance period

- (1) This section applies if —
 - (a) a site closing certificate is in force in relation to an identified GHG storage formation; and
 - (b) the Minister is satisfied that operations for the injection of a greenhouse gas substance into the formation ceased on a day (the *cessation day*) before the application for the site closing certificate was made; and
 - (c) on a day (the *decision day*) that is at least 15 years after the issue of the site closing certificate, the Minister is satisfied that —
 - (i) the greenhouse gas substance injected into the formation is behaving as predicted in Part A of an approved site plan for the formation; and
 - (ii) there is no significant risk that a greenhouse gas substance injected into the formation will have a significant adverse impact on the geotechnical integrity of the whole or a part of a geological formation or geological structure; and

- (iii) there is no significant risk that a greenhouse gas substance injected into the formation will have a significant adverse impact on the environment; and
 - (iv) there is no significant risk that a greenhouse gas substance injected into the formation will have a significant adverse impact on human health or safety; and
 - (v) since the cessation day, there have not been any operations for the injection of a greenhouse gas substance into the formation.
- (2) The Minister may, by instrument in writing, declare that for the purposes of this Act the closure assurance period in relation to the formation is the period —
- (a) beginning at the end of the cessation day; and
 - (b) ending at the end of the decision day.
- (3) A copy of a declaration under subsection (2) must be given to the holder of the site closing certificate.

69HX. Indemnity against long-term liability

- (1) This section applies if —
- (a) a site closing certificate is in force in relation to an identified GHG storage formation; and
 - (b) when the application for the certificate was made, the formation was specified in a GHG injection licence; and
 - (c) there is a closure assurance period in relation to the formation; and
 - (d) the following conditions are satisfied in relation to a liability of an existing person who is or has

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been the registered holder of the licence
(whether or not the licence is in force) —

- (i) the liability is a liability for damages;
 - (ii) the liability is attributable to an act done or omitted to be done in the carrying on of operations authorised by the licence in relation to the formation;
 - (iii) the liability is incurred or accrued after the end of the closure assurance period in relation to the formation;
 - (iv) any other conditions specified in the regulations.
- (2) The State must indemnify the person against the liability.
- (3) The amount of any indemnity under subsection (2) must be charged to the Consolidated Account, which is, to the necessary extent, appropriated accordingly.

69HY. State to assume long-term liability if licensee has ceased to exist

- (1) This section applies if —
- (a) a site closing certificate is in force in relation to an identified GHG storage formation; and
 - (b) when the application for the certificate was made, the formation was specified in a GHG injection licence; and
 - (c) there is a closure assurance period in relation to the formation; and
 - (d) a person who has been the registered holder of the licence (whether or not the licence is in force) has ceased to exist; and

- (e) if the person had continued in existence, the following conditions would have been satisfied in relation to a liability of the person —
 - (i) the liability is a liability for damages;
 - (ii) the liability is attributable to an act done or omitted to be done in the carrying on of operations authorised by the licence in relation to the formation;
 - (iii) the liability is incurred or accrued after the end of the closure assurance period in relation to the formation;
 - (iv) any other conditions specified in the regulations;and
 - (f) apart from this section, the damages are irrecoverable because the person has ceased to exist.
- (2) The liability is taken to be a liability of the State.
 - (3) The amount of any liability under subsection (2) must be charged to the Consolidated Account, which is, to the necessary extent, appropriated accordingly.

143. Section 70 amended

After section 70(3)(c) insert:

- (ca) any instrument under section 69E, 69G or 69H;
- and

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144. Section 72 amended

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

Petroleum, Geothermal Energy and Greenhouse Gas Storage

145. Section 75 amended

(1) In section 75(1):

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

energy or the carrying out of GHG operations);

(b) in paragraph (d)(ii) delete “kind;” and insert:

kind; or

(c) after paragraph (d)(ii) insert:

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

146. Section 76 amended

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

Petroleum, Geothermal Energy and Greenhouse Gas Storage

147. Section 85 amended

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

Petroleum, Geothermal Energy and Greenhouse Gas Storage

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

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

148. Section 90 amended

After section 90(3) insert:

- (4) This section does not apply to —
- (a) a GHG exploration permit; or
 - (b) a GHG drilling reservation; or
 - (c) a GHG retention lease; or
 - (d) a GHG injection licence.

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149. Section 91 amended

- (1) Delete section 91(1) and (1a) and insert:
- (1) Subsection (1A) applies to the following operations —
 - (a) all petroleum operations;
 - (b) all geothermal energy operations;
 - (c) all GHG operations.
 - (1A) A permittee, holder of a drilling reservation, lessee or licensee must carry out the operations referred to in subsection (1) in the permit area, drilling reservation area, lease area or licence area, as the case requires —
 - (a) in a proper and workmanlike manner; and
 - (b) in the case of operations referred to in subsection (1)(a), in accordance with good oil-field practice.

Penalty for this subsection: a fine of \$10 000.
 - (1B) Subsections (2), (2a) and (3) have effect without limiting the generality of subsection (1A) but subject to any authorisation, requirement or direction given or made by or under this Act.
- (2) In section 91(2):
- (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 petroleum, a regulated substance, geothermal energy resources, greenhouse gas substances or water; and

(b) in paragraph (c) delete “substance” and insert:

substance, geothermal energy resources, potential GHG storage formations or potential GHG injection sites

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

(i) each resources 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

(d) in paragraph (e) delete “pool” and insert:

pool, geothermal resources area, potential GHG storage formation or potential GHG injection site

(3) At the end of section 91(2) insert:

Penalty for this subsection: a fine of \$10 000.

(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, regulated substances, greenhouse gas substances or water; and

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

resources, strata bearing petroleum or a regulated substance, potential GHG storage formations or potential GHG injection sites

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

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

(d) delete paragraph (e) and insert:

(e) except for the purposes of the recovery of geothermal energy under this Act in a proper and workmanlike manner, prevent water or any other matter entering any geothermal resources area, resources pool, potential GHG storage formation or potential GHG injection site through wells in the permit area, drilling reservation area, lease area or licence area.

(5) At the end of section 91(2a) insert:

Penalty for this subsection: a fine of \$10 000.

(6) Delete section 91(3) and insert:

- (3) A GHG permittee, holder of a GHG drilling reservation, GHG lessee or GHG licensee must —
- (a) control the flow and prevent the waste or escape in the permit area, drilling reservation area, lease area or licence area of greenhouse gas substances, petroleum, regulated substances, geothermal energy resources or water; and
 - (b) prevent the escape in the permit area, drilling reservation area, lease area or licence area of any mixture of water or drilling fluid with greenhouse gas substances or any other matter; and
 - (c) prevent damage to potential GHG storage formations, potential GHG injection sites, strata bearing petroleum or a regulated substance or geothermal energy resources in an area, whether in the State or not, in respect of which the permit, drilling reservation, lease or licence is not in force; and
 - (d) keep separate —
 - (i) each potential GHG storage formation, potential GHG injection site, resources pool or geothermal resources area discovered in the permit area, drilling reservation area, lease area or licence area; and
 - (ii) any of the sources of water, if any, discovered in that area that the Minister, by instrument in writing served on that person, directs;
- and

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- (e) except for the purposes of carrying on a GHG operation under this Act in a proper and workmanlike manner, prevent water or any other matter entering any potential GHG storage formation, potential GHG injection site, resources pool or geothermal resources area through wells in the permit area, drilling reservation area, lease area or licence area.

Penalty for this subsection: a fine of \$10 000.

- (3A) A person who is the holder of a special prospecting authority or an access authority must carry out all operations authorised by the special prospecting authority or access authority in the area in respect of which the special prospecting authority or access authority is in force —

- (a) in a proper and workmanlike manner; and
- (b) in the case of petroleum operations, in accordance with good oil-field practice.

Penalty for this subsection: a fine of \$10 000.

- (7) At the end of section 91 delete the Penalty.

150. Section 91A amended

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

substances, geothermal energy resources or greenhouse gas substances,

151. Section 95 amended

Delete section 95(2) and insert:

- (2) A direction given under this section to a registered holder applies to the registered holder and may also be expressed to apply to —
- (a) a specified class of persons, being a class constituted by or included in 1 or both of the following classes of persons —
 - (i) servants or agents of, or persons acting on behalf of, the registered holder;
 - (ii) persons performing work or services, whether directly or indirectly, for the registered holder;
- or
- (b) any person (not being a person to whom the direction applies in accordance with paragraph (a)) who is in the State for a reason touching, concerning, arising out of or connected with —
 - (i) exploration for, or the exploitation of, petroleum, a regulated substance or geothermal energy resources in the State; or
 - (ii) GHG operations in the State.
- (2AA) A direction expressed in accordance with subsection (2) is taken to apply to each person included in the specified class or to each person who is in the State as mentioned in subsection (2)(b), as the case requires.

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152. Section 105 amended

- (1) After section 105(4a) insert:
 - (4B) A GHG special prospecting authority, while it remains in force, authorises the holder, subject to this Act and in accordance with the conditions to which the special prospecting authority is subject, to carry on in the blocks specified in the special prospecting authority the GHG exploration operations so specified.

- (2) After section 105(6c) insert:
 - (6D) Subsection (6E) applies if —
 - (a) a person holds a GHG special prospecting authority in respect of a block; and
 - (b) another GHG special prospecting authority is granted to another person in respect of the block.

 - (6E) The Minister must, by notice in writing served on each of the persons referred to in subsection (6D), inform each of them of —
 - (a) the GHG exploration operations authorised by the special prospecting authority granted to the other person; and
 - (b) the conditions to which the special prospecting authority granted to the other person is subject.

153. Section 106 amended

(1) Before section 106(1) insert:

(1AA) In this section —

national geothermal title means an authority, however described, under a law of the Commonwealth, of another State or of the Northern Territory, to explore for geothermal energy resources or to recover geothermal energy;

national GHG title means an authority, however described, under the *Petroleum and Greenhouse Gas Storage (Submerged Lands) Act 1982* or a law of the Commonwealth, of another State or of the Northern Territory, to carry on an operation equivalent to a GHG injection operation;

national petroleum title means an authority, however described, under the *Petroleum and Greenhouse Gas Storage (Submerged Lands) Act 1982* or a law of the Commonwealth, of another State or of the Northern Territory, to explore for, or to recover, petroleum or a regulated substance.

(2) In section 106(1a):

(a) delete “petroleum title outside the State” and insert:

national petroleum title

(b) delete “that petroleum” and insert:

that national petroleum

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- (3) In section 106(1c):
- (a) delete “geothermal title outside the State” and insert:

national geothermal title
 - (b) delete “that geothermal” and insert:

that national geothermal
- (4) After section 106(1c) insert:
- (1D) A person who is a GHG permittee, holder of a GHG drilling reservation, GHG lessee, GHG licensee or holder of a GHG special prospecting authority may apply to the Minister for the grant of a GHG access authority to enable the person to carry on, in an area being part of the State that is not part of the permit area, drilling reservation area, lease area or licence area or area of the blocks specified in the special prospecting authority, GHG operations related to the GHG operations carried on in the permit area, drilling reservation area, lease area or licence area or area of the blocks so specified.
 - (1E) A holder of a national GHG title may apply to the Minister for the grant of a GHG access authority to enable the holder to carry on, in a part of the State, GHG operations related to the operation carried on in the area to which that national GHG title relates.

- (5) In section 106(3)(a) delete “petroleum title or geothermal title” and insert:

national petroleum title, national geothermal title or national GHG title

- (6) Delete section 106(4) and (5A) and insert:

- (4) Subject to subsection (4D), the Minister must not do either of the following unless the Minister complies with subsection (4C) —

- (a) grant a petroleum access authority on an application under this section in respect of a block that is the subject of a petroleum exploration permit, petroleum drilling reservation, petroleum retention lease, petroleum production licence or petroleum special prospecting authority of which the registered holder is a person other than the applicant;
- (b) vary a petroleum access authority as in force in respect of a block that is the subject of a petroleum exploration permit, petroleum drilling reservation, petroleum retention lease, petroleum production licence or petroleum special prospecting authority of which the registered holder is a person other than the registered holder of the access authority.

- (4A) Subject to subsection (4D), the Minister must not do either of the following unless the Minister complies with subsection (4C) —

- (a) grant a geothermal access authority on an application under this section in respect of a

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block that is the subject of a geothermal exploration permit, geothermal drilling reservation, geothermal retention lease, geothermal production licence or geothermal special prospecting authority of which the registered holder is a person other than the applicant;

- (b) vary a geothermal access authority as in force in respect of a block that is the subject of a geothermal exploration permit, geothermal drilling reservation, geothermal retention lease, geothermal production licence or geothermal special prospecting authority of which the registered holder is a person other than the registered holder of the access authority.

(4B) Subject to subsection (4D), the Minister must not do either of the following unless the Minister complies with subsection (4C) —

- (a) grant a GHG access authority on an application under this section in respect of a block that is the subject of a GHG exploration permit, GHG drilling reservation, GHG retention lease, GHG injection licence or GHG special prospecting authority of which the registered holder is a person other than the applicant;
- (b) vary a GHG access authority as in force in respect of a block that is the subject of a GHG exploration permit, GHG drilling reservation, GHG retention lease, GHG injection licence or GHG special prospecting authority of which the registered holder is a person other than the registered holder of the access authority.

- (4C) The Minister must not grant or vary, as the case may be, an access authority as referred to in subsection (4), (4A) or (4B) unless the Minister —
- (a) by instrument in writing served on the person who is the registered holder of the permit, lease, licence or special prospecting authority, gives not less than 1 month's notice of the Minister's intention to grant or vary, as the case may be, the access authority; and
 - (b) serves a copy of the instrument —
 - (i) on any other persons that the Minister thinks fit; and
 - (ii) in a case where the Minister intends to vary an access authority, on the registered holder of the access authority;and
 - (c) in the instrument —
 - (i) gives particulars of the access authority proposed to be granted, or of the variation proposed to be made, as the case may be; and
 - (ii) specifies a day on or before which a person on whom the instrument, or a copy of the instrument, is served may, by instrument in writing served on the Minister, submit any matters that the person wishes the Minister to consider;and
 - (d) takes into account any matters so submitted on or before the specified day by a person on whom the first-mentioned instrument, or a copy of that instrument, has been served.

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(4D) Subsection (4), (4A) or (4B), as the case requires, does not apply if the holder of the permit, drilling reservation, lease, licence or special prospecting authority consents in writing to the grant or variation, as the case may be, of the access authority.

(7) In section 106(6):

(a) delete “an access” and insert:

a petroleum access authority or geothermal access

(b) after “*Petroleum*” insert:

and Greenhouse Gas Storage

(8) After section 106(6) insert:

(6A) A GHG access authority does not authorise the holder to make a well.

(9) Delete section 106(13).

154. Section 109 amended

In section 109(1) after “State,” (2nd occurrence) insert:

or to GHG operations in the State,

155. Section 116 amended

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

operations, geothermal exploration operations or GHG

156. Section 117 amended

Delete section 117(c) and insert:

- (c) any of the following operations of another person that are being lawfully carried on —
 - (i) operations relating to the exploration for, recovery of or conveyance of a mineral, whether petroleum, a regulated substance or neither, or geothermal energy resources or geothermal energy;
 - (ii) GHG operations;
 - (iii) operations relating to the construction or operation of a pipeline;

or

157. Section 117A amended

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

operation, geothermal energy operation or GHG

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

Interfering with petroleum operation, geothermal energy operation or GHG operation

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158. Section 119 amended

Delete section 119(1)(a) and insert:

- (a) must be given access to any part of the State and to any structure, vehicle, aircraft or building in the State that, in the inspector's opinion, has been, is being or is to be used in connection with any of the following operations —
- (i) petroleum exploration operations;
 - (ii) operations for the recovery of petroleum or a regulated substance;
 - (iii) geothermal exploration operations;
 - (iv) operations for the recovery of geothermal energy;
 - (v) GHG operations;
- and

159. Section 123 amended

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

29(1), (2) or (3), 49(1) or (2) or 49A,

160. Section 126A amended

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

operation, geothermal energy operation or GHG

161. Section 127A amended

In section 127A(5) after “permit,” insert:

drilling reservation,

162. Section 134A amended

In section 134A:

- (a) in paragraph (a) in the inserted definitions of **Minister** and **petroleum** delete “*Petroleum and Geothermal Energy Resources*” and insert:

Petroleum, Geothermal Energy and Greenhouse Gas Storage

- (b) in paragraph (c) in the inserted section 117(2) delete “*Petroleum and Geothermal Energy Resources*” and insert:

Petroleum, Geothermal Energy and Greenhouse Gas Storage

163. Section 136 amended

In section 136:

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

29(1)

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

49(1)

Note: The heading to amended section 136 is to read:

Certain petroleum exploration or recovery activities not prohibited by s. 29(1) or 49(1)

164. Section 142 amended

Delete section 142(1) and insert:

- (1) A petroleum exploration permit, petroleum drilling reservation, petroleum retention lease or petroleum production licence is subject to a condition that the petroleum permittee, holder of the petroleum drilling reservation, petroleum lessee or petroleum licensee must, subject to this section, pay to the Minister a royalty at the prescribed rate in respect of all petroleum or regulated substances recovered by the petroleum permittee, holder of the petroleum drilling reservation, petroleum lessee or petroleum licensee in the petroleum permit area, petroleum drilling reservation area, petroleum lease area or petroleum licence area.
- (1A) A geothermal exploration permit, geothermal drilling reservation, geothermal retention lease or geothermal production licence is subject to a condition that the geothermal permittee, holder of the geothermal drilling reservation, geothermal lessee or geothermal licensee must, subject to this section, pay to the Minister a royalty at the prescribed rate in respect of all geothermal energy recovered by the geothermal permittee, holder of the geothermal drilling reservation, geothermal lessee or geothermal licensee in the

geothermal permit area, geothermal drilling reservation area, geothermal lease area or geothermal licence area.

165. Section 144 amended

After section 144(4) insert:

- (5) This section does not apply to —
- (a) a GHG permittee; or
 - (b) a holder of a GHG drilling reservation; or
 - (c) a GHG lessee; or
 - (d) a GHG licensee.

166. Section 145 amended

In section 145 delete “permittee, holder of the drilling reservation, lessee or” and insert:

petroleum permittee, holder of the petroleum drilling reservation, petroleum lessee, petroleum licensee, geothermal permittee, holder of the geothermal drilling reservation, geothermal lessee or geothermal

167. Section 146 amended

In section 146 delete “permittee, holder of the drilling reservation, lessee or” and insert:

petroleum permittee, holder of the petroleum drilling reservation, petroleum lessee, petroleum licensee, geothermal permittee, holder of the geothermal drilling reservation, geothermal lessee or geothermal

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168. Section 147 amended

(1) Delete section 147(1) and insert:

(1) In this section —

title holder means —

- (a) a petroleum permittee, holder of a petroleum drilling reservation, petroleum lessee or petroleum licensee; or
- (b) a geothermal permittee, holder of a geothermal drilling reservation, geothermal lessee or geothermal licensee.

(2) In section 147(3) after “*Petroleum*” insert:

and Greenhouse Gas

169. Section 148 amended

In section 148(2) delete “permittee, the holder of the drilling reservation, the lessee or the” and insert:

petroleum permittee, holder of the petroleum drilling reservation, petroleum lessee, petroleum licensee, geothermal permittee, holder of the geothermal drilling reservation, geothermal lessee or geothermal

170. Section 149 amended

In section 149 delete “permittee, holder of the drilling reservation, lessee or” and insert:

petroleum permittee, holder of the petroleum drilling reservation, petroleum lessee, petroleum licensee, geothermal permittee, holder of the geothermal drilling reservation, geothermal lessee or geothermal

171. Section 150A amended

In section 150A delete the definition of *mining sample* and insert:

mining sample means any of the following that has been given at any time, whether before or after the commencement, to the Minister —

- (a) a core or cutting from, or a sample of, the seabed or subsoil;
- (b) a sample of petroleum or a regulated substance recovered;
- (c) a sample of fluid recovered (other than fluid petroleum or a regulated substance);
- (d) a portion of that core, cutting or sample;

172. Section 152 amended

In section 152:

- (a) delete paragraphs (a), (b) and (c) and insert:

- (a) a petroleum exploration permit or geothermal exploration permit granted under section 32(4), 37 or 37A(3);

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- (b) a GHG exploration permit granted under section 32(4);
 - (c) a petroleum drilling reservation, geothermal drilling reservation or GHG drilling reservation granted under Part 3;
 - (ca) a petroleum retention lease, geothermal retention lease or GHG retention lease granted under section 48B(5) or 48CB(7);
- (b) in paragraph (d) delete “section 61(4).” and insert:
- section 54(2), 60 or 61(4);
- (c) after paragraph (d) insert:
- (e) a GHG injection licence granted under section 54(2).

173. Section 153 amended

- (1) In section 153(2):
- (a) after paragraph (b) insert:
 - (ba) GHG operations;
 - (b) in paragraph (e) delete “substance” and insert:

substance, greenhouse gas substances

- (c) in paragraph (f) after “substance,” (1st occurrence) insert:

greenhouse gas substances,

- (d) in paragraph (f) delete “substance” (2nd occurrence) and insert:

substance, greenhouse gas substances

- (e) in paragraph (fa) delete “petroleum or a regulated substance;” and insert:

petroleum, a regulated substance or greenhouse gas substances;

- (f) in paragraph (g) delete “resources” and insert:

resources, potential GHG storage formations or potential GHG injection sites

- (g) after paragraph (j) insert:

- (ja) the maintaining in good condition and repair of all structures, equipment and other property used or intended to be used for or in connection with GHG operations in the State;

- (h) after paragraph (k) insert:

- (ka) the removal from the State of structures, equipment and other property brought into the State for or in connection with GHG operations

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that are not used or intended to be used in
connection with GHG operations in the State;

- (i) in paragraph (l) delete “operations or geothermal
energy” and insert:

operations, geothermal energy operations or GHG

- (2) In section 153(2c) delete “*Petroleum Pipelines Act 1969*, the
Petroleum (Submerged Lands) Act 1982” and insert:

Petroleum and Greenhouse Gas Pipelines Act 1969, the
*Petroleum and Greenhouse Gas Storage (Submerged Lands)
Act 1982*

174. Schedule 2 clause 4 amended

In Schedule 2 clause 4(4)(g) after “*Petroleum*” insert:

and Greenhouse Gas Storage

175. Schedule 2 clause 6 inserted

At the end of Schedule 2 Division 2 insert:

6. Further provisions about royalty conditions

- (1) In this clause —

amendment day means the day on which the *Petroleum
Legislation Amendment Act 2024* section 164 comes into
operation;

title means any of the following —

- (a) a petroleum exploration permit or geothermal exploration permit;
 - (b) a petroleum drilling reservation or geothermal drilling reservation;
 - (c) a petroleum retention lease or geothermal retention lease;
 - (d) a petroleum production licence or geothermal production licence.
- (2) The amendment made by the *Petroleum Legislation Amendment Act 2024* section 164 does not apply to a title that is in force immediately before amendment day.
- (3) Accordingly, on and after amendment day, the following provisions continue to apply to the title as if that amendment had not been made —
- (a) section 142(1) as in force immediately before amendment day;
 - (b) if applicable, clause 5.

Part 3 — *Petroleum Pipelines Act 1969* amended

Division 1 — Preliminary

176. Act amended

This Part amends the *Petroleum Pipelines Act 1969*.

Division 2 — General amendments

177. Section 4 amended

- (1) In section 4(1) delete the definitions of:

petroleum

pipeline operation

- (2) In section 4(1) insert in alphabetical order:

Department means the department of the Public Service principally assisting in the administration of this Act;

electronic means includes —

- (a) an electronic database or document system; and
- (b) any other means by which a document can be accessed electronically;

petroleum —

- (a) means any of the following —
 - (i) any naturally occurring hydrocarbon, whether in a gaseous, liquid or solid state;
 - (ii) any naturally occurring mixture of hydrocarbons, whether in a gaseous, liquid or solid state;

(iii) any naturally occurring mixture of 1 or more hydrocarbons, whether in a gaseous, liquid or solid state, and 1 or more of hydrogen sulphide, nitrogen, helium and carbon dioxide;

and

- (b) includes the following —
- (i) any petroleum as defined by paragraph (a) that has been returned to a natural reservoir, except oil shale;
 - (ii) any petroleum as defined by paragraph (a) or subparagraph (i) to which 1 or more things prescribed by the regulations have been added;

pipeline operation means any of the following —

- (a) an operation in connection with the construction, operation, inspection (by a person other than an inspector), maintenance or repair of a pipeline;
- (b) an operation carried out on land that is specified in any licence as licence area;
- (c) the care and maintenance of land, waters or infrastructure affected by an operation referred to in paragraph (a) or (b);
- (d) the decommissioning of an operation referred to in paragraph (a) or (b);
- (e) the rehabilitation of the land or waters affected by an operation referred to in paragraph (a) or (b);

- (3) In section 4(1) in the definition of *pipeline*:
- (a) delete “conveyance of petroleum;” and insert:

conveyance of petroleum,
 - (b) before “appurtenances” insert:

measuring devices and other

178. Section 8 amended

- (1) In section 8(1):
- (a) after “An application” insert:

made to the Minister
 - (b) in paragraph (d)(iii) delete “if any” and insert:

if any,
- (2) Delete section 8(6).

179. Section 12 amended

After section 12(2) insert:

- (2A) The conditions referred to in subsection (1) may, if agreed to by the licensee, include a condition that the licensee must install 1 or more measuring devices on the pipeline, of an approved kind and at approved

locations, for the purpose of measuring quantities of petroleum under —

- (a) the *Petroleum and Geothermal Energy Resources Act 1967* section 147; or
 - (b) the *Petroleum (Submerged Lands) Act 1982* section 148.
- (2B) A condition referred to in subsection (2A) may be imposed in relation to the licence —
- (a) at the time it is granted; or
 - (b) at any subsequent time, by written notice to the licensee.

180. Section 15 amended

Before section 15(2)(b) insert:

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

181. Section 16 amended

(1) In section 16:

- (a) delete “Notwithstanding” and insert:

(1) Notwithstanding

- (b) delete “upon such terms and conditions, and”;
- (c) after “other authority” insert:

(the *instrument*)

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Part 3 Petroleum Pipelines Act 1969 amended

Division 2 General amendments

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(2) At the end of section 16 insert:

(2) The instrument may be subject to conditions specified in the instrument.

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

Power of Minister to grant instruments

182. Section 17 amended

(1) In section 17:

(a) delete “Notwithstanding” and insert:

(1) Notwithstanding

(b) delete “shall, upon such terms and conditions as the Governor may impose, grant to the licensee a lease, easement, licence or other authority” and insert:

may grant to the licensee an instrument

(2) At the end of section 17 insert:

(2) The instrument may be subject to conditions specified in the instrument.

Note: The heading to amended section 17 is to read:

Power of public authority to grant instruments

183. Section 21 amended

- (1) Delete section 21(2)(a) and (b) and insert:
 - (a) must be made in an approved manner; and
- (2) In section 21(6) in the Penalty delete “Penalty:” and insert:

Penalty for this subsection:

184. Section 44 amended

- (1) Before section 44(1) insert:
 - (1A) In this section —
instrument of transfer, in relation to an application for approval of a transfer of a licence, means an instrument of transfer in the approved form executed —
 - (a) by the registered holder or, if there are 2 or more registered holders, by each registered holder; and
 - (b) by the transferee or, if there are 2 or more transferees, by each transferee.
- (2) Delete section 44(3) and insert:
- (3) An application for approval of a transfer of a licence lodged in hard copy form must be accompanied by —
 - (a) the instrument of transfer; and
 - (b) a copy of the instrument of transfer; and
 - (c) for each transferee, if any, who is not a registered holder — a statement of the technical

advice and financial resources available, or that will be available, to the transferee.

- (3A) An application for approval of a transfer of a licence lodged by electronic means must be accompanied by —
- (a) an electronic copy of the instrument of transfer; and
 - (b) for each transferee, if any, who is not a registered holder — an electronic copy of a statement of the technical advice and financial resources available, or that will be available, to the transferee.
- (3B) If subsection (3A) applies, the Minister may at any time require the instrument of transfer to be lodged in hard copy form.
- (3) Delete section 44(9) and insert:
- (9) Where the Minister approves the transfer of a licence, the Minister must, on payment of the prescribed fee, enter in the register a memorandum of the transfer and the name of the transferee or of each transferee.
- (4) Delete section 44(12) and insert:
- (12) If a transfer is registered, the Minister must —
- (a) retain a copy of the instrument of transfer; and
 - (b) make the copy available for inspection in accordance with this Part.

185. Section 47 amended

- (1) Delete section 47(4) and (4a) and insert:
- (4) If an application under subsection (3) for approval of a dealing is lodged in hard copy form, the application —
- (a) must be accompanied by either —
 - (i) the instrument evidencing the dealing and a copy of it; or
 - (ii) if the instrument evidencing the dealing has already been lodged with the Minister in hard copy form for the purposes of another application — 2 copies of the instrument;
- and
- (b) may be accompanied by an instrument setting out any particulars prescribed for the purposes of an application for approval of a dealing of that kind, and a copy of it.
- (4A) If an application under subsection (3) for approval of a dealing is lodged by electronic means, the application —
- (a) must be accompanied by an electronic copy of the instrument evidencing the dealing; and
 - (b) may be accompanied by an electronic copy of an instrument setting out any particulars prescribed for the purposes of an application for approval of a dealing of that kind.
- (4B) If subsection (4A) applies, the Minister —
- (a) may at any time require to be lodged in hard copy form either —
 - (i) the instrument referred to in subsection (4A)(a); or

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- (ii) if the instrument has already been lodged with the Minister in hard copy form for the purposes of another application — a copy of the instrument;
 - and
 - (b) may at any time require to be lodged in hard copy form any instrument that accompanied the application under subsection (4A)(b).
- (2) Delete section 47(8).
- (3) Delete section 47(12) and insert:
- (12) If the Minister approves a dealing, the Minister must, on payment of the prescribed fee, make an entry of the approval of the dealing in the register.
- (4) In section 47(13):
- (a) in paragraph (a) delete “subsection (4)(b), one” and insert:

subsection (4)(b) or (4A)(b) (as the case may be), a
 - (b) in paragraph (a) delete “endorsed with a memorandum of approval”;
 - (c) delete paragraph (b) and insert:

(b) if the application for approval of the dealing was accompanied by an instrument for the purpose of subsection (4)(b) or (4A)(b) (as the case may be), a copy of that instrument must be retained by the Minister and made available for inspection in accordance with this Part but a

copy of the instrument evidencing the dealing
must not be so made available; and

- (d) in paragraph (c) delete “endorsed with a memorandum of approval”;
- (e) in paragraph (c) after “subsection (4)(b)” insert:

or (4B)(b)

186. Section 48 amended

In section 48(c) delete “of the kind referred to in section 47(4)(b),” and insert:

described in section 47(4)(b), (4A)(b) or (4B)(b),

187. Part 4A inserted

After section 56 insert:

Part 4A — Polluter pays

56A. Escape of petroleum: titleholder’s duty

- (1) In this section —
interstate Act means —
 - (a) the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (Commonwealth); or
 - (b) an Act of another State or a Territory relating to pipeline operations;

interstate land or waters means land or waters to which an interstate Act applies.

- (2) This section applies in the event of an escape of petroleum occurring as a result of, or in connection with, a pipeline operation in relation to any of the following titles —
- (a) a licence;
 - (b) any other authority or consent granted by instrument under this Act for the carrying out of a pipeline operation.
- (3) The holder of the title must —
- (a) do all of the following —
 - (i) as soon as possible after becoming aware of the escape of petroleum, take all reasonably practicable steps to eliminate or control it;
 - (ii) clean up the escaped petroleum and remediate any resulting damage to the environment;
 - (iii) carry out environmental monitoring of the impact of the escape on the environment and anything done by the holder of the title under subparagraph (i) or (ii);
- and
- (b) if any of the escaped petroleum has migrated to interstate land or waters, on that land or in those waters, as the case may be —
 - (i) clean up the escaped petroleum and remediate any resulting damage to the environment; and

- (ii) carry out environmental monitoring of the impact of the escape and clean-up on the environment.
- (4) The holder of the title must notify the Minister administering the interstate Act as soon as practicable after doing anything under subsection (3)(b).

56B. Escape of petroleum: reimbursement of State

- (1) This section applies if the Minister considers on reasonable grounds that the holder of a title has failed to comply with section 56A(3) in relation to an escape of petroleum.
- (2) The Minister may do any or all of the things that the Minister considers, on reasonable grounds, the holder of the title has failed to do to comply with section 56A(3).
- (3) Costs or expenses incurred by the State in doing any thing under subsection (2) are —
 - (a) a debt due to the Crown by the holder of the title; and
 - (b) recoverable by the State in a court of competent jurisdiction.

188. Part V Division 1 heading inserted

At the beginning of Part V insert:

Division 1 — General

189. Section 60 amended

In section 60 delete “Every” and insert:

Without limiting the provision that may be made by regulations under section 67(1AA), every

190. Part V Division 2 heading inserted

After section 61 insert:

Division 2 — Inspectors and protection from liability

191. Part V Division 3 heading inserted

After section 63A insert:

Division 3 — Offences and proceedings

192. Section 66BB amended

In section 66BB(4) in the definition of *CEO* delete “department of the Public Service principally assisting in the administration of this Act.” and insert:

Department.

193. Part V Division 4 heading inserted

After section 66E insert:

Division 4 — Forms and regulations

194. Section 66F inserted

Before section 67 insert:

66F. Approved forms

- (1) The Minister may approve forms that must be used for applications, notices and other documents under this Act.

Examples for this subsection:

1. If the Minister approves a form for a type of application, a person making an application of that type must use the approved form for the application.
 2. If the Minister approves a form for a type of notice, a person giving a notice of that type must use the approved form for the notice.
- (2) An approved form must be published on a website maintained by, or on behalf of, the Department.

195. Section 67 amended

After section 67(1) insert:

- (1AA) Without limiting subsection (1), the regulations may make provision for or in relation to the following —
- (a) the giving of a document required or permitted to be given under this Act (including the giving of the document by electronic means);

- (b) the time at which the document is taken to have been given;
- (c) the means of satisfying a requirement under this Act in relation to a document in writing (for example, a requirement that the original of a document be given or that a document be signed) if the document is given by electronic means.

(1AB) Subsection (1AA) applies to a requirement or permission to give a document whether the expression “give”, “send” or “serve”, or any other similar word or expression, is used.

196. Part 6 inserted

After section 67 insert:

Part 6 — Transitional provisions

68. Transitional regulations

(1) In this section —

publication day means the day on which transitional regulations are published in accordance with the *Interpretation Act 1984* section 41(1)(a);

specified means specified or described in transitional regulations;

transitional matter means a matter of a transitional, savings or application nature;

transitional regulations means regulations under subsection (2).

- (2) Regulations may prescribe anything required, necessary or convenient to be prescribed in relation to a transitional matter in connection with —
 - (a) amendments made to this Act by another Act (the *amending Act*); or
 - (b) amendments made to another written law by the amending Act that, wholly or partly, are consequential on, or otherwise connected with, amendments referred to in paragraph (a).
- (3) Without limiting subsection (2), transitional regulations may provide for specified provisions of this Act or another written law —
 - (a) not to apply to, or in relation to, a specified matter or thing; or
 - (b) to apply with specified modifications to, or in relation to, a specified matter or thing.
- (4) If transitional regulations provide that a state of affairs is to be taken to have existed, or not to have existed, on and from a day (the *operative day*) that is earlier than publication day, the regulations have effect according to their terms as long as the operative day is not earlier than the day on which the amending Act receives the Royal Assent.
- (5) If transitional regulations contain a provision referred to in subsection (4), the provision does not operate so as to —
 - (a) affect in a manner prejudicial to any person (other than the State), the rights of that person existing before publication day; or
 - (b) impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before publication day.

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Part 3 Petroleum Pipelines Act 1969 amended

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- (6) The *Interpretation Act 1984* applies in relation to an amendment made by the amending Act subject to transitional regulations.

197. Various modernisations

Amend the provisions listed in the Table as set out in the Table.

Table

Provision	Delete	Insert
s. 4(1) def. of <i>public authority</i> par. (a)	his	an
s. 8(1)(c)(v)	his	the applicant's
s. 8(1)(e) and (2) s. 15(3)	him	the applicant
s. 8(1)(f)	thereto; and	to the pipeline; and
s. 8(1), (3) and (4) s. 12(2) and (3) s. 15(2) s. 21(2)(c), (3), (5) and (6) s. 41(3) to (6) and (8) to (10) s. 44(4) to (7) and (11)	shall (each occurrence)	must

Provision	Delete	Insert
s. 47(5), (6), (9), (11), (13)(a) and (c) and (14) s. 48		
s. 8(2) s. 15(3)	his	the
s. 8(4) s. 15(4)(a) and (5) s. 21(3)(b) and (4)	he (each occurrence)	the Minister
s. 12(3)	he him	the licensee the licensee
s. 12(4)	his	the licensee's
s. 15(4)(b) s. 21(3)(c)	he	the person
s. 15(5)	to him	
s. 21(4)	him	the Minister
s. 41(2) s. 44(10)(a)	shall be deemed	is taken
s. 41(2)(a) s. 44(2) s. 47(1), (3)(a) and (12)	one	1

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Part 3 Petroleum Pipelines Act 1969 amended

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s. 198

Provision	Delete	Insert
s. 47(7)	shall, for the purposes of this section, be taken to be one	are, for the purposes of this section, taken to be 1
s. 67(1)(g)	thereof.	of it.

Division 3 — Amendments relating to greenhouse gas storage and transport

198. Long title amended

In the long title delete “**and for purposes connected therewith.**” insert:

or greenhouse gas substances and for connected purposes.

199. Section 1 amended

In section 1 after “*Petroleum*” insert:

and Greenhouse Gas

200. Section 4 amended

- (1) In section 4(1) delete the definition of *pipeline*.
- (2) In section 4(1) insert in alphabetical order:

excluded greenhouse gas pipeline means any of the following —

- (a) a GHG facility line;

- (b) a GHG injection line;
- (c) a pipe, or system of pipes, specified in the regulations;

GHG facility line means a pipe, or system of pipes, that —

- (a) is used to convey a greenhouse gas substance; and
- (b) is part of a greenhouse gas facility;

GHG injection line means a pipe, or system of pipes, for conveying a greenhouse gas substance for any of the following purposes but only if the greenhouse gas substance does not pass through a terminal point on the pipe, or system of pipes, before it is injected into the identified GHG storage formation —

- (a) to be compressed, processed or otherwise prepared for injection into an identified GHG storage formation;
- (b) for storage prior to being injected into an identified GHG storage formation;
- (c) for injection into an identified GHG storage formation;

GHG operation has the meaning given in the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967* section 5(1);

greenhouse gas facility means a structure for or in connection with the carrying out of a GHG operation;

greenhouse gas pipeline —

- (a) means any of the following —
 - (i) a pipe, or system of pipes, for conveying a greenhouse gas substance, other than an excluded greenhouse gas pipeline;

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Part 3 Petroleum Pipelines Act 1969 amended

Division 3 Amendments relating to greenhouse gas storage and transport

s. 200

- (ii) a part of a pipe covered by subparagraph (i);
 - (iii) a part of a system of pipes covered by subparagraph (i);
- and
- (b) includes the following —
 - (i) all structures for protecting or supporting a greenhouse gas pipeline as defined in paragraph (a);
 - (ii) all loading terminals, works and buildings, and all fittings, pumps, tanks, storage tanks, measuring devices and other appurtenances and appliances, that are used in connection with a greenhouse gas pipeline as defined in paragraph (a);
 - (iii) any facility, or any facility of a class, that is declared for the time being under section 5 to be a pipeline facility for the purposes of this Act and that is used in connection with a greenhouse gas pipeline as defined in paragraph (a);

greenhouse gas substance —

- (a) has the meaning given in the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967* section 6E; but
- (b) does not include anything that is petroleum for the purposes of this Act under the *Barrow Island Act 2003* section 11(1);

identified GHG storage formation has the meaning given in the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967* section 5(1);

petroleum exploration operation means an operation to explore for petroleum, and the carrying on of operations and the execution of works necessary for that purpose;

petroleum pipeline —

- (a) means any of the following —
 - (i) a pipe, or system of pipes, for conveying petroleum, other than a secondary line;
 - (ii) a part of a pipe covered by subparagraph (i);
 - (iii) a part of a system of pipes covered by subparagraph (i);and
- (b) includes the following —
 - (i) all structures for protecting or supporting a petroleum pipeline as defined in paragraph (a);
 - (ii) all loading terminals, works and buildings, and all fittings, pumps, tanks, storage tanks, measuring devices and other appurtenances and appliances, that are used in connection with a petroleum pipeline as defined in paragraph (a);
 - (iii) any facility, or any facility of a class, that is declared for the time being under section 5 to be a pipeline facility for the purposes of this Act and that is used in connection with a petroleum pipeline as defined in paragraph (a);

pipeline —

(a) means —

- (i) a petroleum pipeline; or
- (ii) a greenhouse gas pipeline;

but

(b) does not include the following —

- (i) anything that is in the adjacent area as defined in the *Petroleum and Greenhouse Gas Storage (Submerged Lands) Act 1982* section 60K(2);
- (ii) a pipeline that is used for returning petroleum to a natural reservoir;
- (iii) a pipeline constructed, or to be constructed, under the authority of any Act, other than this Act;
- (iv) a pipeline that is part of a distribution system as defined in the *Energy Coordination Act 1994*;
- (v) a pipeline constructed, or to be constructed, on land used for residential, business, agricultural, commercial or industrial purposes, designed for use solely for the residential, business, agricultural, commercial or industrial purposes carried on on that land and situated wholly within the boundaries of that land;
- (vi) a pipeline, or a pipeline of a class, that is declared for the time being under section 5 not to be a pipeline for the purposes of this Act;

secondary line means a pipe, or system of pipes, for —

- (a) conveying petroleum for use for petroleum exploration operations; or
- (b) conveying petroleum for use for petroleum recovery operations; or
- (c) conveying petroleum that is to be flared or vented; or
- (d) conveying petroleum from the well head to a tank or separator; or
- (e) collecting petroleum within the area in which it is produced or recovered;

terminal point means a terminal point declared under section 5A(1);

201. Section 5A inserted

At the end of Part 1 insert:

5A. Terminal point

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

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Part 3 Petroleum Pipelines Act 1969 amended

Division 3 Amendments relating to greenhouse gas storage and transport

s. 202

202. Section 8 amended

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

or greenhouse gas substances

203. Section 12 amended

In section 12(2A):

(a) delete “The” and insert:

If the pipeline is a petroleum pipeline, the

(b) in paragraph (a) delete “*Petroleum and Geothermal Energy Resources*” and insert:

Petroleum, Geothermal Energy and Greenhouse Gas Storage

(c) in paragraph (b) after “*Petroleum*” insert:

and Greenhouse Gas Storage

204. Section 21 amended

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

or greenhouse gas substances

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

or greenhouse gas substances

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

Directions as to conveyance of petroleum or greenhouse gas substances

205. Section 37A amended

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

petroleum or greenhouse gas substances.

206. Section 41 amended

In section 41(2)(b) delete “otherwise than in accordance with this paragraph)” and insert:

in accordance with paragraph (a))

207. Section 47 amended

In section 47(1):

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

petroleum or the injection of greenhouse gas substances);

(b) in paragraph (d)(ii) delete “from” and insert:

from, or greenhouse gas substances injected as a result of,

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Part 3 Petroleum Pipelines Act 1969 amended

Division 3 Amendments relating to greenhouse gas storage and transport

s. 208

208. Section 64 amended

In section 64 after “petroleum” insert:

or greenhouse gas substance

Note: The heading to amended section 64 is to read:

Theft of petroleum or greenhouse gas substance from pipeline

209. Section 67 amended

In section 67(1c) delete “*Petroleum and Geothermal Energy Resources Act 1967*, the *Petroleum (Submerged Lands) Act 1982* or the Commonwealth Act as defined in that Act,” and insert:

Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967, the *Petroleum and Greenhouse Gas Storage (Submerged Lands) Act 1982* or the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (Commonwealth),

Part 4 — *Petroleum (Submerged Lands) Act 1982* amended

Division 1 — Preliminary

210. Act amended

This Part amends the *Petroleum (Submerged Lands) Act 1982*.

Division 2 — General amendments

211. Section 4 amended

- (1) In section 4(1) delete the definitions of:

facility

offshore petroleum operation

petroleum

petroleum pool

pipeline

secondary line

- (2) In section 4(1) insert in alphabetical order:

Department means the department of the Public Service principally assisting in the administration of this Act;

electronic means includes —

- (a) an electronic database or document system; and
- (b) any other means by which a document can be accessed electronically;

facility means a structure for or in connection with the carrying out of a petroleum operation;

geological formation includes —

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

petroleum —

- (a) means any of the following —
 - (i) any naturally occurring hydrocarbon, whether in a gaseous, liquid or solid state;
 - (ii) any naturally occurring mixture of hydrocarbons, whether in a gaseous, liquid or solid state;
 - (iii) any naturally occurring mixture of 1 or more hydrocarbons, whether in a gaseous, liquid or solid state, and 1 or more of hydrogen sulphide, nitrogen, helium and carbon dioxide;

and

- (b) includes the following —
 - (i) any petroleum as defined by paragraph (a) that has been returned to a natural reservoir, except oil shale;
 - (ii) any petroleum as defined by paragraph (a) or subparagraph (i) to which 1 or more things prescribed by the regulations have been added;

petroleum exploration operation means an operation to explore for petroleum or a regulated substance, and the carrying on of operations and the execution of works necessary for that purpose;

petroleum operation —

- (a) means any of the following carried out in the adjacent area —
- (i) a petroleum exploration operation;
 - (ii) an operation to drill for petroleum or a regulated substance, and the carrying on of operations and the execution of works necessary for that purpose;
 - (iii) an operation to recover petroleum or a regulated substance, and the carrying on of operations and the execution of works necessary for that purpose;
 - (iv) the care and maintenance of land, waters or infrastructure affected by an operation referred to in subparagraphs (i) to (iii);
 - (v) the decommissioning of an operation referred to in subparagraphs (i) to (iii);
 - (vi) the rehabilitation of the land or waters affected by an operation referred to in subparagraphs (i) to (iii);
- but
- (b) does not include an operation of a kind that is prescribed by the regulations not to be a petroleum operation;

pipeline —

- (a) means a pipe, or system of pipes, in the adjacent area as defined in section 60K(2) for conveying petroleum; and

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Division 2 General amendments

s. 211

- (b) includes protective or supporting structures, loading terminals, works, buildings, fittings, pumps, tanks, storage tanks, measuring devices and any other related infrastructure; but
- (c) does not include a pipe or system of pipes —
 - (i) for returning petroleum to a natural reservoir; or
 - (ii) for conveying petroleum for use for the purposes of petroleum operations; or
 - (iii) for conveying petroleum that is to be flared or vented; or
 - (iv) for conveying petroleum from a well to a terminal station without passing through another terminal station, whether the terminal station to which the petroleum is conveyed is in that adjacent area or not;

regulated substance means a naturally occurring substance that —

- (a) occurs in a natural geological formation; and
- (b) is prescribed by the regulations;

report means a report, return or other document in connection with, or in connection with operations under, any of the following —

- (a) an access authority or special prospecting authority;
- (b) an instrument of consent under section 123;
- (c) a lease;

- (d) a licence, infrastructure licence or pipeline licence;
- (e) a permit;

resources pool means a naturally occurring discrete accumulation of petroleum or a regulated substance;

secondary line means a pipe, or system of pipes, for —

- (a) returning petroleum to a natural reservoir; or
 - (b) conveying petroleum for use for petroleum exploration operations; or
 - (c) conveying petroleum for use for petroleum recovery operations; or
 - (d) conveying petroleum that is to be flared or vented; or
 - (e) conveying petroleum from a well, wherever located, to a terminal station without passing through another terminal station, whether or not the terminal station to which the petroleum is conveyed is in the adjacent area as defined in section 60K(2);
- (3) In section 4(1) in the definition of **licence** delete “production licence for petroleum under Part III;” and insert:

licence under Part 3, other than an infrastructure licence or pipeline licence;

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- (4) In section 4(1) in the definition of *permit* delete “an exploration permit for petroleum” and insert:

a permit

- (5) In section 4(1) in the definition of *water line* delete “exploration”.

212. Section 4A deleted

Delete section 4A.

213. Section 15 amended

In section 15(1) in the definition of *officer* delete “department of the Public Service principally assisting the Minister in the administration of this Act.” and insert:

Department.

214. Part III heading replaced

Delete the heading to Part III and insert:

Part 3 — Mining for petroleum or regulated substances

215. Section 19 amended

In section 19(1) in the Penalty delete “Penalty:” and insert:

Penalty for this subsection:

216. Section 21 amended

After section 21(1)(d) insert:

- (da) may include an application for an approval for the purposes of section 28(2)(a); and

217. Section 22 amended

- (1) After section 22(2)(a) insert:

- (aa) if the application included an application for an approval for the purposes of section 28(2)(a) — a statement as to whether the approval will be granted with the permit; and

- (2) In section 22(4) delete “an exploration permit for petroleum” and insert:

a permit

- (3) After section 22(4) insert:

- (4A) If applicable, a permit must include the approval granted for the purposes of section 28(2)(a).

218. Section 23 amended

After section 23(4)(d) insert:

- (da) may include an application for an approval for the purposes of section 28(2)(a); and

219. Section 25 amended

After section 25(5)(a) insert:

- (aa) if the application included an application for an approval for the purposes of section 28(2)(a) — a statement as to whether the approval will be granted with the permit; and

220. Section 27 amended

(1) In section 27:

- (a) delete “Where” and insert:

(1) Where

- (b) delete “an exploration permit for petroleum” and insert:

a permit

(2) At the end of section 27 insert:

- (2) If applicable, a permit must include the approval granted for the purposes of section 28(2)(a).

221. Section 28 replaced

Delete section 28 and insert:

28. Rights conferred by permit

- (1) Except as provided in subsection (2), a permit, while it remains in force, authorises the permittee, subject to this Act and in accordance with the conditions to which the permit is subject —
 - (a) to explore for petroleum or a regulated substance in the permit area; and
 - (b) to recover petroleum or a regulated substance in the permit area for the purpose of establishing the nature and probable extent of a discovery of petroleum or a regulated substance; and
 - (c) to carry on any operations and execute any works in the permit area that are necessary for those purposes.
- (2) A permit does not authorise the permittee to do the things referred to in subsection (1)(a) to (c) in relation to a regulated substance unless —
 - (a) the permit includes an approval granted by the Minister extending the permit to cover the regulated substance; or
 - (b) the permittee applies to the Minister in writing for such an approval and the Minister grants the approval by instrument in writing.

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- (3) A permit does not authorise the permittee to make a well outside the permit area.

Note for this subsection:

The permittee may be able to make a well outside the permit area under another authority, for example, an access authority.

222. Section 38A amended

After section 38A(2)(c) insert:

- (ca) may include an application for an approval for the purposes of section 38C(2)(a); and

223. Section 38B amended

(1) After section 38B(3)(a) insert:

- (aa) if the application included an application for an approval for the purposes of section 38C(2)(a) — a statement as to whether the approval will be granted with the lease; and

(2) After section 38B(5) insert:

- (5A) If applicable, a lease must include the approval granted for the purposes of section 38C(2)(a).

224. Section 38CA amended

After section 38CA(2)(b) insert:

- (ba) may include an application for an approval for the purposes of section 38C(2)(a); and

225. Section 38CB amended

(1) After section 38CB(3)(a) insert:

- (aa) if the application included an application for an approval for the purposes of section 38C(2)(a) — a statement as to whether the approval will be granted with the lease; and

(2) After section 38CB(6) insert:

- (6A) If applicable, a lease must include the approval granted for the purposes of section 38C(2)(a).

226. Section 38C replaced

Delete section 38C and insert:

38C. Rights conferred by lease

- (1) Except as provided in subsection (2), a lease, while it remains in force, authorises the lessee, subject to this Act and in accordance with the conditions to which the lease is subject —
 - (a) to explore for petroleum or a regulated substance in the lease area; and

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- (b) to recover petroleum or a regulated substance in the lease area for the purpose of establishing the nature and probable extent of a discovery of petroleum or a regulated substance; and
 - (c) to carry on any operations and execute any works in the lease area that are necessary for those purposes.
- (2) A lease does not authorise the lessee to do the things referred to in subsection (1)(a) to (c) in relation to a regulated substance unless —
 - (a) the lease includes an approval granted by the Minister extending the lease to cover the regulated substance; or
 - (b) the lessee applies to the Minister in writing for such an approval and the Minister grants the approval by instrument in writing.
- (3) A lease does not authorise the lessee to make a well outside the lease area.

Note for this subsection:

The lessee may be able to make a well outside the lease area under another authority, for example, an access authority.

227. Section 41 amended

After section 41(1)(c) insert:

- (ca) may include an application for an approval for the purposes of section 52(2)(a); and

228. Section 43 amended

After section 43(2)(a) insert:

- (aa) if the application included an application for an approval for the purposes of section 52(2)(a) — contain a statement as to whether the approval will be granted with the licence; and

229. Section 44 amended

- (1) In section 44(2) delete “production licence for petroleum” and insert:

licence

- (2) After section 44(2) insert:

- (2A) If applicable, a licence must include the approval granted for the purposes of section 52(2)(a).

230. Section 47 amended

After section 47(6)(d) insert:

- (da) may include an application for an approval for the purposes of section 52(2)(a); and

231. Section 49 amended

After section 49(5)(a) insert:

- (aa) if the application included an application for an approval for the purposes of section 52(2)(a) — a statement as to whether the approval will be granted with the licence; and

232. Section 50 amended

(1) In section 50:

(a) delete “Where” and insert:

(1) Where

(b) delete “production licence for petroleum” and insert:

licence

(2) At the end of section 50 insert:

(2) If applicable, a licence must include the approval granted for the purposes of section 52(2)(a).

233. Section 51 amended

(1) In section 51(4) delete “production licences for petroleum” and insert:

licences

- (2) In section 51(5):
- (a) in paragraph (b) delete “subject.” and insert:

subject; and
 - (b) after paragraph (b) insert:

 - (c) if the original licence included an approval for the purposes of section 52(2)(a) or an approval had been granted in relation to the original licence for the purposes of section 52(2)(b) — must include an approval corresponding as nearly as may be to the previously granted approval.

234. Section 52 replaced

Delete section 52 and insert:

52. Rights conferred by licence

- (1) Except as provided in subsection (2), a licence, while it remains in force, authorises the licensee, subject to this Act and in accordance with the conditions to which the licence is subject —
- (a) to recover petroleum or a regulated substance —
 - (i) in the licence area; and
 - (ii) from the licence area in another area to which the licensee has lawful access for that purpose;
- and

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- (b) to explore for petroleum or a regulated substance in the licence area; and
 - (c) to carry on any operations and execute any works in the licence area that are necessary for those purposes.
- (2) A licence does not authorise the licensee to do the things referred to in subsection (1)(a) to (c) in relation to a regulated substance unless —
 - (a) the licence includes an approval granted by the Minister extending the licence to cover the regulated substance; or
 - (b) the licensee applies to the Minister in writing for such an approval and the Minister grants the approval.
- (3) A licence does not authorise the licensee to make a well outside the licence area.

Note for this subsection:

The licensee may be able to make a well outside the licence area under another authority, for example, an access authority.

235. Section 70 amended

After section 70(2) insert:

- (3) The conditions referred to in subsection (1) may, if agreed to by the pipeline licensee, include a condition that the pipeline licensee must install 1 or more measuring devices on the pipeline, of an approved kind and at approved locations, for the purpose of measuring quantities of petroleum under section 148.

- (4) A condition referred to in subsection (3) may be imposed in relation to the licence —
- (a) at the time it is granted; or
 - (b) at any subsequent time, by written notice to the pipeline licensee.

236. Part 3 Division 4AA inserted

Before Part III Division 5 insert:

Division 4AA — Polluter pays

74A. Term used: registered holder

In this Division —

registered holder, in relation to a title referred to in section 74B(2)(h), means the person who holds the title.

Note for this definition:

In relation to the other titles referred to in section 74B(2), see the definition of ***registered holder*** in section 4(1).

74B. Escape of petroleum or regulated substance: titleholder's duty

- (1) In this section —

interstate Act means —

- (a) the Commonwealth Act; or
- (b) an Act of another State or a Territory relating to operations that are equivalent to petroleum operations (whether carried out in an area that is equivalent to the adjacent area or otherwise);

interstate land or waters means land or waters to which an interstate Act applies.

- (2) This section applies in the event of an escape of petroleum or a regulated substance occurring as a result of, or in connection with, a petroleum operation in relation to any of the following titles —
- (a) an access authority;
 - (b) a permit;
 - (c) a licence;
 - (d) a lease;
 - (e) a special prospecting authority;
 - (f) a pipeline licence;
 - (g) an infrastructure licence;
 - (h) any other authority or consent granted by instrument under this Act for the carrying out of a petroleum operation.
- (3) The registered holder of the title must —
- (a) do all of the following —
 - (i) as soon as possible after becoming aware of the escape of petroleum or a regulated substance, take all reasonably practicable steps to eliminate or control it;
 - (ii) clean up the escaped petroleum or regulated substance and remediate any resulting damage to the environment;
 - (iii) carry out environmental monitoring of the impact of the escape on the environment and anything done by the registered holder of the title under subparagraph (i) or (ii);

and

- (b) if any of the escaped petroleum or regulated substance has migrated to interstate land or waters, on that land or in those waters, as the case may be —
 - (i) clean up the escaped petroleum or regulated substance and remediate any resulting damage to the environment; and
 - (ii) carry out environmental monitoring of the impact of the escape and clean-up on the environment.
- (4) The registered holder of the title must notify the Minister administering the interstate Act as soon as practicable after doing anything under subsection (3)(b).

74C. Escape of petroleum or regulated substance: reimbursement of State

- (1) This section applies if the Minister considers on reasonable grounds that the registered holder of a title has failed to comply with section 74B(3) in relation to an escape of petroleum or a regulated substance.
- (2) The Minister may do any or all of the things that the Minister considers, on reasonable grounds, the registered holder of the title has failed to do to comply with section 74B(3).
- (3) Costs or expenses incurred by the State in doing any thing under subsection (2) are —
 - (a) a debt due to the Crown by the registered holder of the title; and
 - (b) recoverable by the State in a court of competent jurisdiction.

237. Section 78 amended

(1) Before section 78(1) insert:

(1A) In this section —

instrument of transfer, in relation to an application for approval of a transfer of a title, means an instrument of transfer in the approved form executed —

- (a) by the registered holder or, if there are 2 or more registered holders, by each registered holder; and
- (b) by the transferee or, if there are 2 or more transferees, by each transferee.

(2) Delete section 78(3) and insert:

(3) An application for approval of a transfer of a title lodged in hard copy form must be accompanied by —

- (a) the instrument of transfer; and
- (b) a copy of the instrument of transfer; and
- (c) for each transferee, if any, who is not a registered holder — a statement of the technical advice and financial resources available, or that will be available, to the transferee.

(3A) An application for approval of a transfer of a title lodged by electronic means must be accompanied by —

- (a) an electronic copy of the instrument of transfer; and
- (b) for each transferee, if any, who is not a registered holder — an electronic copy of a statement of the technical advice and financial

resources available, or that will be available, to the transferee.

(3B) If subsection (3A) applies, the Minister may at any time require the instrument of transfer to be lodged in hard copy form.

(3) Delete section 78(9) and insert:

(9) If the Minister approves the transfer of a title, the Minister must, on payment of the fee provided for by the Registration Fees Act, enter in the register a memorandum of the transfer and the name of the transferee or of each transferee.

(4) Delete section 78(12) and insert:

(12) If a transfer is registered, the Minister must —
(a) retain a copy of the instrument of transfer; and
(b) make the copy available for inspection in accordance with this Division.

238. Section 81 amended

(1) Delete section 81(4) and (4a) and insert:

(4) If an application under subsection (3) for approval of a dealing is lodged in hard copy form, the application —
(a) must be accompanied by either —
(i) the instrument evidencing the dealing and a copy of it; or

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- (ii) if the instrument evidencing the dealing has already been lodged with the Minister in hard copy form for the purposes of another application — 2 copies of the instrument;
 - and
 - (b) the application may be accompanied by an instrument setting out any particulars prescribed for the purposes of an application for approval of a dealing of that kind, and a copy of it.
- (4A) If an application under subsection (3) for approval of a dealing is lodged by electronic means, the application —
- (a) must be accompanied by an electronic copy of the instrument evidencing the dealing; and
 - (b) may be accompanied by an electronic copy of an instrument setting out any particulars prescribed for the purposes of an application for approval of a dealing of that kind.
- (4B) If subsection (4A) applies, the Minister —
- (a) may at any time require to be lodged in hard copy form either —
 - (i) the instrument referred to in subsection (4A)(a); or
 - (ii) if the instrument has already been lodged with the Minister in hard copy form for the purposes of another application — a copy of the instrument;
- and

- (b) may at any time require to be lodged in hard copy form any instrument that accompanied the application under subsection (4A)(b).

- (2) Delete section 81(8).
- (3) Delete section 81(12) and insert:
 - (12) If the Minister approves a dealing, the Minister must, on payment of the fee provided for by the Registration Fees Act, make an entry of the approval of the dealing in the register.

- (4) In section 81(13):
 - (a) in paragraph (a) delete “subsection (4)(b), one” and insert:

subsection (4)(b) or (4A)(b) (as the case may be), a
 - (b) in paragraph (a) delete “endorsed with a memorandum of approval”;
 - (c) in paragraph (b) delete “subsection (4)(b),” and insert:

subsection (4)(b) or (4A)(b) (as the case may be),
 - (d) in paragraph (b) delete “endorsed with a copy of the memorandum of approval of the dealing”;
 - (e) in paragraph (c) delete “endorsed with a memorandum of approval”;
 - (f) in paragraph (c) after “subsection (4)(b)” insert:

or (4B)(b)

239. Section 81A amended

In section 81A(2) delete “Section 81(4), (7) and (8)” and insert:

Section 81(4), (4A), (4B) and (7)

240. Section 82 amended

- (1) In section 82(1)(c) delete “of the kind referred to in section 81(4)(b),” and insert:

described in section 81(4)(b), (4A)(b) or (4B)(b),

- (2) In section 82(1) in the Penalty delete “Penalty:” and insert:

Penalty for this subsection:

241. Section 97A amended

In section 97A(1) and (2) delete “petroleum.” and insert:

petroleum or a regulated substance.

242. Section 97B inserted

After section 97A insert:

97B. Provisions relating to approvals granted in relation to regulated substances

- (1) In this section —
title means any of the following —

- (a) a permit;
 - (b) a lease;
 - (c) a licence;
 - (d) a special prospecting authority;
 - (e) an access authority.
- (2) Subsections (3) and (4) apply if, on its grant, a title includes an approval for the purposes of section 28(2)(a), 38C(2)(a), 52(2)(a), 111(4A)(a) or 112(5AA)(a).
- (3) If the title is renewed, the approval must be included in the title as renewed.
- (4) The conditions which the Minister may impose on the title on its grant or renewal include conditions for purposes related to the approval or to anything that is authorised by virtue of the approval.
- (5) Subsections (6) to (9) apply if the Minister grants an approval for the purposes of section 28(2)(b), 38C(2)(b), 52(2)(b), 111(4A)(b) or 112(5AA)(b) in relation to a title.
- (6) When granting the approval, the Minister may also, for purposes related to the approval or to anything that is authorised by virtue of the approval, by instrument in writing, vary the conditions to which the title is subject (including by imposing new conditions or removing conditions).
- (7) If the title is renewed —
- (a) the approval applies in relation to the title as renewed; and

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- (b) the conditions which the Minister may impose on the title on its renewal include conditions for purposes related to the approval or to anything that is authorised by virtue of the approval.
- (8) The approval applies in relation to the title, or to the title as renewed, despite any change in the registered holder.
- (9) Section 76(2)(a) applies to the instrument by which the approval is granted.

243. Section 111 amended

(1) After section 111(2)(c) insert:

- (ca) may include an application for an approval for the purposes of subsection (4A)(a); and

(2) After section 111(3) insert:

- (3A) If the Minister grants a special prospecting authority on an application that included an application for an approval for the purposes of subsection (4A)(a), the Minister may grant the approval and include it in the special prospecting authority.

(3) In section 111(4) delete “A special” and insert:

Except as provided in subsection (4A), a special

(4) After section 111(4) insert:

- (4A) A special prospecting authority does not authorise the holder to carry on petroleum exploration operations in relation to a regulated substance unless —
- (a) the special prospecting authority includes an approval granted by the Minister extending the special prospecting authority to cover the regulated substance; or
 - (b) the holder applies to the Minister in writing for such an approval and the Minister grants the approval by instrument in writing.

244. Section 112 amended

(1) After section 112(2)(c) insert:

- (ca) may include an application for an approval for the purposes of subsection (5AA)(a); and

(2) After section 112(3) insert:

- (3A) If the Minister grants an access authority on an application that included an application for an approval for the purposes of subsection (5AA)(a), the Minister may grant the approval and include it in the access authority.

(3) In section 112(5) delete “An access” and insert:

Except as provided in subsection (5AA), an access

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(4) After section 112(5) insert:

(5AA) An access authority does not authorise the holder to carry on operations in relation to a regulated substance unless —

- (a) the access authority includes an approval granted by the Minister extending the access authority to cover the regulated substance; or
- (b) the holder applies to the Minister in writing for such an approval and the Minister grants the approval by instrument in writing.

245. Section 122 amended

In section 122(1)(c) delete “returns, other documents,”.

246. Section 123A amended

In section 123A(1):

- (a) in paragraph (a)(viii) delete “a consent” and insert:

an instrument of consent

- (b) in paragraph (c) delete “returns, other documents,”.

247. Section 137A amended

In section 137A(4) in the definition of *CEO* delete “department of the Public Service principally assisting in the administration of this Act.” and insert:

Department.

248. Section 138 amended

- (1) In section 138(1):
 - (a) in paragraph (d) delete “age.” and insert:

age; or
 - (b) after paragraph (d) insert:

(e) by sending the document by electronic means
in the manner prescribed by the regulations.

- (2) In section 138(2):
 - (a) in paragraph (b) delete “age.” and insert:

age; or
 - (b) after paragraph (b) insert:

(c) by sending the document by electronic means
in the manner prescribed by the regulations.

- (3) In section 138(3):
 - (a) in paragraph (b) delete “age.” and insert:

age; or
 - (b) after paragraph (b) insert:

(c) by sending the document by electronic means
in the manner prescribed by the regulations.

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(4) After section 138(3) insert:

- (4) Regulations may provide for the time at which documents sent by electronic means in accordance with this section are taken to have been served.
- (5) This section applies subject to any regulations made under section 152(1A).
- (6) This section does not limit any power of the Minister under another provision of this Act to approve a manner in which something must be done.

249. Section 142 amended

In section 142 delete “140” and insert:

140, 141A

250. Section 145 amended

In section 145(3):

- (a) delete “pursuant to an agreement under section 67(2)(a) of the *Petroleum and Geothermal Energy Resources Act 1967*,” and insert:

in accordance with an authorisation referred to in the *Petroleum and Geothermal Energy Resources Act 1967* section 67(2),

- (b) delete “agreement.” and insert:

authorisation or regulations under section 67(2) of that Act.

251. Section 148 replaced

Delete section 148 and insert:

148. Ascertainment of quantity of petroleum or regulated substance recovered

- (1) In this section —
title holder means a permittee, lessee or licensee.
- (2) For the purposes of this Act, the quantity of petroleum or a regulated substance recovered by a title holder during a period is taken to be —
 - (a) the quantity measured during the period by a measuring device approved by the Minister that is installed at the well-head or at another place approved by the Minister; or
 - (b) the quantity determined by the Minister as being the quantity recovered by the title holder during the period.
- (3) Without limiting subsection (2)(a), in the case of petroleum, the approved measuring device may be a measuring device installed in accordance with a condition imposed under section 70(3) or the *Petroleum Pipelines Act 1969* section 12(2A).
- (4) The Minister may approve a measuring device or place under subsection (2)(a) subject to conditions.
- (5) The Minister's power under subsection (2)(b) can be exercised only in the following cases —
 - (a) there is no approved measuring device installed as referred to in subsection (2)(a);
 - (b) there is an approved measuring device installed as referred to in subsection (2)(a) but the Minister is not satisfied that the quantity of

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petroleum or the regulated substance recovered by the title holder has been properly or accurately measured by the measuring device;

- (c) there is an approved measuring device installed as referred to in subsection (2)(a) but the Minister is satisfied that there has been a contravention of a condition imposed under subsection (4) on the approval of the measuring device or of the place at which it is installed.

252. Section 152A amended

In section 152A in the definition of *applicable document* paragraph (c) delete “report, return or other document” and insert:

report

253. Part IV Division 1 heading inserted

At the beginning of Part IV insert:

Division 1 — General

254. Section 152I amended

In section 152I:

- (a) in paragraph (a) delete “an exploration permit for petroleum” and insert:

a permit

- (b) in paragraph (c) delete “production licence for petroleum” and insert:

licence

255. Part IV Division 2 heading inserted

After section 152I insert:

Division 2 — Forms and regulations

256. Section 152J inserted

Before section 152 insert:

152J. Approved forms

- (1) The Minister may approve forms that must be used for applications, notices and other documents under this Act.

Examples for this subsection:

1. If the Minister approves a form for a type of application, a person making an application of that type must use the approved form for the application.
 2. If the Minister approves a form for a type of notice, a person giving a notice of that type must use the approved form for the notice.
- (2) An approved form must be published on a website maintained by, or on behalf of, the Department.

257. Section 152 amended

- (1) After section 152(1) insert:
- (1A) Without limiting subsection (1), the regulations may make provision for or in relation to the following —
- (a) the giving of a document required or permitted to be given under this Act (including the giving of the document by electronic means);
 - (b) the time at which the document is taken to have been given;
 - (c) the means of satisfying a requirement under this Act in relation to a document in writing (for example, a requirement that the original of a document be given or that a document be signed) if the document is given by electronic means.
- (1B) Subsection (1A) applies to a requirement or permission to give a document whether the term “give”, “send” or “serve”, or any other similar word or term, is used.
- (2) In section 152(2) delete “In particular, but without limiting the generality of” and insert:

Without limiting

258. Section 153 amended

- (1) In section 153(1) delete the definition of *Gazettal day*.

- (2) In section 153(1) insert in alphabetical order:

publication day means the day on which transitional regulations are published in accordance with the *Interpretation Act 1984* section 41(1)(a);

specified means specified or described in transitional regulations;

- (3) Delete section 153(3) and (4) and insert:

- (3) Regulations may prescribe anything required, necessary or convenient to be prescribed in relation to a transitional matter in connection with —

- (a) amendments made to this Act by another Act (the ***amending Act***); or
- (b) amendments made to another written law by the amending Act that, wholly or partly, are consequential on, or otherwise connected with, amendments referred to in paragraph (a).

- (4) Without limiting subsection (3), transitional regulations may provide for specified provisions of this Act or another written law —

- (a) not to apply to, or in relation to, a specified matter or thing; or
- (b) to apply with specified modifications to, or in relation to, a specified matter or thing.

- (4) In section 153(5):

- (a) delete “Gazettal” and insert:

publication

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(b) delete “commences.” and insert:

receives the Royal Assent.

(5) In section 153(6)(a) and (b) delete “Gazettal” and insert:

publication

(6) After section 153(6) insert:

(7) The *Interpretation Act 1984* applies in relation to an amendment made by the amending Act subject to Schedule 3 and transitional regulations.

259. Various references to “petroleum pool” amended

In the provisions listed in the Table:

(a) delete “petroleum pool” (each occurrence) and insert:

resources pool

(b) delete “petroleum pools” (each occurrence) and insert:

resources pools

Table

s. 9(1), (2), (4), (6), (7A), (8), (8A), (8B), (8D) to (8F) and (9)	s. 23(1)(c)
s. 36(1), (2) and (5)	s. 37(4)

s. 47(1)(ba)	s. 58(3) and (4)
s. 59(1)(a), (2) to (7), (11) and (12)	s. 97(2)(d)(i) and (e)
s. 152(2)(i) and (j)	

260. Various references to “petroleum” amended

Amend the provisions listed in the Table as set out in the Table.

Table

Provision	Delete	Insert
s. 4(1) def. of <i>good oil-field practice</i> s. 4(1) def. of <i>good processing and transport practice</i> s. 4(1) def. of <i>tank station</i> s. 4(1) def. of <i>valve station</i> s. 4(1) def. of <i>well</i> s. 9(8)(b), (8E)(h) and (9)(c) s. 19(1) and (2) s. 34 s. 38A(2)(c) s. 38B(1)(c) s. 38CA(1)(b), (2)(b)(ii) and (4)(b)	petroleum (each occurrence)	petroleum or a regulated substance

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Provision	Delete	Insert
s. 38CB(1)(c)		
s. 38E(1)(c)		
s. 38F(2)(c)(ii)		
s. 38G(1)(c)		
s. 38J		
s. 39		
s. 43(2A)(b) and (3)(b)		
s. 47(1)(b)(ii)		
s. 54A(1) and (3)		
s. 55(1)(c)(ii)		
s. 58(2)		
s. 59(9)		
s. 81(1)(c) and (d)(ii)		
s. 112(11)		
s. 124(d)		
s. 126(1)(a)(iii) and (iv)		
s. 129 description of variable “A”		
s. 134(1)(c)(iii)		
s. 143(3) to (7)		
s. 144(2) and (3)		
s. 145(1)(c)		
s. 149		

Provision	Delete	Insert
s. 152A def. of <i>petroleum mining sample</i> par. (b) and (c) s. 152(2)(a) to (c), (g) and (1)(iii) and (iv)		
s. 4(1) def. of <i>pumping station</i> s. 97(2)(a) and (b) s. 152(2)(k)	petroleum	petroleum, a regulated substance
s. 4(1) def. of <i>water line</i> s. 59(1)(a) and (b), (3), (5), (6) and (7) s. 97(1) s. 112(1) and (1a)	recovery of petroleum (each occurrence)	recovery of petroleum or a regulated substance
s. 9(1) and (8)(c) s. 144(1)	petroleum recovered	petroleum or regulated substance recovered
s. 9(2) and (8A)(f) s. 127	petroleum is recovered	petroleum or a regulated substance is recovered
s. 9(2), (4), (6), (7A), (8A)(g) and (9)	petroleum so recovered	petroleum or regulated substances so recovered

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Provision	Delete	Insert
s. 9(4), (6) and (7A)	petroleum, and petroleum	petroleum or a regulated substance, and petroleum or a regulated substance
s. 9(8)(a), (8A)(a) and (8E)(a) s. 112(13)	recover, petroleum	recover, petroleum or a regulated substance
s. 9(8A)(b) and (d)	petroleum recovered	petroleum or regulated substances recovered
s. 9(8A)(c) and (8E)(f), (g) and (i) s. 134(1)(c)(i) and (ii) s. 143(1)	petroleum (each occurrence)	petroleum or regulated substances
s. 9(9)(a)	recover petroleum	recover petroleum or a regulated substance
Pt. III Div. 2 heading	petroleum	petroleum or a regulated substance
s. 19(2)	<i>petroleum</i>	<i>petroleum or a regulated substance</i>

Provision	Delete	Insert
s. 23(1)(c)	petroleum has been recovered	petroleum or a regulated substance has been recovered
s. 36(5)	recovered petroleum	recovered petroleum or a regulated substance
Pt. III Div. 2A heading Pt. III Div. 3 heading	petroleum	petroleum or regulated substances
s. 38H(3) s. 126(1)(a)(ii) s. 127(a) and (b) s. 129 description of variable “B” s. 145A(1) s. 146 s. 147 s. 150(2) s. 152(2)(l)(i) and (ii)	petroleum (each occurrence)	petroleum or regulated substance
s. 42(1) s. 47(2)(b) s. 143(2) s. 145A(2)	petroleum recovered	petroleum or a regulated substance recovered

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Provision	Delete	Insert
s. 42(1) s. 47(2)(b) s. 58(1) s. 145(1)(a) s. 145A(2)	that petroleum (each occurrence)	that petroleum or regulated substance
s. 47(1)(ba)	petroleum has been recovered	petroleum or regulated substance has been recovered
s. 58(1)	Where petroleum recoverable petroleum	Where petroleum or a regulated substance recoverable petroleum or a regulated substance
s. 58(3) and (4)	petroleum is being recovered (each occurrence)	petroleum or a regulated substance is being recovered
s. 59(11)(aa) and (a)	petroleum resources	petroleum or regulated substance resources
s. 97(1) and (5) s. 112(1) and (1a)	petroleum exploration	petroleum
s. 97(2)(c)	petroleum-bearing strata	strata bearing petroleum or a regulated substance

Provision	Delete	Insert
s. 101(2)(b)(i)	petroleum, exploiting the petroleum petroleum or preparing petroleum	petroleum or a regulated substance, exploiting the petroleum or regulated substance petroleum or a regulated substance or preparing petroleum or a regulated substance
s. 115(1)	petroleum exploration operations, operations for the recovery of petroleum, operations relating to the processing or storage of petroleum or the preparation of petroleum	petroleum operations, operations relating to the processing or storage of petroleum or a regulated substance or the preparation of petroleum or a regulated substance
s. 124B(1)(a) and (b) s. 137A(1)(a) s. 152(2)(n)	petroleum	resource
s. 143(2)	the petroleum	the petroleum or regulated substance
s. 144(1)	petroleum from (each occurrence)	petroleum or a regulated substance from

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Provision	Delete	Insert
s. 145(1)(a) and (b)	petroleum that	petroleum or a regulated substance that
s. 145(1)(b)	petroleum exploration operations or operations for the recovery of petroleum	petroleum operations
s. 152(2)(f)	of petroleum with petroleum	of petroleum, a regulated substance with petroleum or a regulated substance
s. 152(2)(h)	petroleum bearing strata	strata bearing petroleum or a regulated substance

261. Various modernisations

Amend the provisions listed in the Table as set out in the Table.

Table

Provision	Delete	Insert
s. 4(1) def. of <i>partly cancelled</i> par. (a) s. 4(1) def. of <i>partly determined</i> s. 9(2) and (8A)(d)	one (each occurrence)	1

Provision	Delete	Insert
s. 21(3)(b)		
s. 22(3)		
s. 36(3) and (5)		
s. 37(2A)(a) and (2B)(a)		
s. 38A(1)		
s. 38B(1)(c)(i), (3A)(b) and (4)		
s. 38CB(5)(a) and (b)		
s. 38E(1)(e) and (3)(b)		
s. 38G(3)(a), (5), (6) and (10)(b)		
s. 38H(5)		
s. 43(2A)(b)		
s. 44(3)		
s. 49(1) and (2)(a) and (b)		
s. 54A(1) and (2)		
s. 55(4)(a) and (8)		
s. 56(3)		
s. 78(2)		
s. 81(1), (3)(a) and (7)		
s. 81A(1)(a)		

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Provision	Delete	Insert
s. 101(2)(a) s. 111(8) s. 112(4)(a) and (9) s. 134(1) s. 138(1) and (3) s. 142		
s. 4(1) def. of <i>access authority</i> s. 4(1) def. of <i>infrastructure licence</i> s. 4(1) def. of <i>lease</i> s. 4(1) def. of <i>permit</i> s. 4(1) def. of <i>pipeline licence</i> s. 4(1) def. of <i>special prospecting authority</i> Sch. 3 cl. 3	Part III	Part 3
s. 4(1) def. of <i>register</i>	in pursuance of Division 5 of Part III	under Part 3 Division 5
s. 9(1), (2), (4), (6) and (9) s. 38E(4) s. 38G(9) and (10)	shall be deemed	is taken

Provision	Delete	Insert
s. 38H(3) s. 55(11) s. 78(10)(a) s. 101(2)		
s. 9(2)	proportions shall	proportions must
s. 9(4) and (6)	proportion shall	proportion must
s. 9(8) and (10) s. 18(1) and (2) s. 19(1) s. 21(1)(b), (c), (d) and (f), (2) and (3) s. 22A(6) s. 22(2) and (4) s. 23(4)(b), (c) and (d) s. 27 s. 30(2) s. 34(b) s. 36(4) and (7) s. 37(1) and (2) s. 38A(2)(b), (c) and (e) s. 38B(1) to (3) and (5)	shall (each occurrence)	must

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Provision	Delete	Insert
s. 38CB(1) to (3) and (6) s. 38E(2) s. 38F(2) s. 38G(1) to (5) and (7) s. 38H(4) s. 38J(b) s. 39 s. 41(1) s. 42(1) and (2) s. 43(2A) to (3) s. 44(2) and (3) s. 46(3), (5) and (6) s. 47(2) and (6)(b), (c) and (d) s. 49(5) s. 50 s. 51(2)(b) to (e), (4) and (5)(b) s. 55(1)(c), (3), (4), (7) and (9) s. 58(5) s. 59(8), (11) and (12) s. 76(1), (2) and (5)		

Provision	Delete	Insert
s. 78(4), (5), (6), (7) and (11)		
s. 81(5), (6), (9), (11), (13) and (15)		
s. 82(1)		
s. 96(1) and (3)		
s. 97(1) to (5)		
s. 97A(3)		
s. 101(2a) to (5) and (8)		
s. 111(2), (6b) and (9)		
s. 112(2), (4), (10) and (11)		
s. 124		
s. 126(1) to (3)		
s. 128(1)		
s. 129		
s. 138(1), (2) and (3)		
s. 143(1) and (8)		
s. 144(1)		
s. 152C(2)		
s. 152F(2)		

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Provision	Delete	Insert
s. 20(2) s. 30(3) s. 42(2) s. 47(3) s. 49(1) and (2) s. 58(1) and (3) s. 59(7) and (8) s. 96(2) s. 97A(3) s. 112(4)(b)(i) and (ii)	he (each occurrence)	the Minister
s. 21(4) s. 22(4) s. 23(5) s. 41(2) s. 47(2)(a) and (b) and (7) s. 49(1) and (6)(a) s. 50 s. 112(3)(a)	him (each occurrence)	the applicant

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Provision	Delete	Insert
s. 21(4) s. 23(5) s. 41(2) s. 47(2)(a) and (b) and (7)	his	the
s. 22(3)	instrument on him served on him	instrument served on the Minister
s. 23(4)(d) s. 37(5)(c) s. 44(1) s. 47(3) s. 49(5)(b) s. 55(8) and (9)	to him	
s. 34(a) s. 38J(a)	shall forthwith	must, as soon as practicable,
s. 38CA(2)(a) and (d)	is to	must
s. 38G(3) s. 55(4) s. 112(4)	unless	unless the Minister

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Provision	Delete	Insert
s. 38G(3)(a) to (d) s. 55(4)(a) to (d) s. 112(4)(a) to (d)	he has	has
s. 38G(3)(a) s. 55(4)(a) s. 59(3) s. 112(4)(a)	his	the Minister's
s. 38G(3)(b) s. 55(4)(b)	he thinks	the Minister thinks
s. 40(2) and (3)	his (each occurrence)	the permittee's
s. 42(2) s. 55(4)(d) s. 59(4), (8) and (11)(a) s. 112(4)(d)	him	the Minister
s. 44(1)	notice on him served on him	notice on the applicant served on the Minister
s. 47(2)(a) and (b)	he	the applicant
s. 49(6)	instrument on him served on him	instrument served on the Minister

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Provision	Delete	Insert
s. 51(1)	him	the licensee
s. 55(4)(c)(ii)	he wishes	the licensee or person wishes
s. 55(8)	on him	on the licensee
s. 59(3)	made to him	
s. 81(7)	shall, for the purposes of this section, be	is, for the purposes of this section,
s. 81(13)(a)	section 203 of the <i>Acts Amendment (Petroleum) Act 1990</i>	the <i>Acts Amendment (Petroleum) Act 1990</i> section 203
s. 81A(3)	shall be treated as if it were	is taken to be
s. 96(2)(a) and (b)	him	the permittee, lessee, licensee, infrastructure licensee or pipeline licensee
s. 97(7)	or a defendant the defendant	or who is a defendant the person
s. 97(7) s. 112(4)(c)(ii)	he	the person

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Provision	Delete	Insert
s. 102(3)	he	the person or defendant
s. 112(1)	him	the permittee, lessee, licensee or holder
s. 112(3)(a)	he is	
s. 112(6)	by him	
s. 112(11)	he	the holder
s. 115(1)	he	the Minister or inspector
s. 115(1)(a) and (b)	him	the Minister or inspector
s. 115(2)	him (each occurrence)	the person
s. 126(1)	him	the inspector
s. 126(1) to (3)	his (each occurrence)	the inspector's

Note: The headings to the amended sections listed in the Table are to read as set out in the Table.

Table

Amended section	Section heading
s. 9	Resources pool extending into 2 licence areas or other areas
s. 19	Exploration for petroleum or regulated substances
s. 34	Discovery of petroleum or regulated substance must be notified

Amended section	Section heading
s. 38J	Discovery of petroleum or regulated substance must be notified
s. 39	Recovery of petroleum or regulated substance in adjacent area
s. 58	Directions as to recovery of petroleum or regulated substance
s. 124B	Interfering with petroleum installation or operation
s. 127	Property in petroleum or regulated substance

Division 3 — Amendments relating to greenhouse gas storage and transport

262. Long title replaced

Delete the long title and insert:

An Act to make provision with respect to —

- **the exploration for and the exploitation of the petroleum resources, and certain other resources, of certain submerged lands adjacent to the coast of Western Australia; and**
- **the injection and storage of greenhouse gas substances within certain submerged lands adjacent to the coast of Western Australia.**

263. Section 1 amended

In section 1 delete “*Petroleum*” and insert:

Petroleum and Greenhouse Gas Storage

264. Section 4 amended

- (1) In section 4(1) delete the definitions of:

access authority

lease

licence

permit

pipeline

primary entitlement

special prospecting authority

- (2) In section 4(1) insert in alphabetical order:

access authority means —

- (a) a petroleum access authority; or
- (b) a GHG access authority;

approved site plan means a site plan in respect of which an approval is in force under regulations made for the purposes of section 74AI;

closure assurance period means a closure assurance period declared under section 74AZE(2);

detection agent means a substance, whether in a gaseous or liquid state, that —

- (a) facilitates the monitoring of the behaviour of another substance or a mixture of other substances when added to —
 - (i) that other substance; or
 - (ii) that mixture of other substances;
- and

- (b) is prescribed by the regulations;

eligible GHG storage formation has the meaning given in section 4B(1);

fundamental suitability determinants, in relation to an eligible GHG storage formation, has the meaning given in section 4B(9);

GHG access authority means a GHG access authority under Part 3;

GHG exploration operation means an operation to explore for potential GHG storage formations or potential GHG injection sites, and the carrying on of operations and the execution of works necessary for that purpose;

GHG exploration permit means a GHG exploration permit under Part 3;

GHG facility line means a pipe, or system of pipes, that is —

- (a) used to convey a greenhouse gas substance; and
- (b) part of a greenhouse gas facility;

GHG infrastructure line means a pipe, or system of pipes, that is —

- (a) used to convey a greenhouse gas substance; and
- (b) part of infrastructure facilities;

GHG injection licence means a GHG injection licence under Part 3;

GHG injection line means a pipe, or system of pipes, for conveying a greenhouse gas substance for any of the following purposes but only if the greenhouse gas substance does not pass through a terminal point on the pipe, or system of pipes, before it is injected into the identified GHG storage formation —

- (a) to be compressed, processed or otherwise prepared for injection into an identified GHG storage formation;
- (b) for storage prior to being injected into an identified GHG storage formation;

- (c) for injection into an identified GHG storage formation;

GHG injection operation means —

- (a) an operation to inject a greenhouse gas substance into an identified GHG storage formation, and to permanently store the greenhouse gas substance in the identified GHG storage formation, and the carrying on of operations and the execution of works necessary for those purposes; or
- (b) an operation to monitor a greenhouse gas substance stored in an identified GHG storage formation, and the carrying on of operations and the execution of works necessary for that purpose;

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

GHG lessee means the registered holder of a GHG retention lease;

GHG licence area means the area constituted by the blocks that are the subject of a GHG injection licence;

GHG licensee means the registered holder of a GHG injection licence;

GHG operation —

- (a) means any of the following carried out in the adjacent area —
 - (i) a GHG exploration operation;
 - (ii) an operation to drill for potential GHG storage formations or potential GHG injection sites, and the carrying on of operations and the execution of works necessary for that purpose;
 - (iii) a GHG injection operation;

- (iv) any other kind of operation prescribed by the regulations to be a GHG operation;

but

- (b) does not include an operation of a kind prescribed by the regulations not to be a GHG operation;

GHG permit area means the area constituted by the blocks that are the subject of a GHG exploration permit;

GHG permittee means the registered holder of a GHG exploration permit;

GHG retention lease means a GHG retention lease under Part 3;

GHG special prospecting authority means a GHG special prospecting authority under Part 3;

greenhouse gas facility means a structure for or in connection with the carrying out of a GHG operation;

greenhouse gas (GHG licence area) pipeline has the meaning given in section 60M;

greenhouse gas (petroleum licence area) pipeline has the meaning given in section 60M;

greenhouse gas pipeline means —

- (a) a pipe, or system of pipes, in the adjacent area as defined in section 60K(2) for conveying a greenhouse gas substance, other than —
 - (i) a GHG injection line; or
 - (ii) a GHG infrastructure line; or
 - (iii) a GHG facility line; or
 - (iv) a pipe, or system of pipes, specified in the regulations;

or

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

(c) a part of a system of pipes covered by paragraph (a);

greenhouse gas substance or **GHG** has the meaning given in section 4D;

identified GHG storage formation means a part of a geological formation declared to be an identified GHG storage formation under section 74AE(2)(a);

incidental greenhouse gas-related substance, in relation to a primary greenhouse gas substance, has the meaning given in section 4C(2);

lease means —

(a) a petroleum retention lease; or

(b) a GHG retention lease;

licence means —

(a) a petroleum production licence; or

(b) a GHG injection licence;

permit means —

(a) a petroleum exploration permit; or

(b) a GHG exploration permit;

petroleum access authority means a petroleum access authority under Part 3;

petroleum exploration permit —

(a) means a petroleum exploration permit under Part 3; and

(b) includes a boundary-change permit;

petroleum lease area means the area constituted by the blocks that are the subject of a petroleum retention lease;

petroleum lessee means the registered holder of a petroleum retention lease;

petroleum licence area means the area constituted by the blocks that are the subject of a petroleum production licence;

petroleum licensee means the registered holder of a petroleum production licence;

petroleum permit area means the area constituted by the blocks that are the subject of a petroleum exploration permit;

petroleum permittee means the registered holder of a petroleum exploration permit;

petroleum pipeline means —

- (a) a pipe, or system of pipes, in the adjacent area as defined in section 60K(2) for conveying petroleum (whether or not the petroleum is recovered from the adjacent area), other than a secondary line; or
- (b) a part of a pipe covered by paragraph (a); or
- (c) a part of a system of pipes covered by paragraph (a);

petroleum production licence means a petroleum production licence under Part 3;

petroleum retention lease means a petroleum retention lease under Part 3;

petroleum special prospecting authority means a petroleum special prospecting authority under Part 3;

pipeline means —

- (a) a petroleum pipeline; or
- (b) a greenhouse gas pipeline;

pipeline licence offer notice means a notice given under section 64G(2), (3) or (4), 64H(2) or (3), 64I(2), (3) or (4), 64J(2), (3) or (4) or 64K(2) or (3);

pipeline operator under the Commonwealth Act or a corresponding law has the meaning given in section 60L;

potential GHG injection site means a place that is a suitable place to make a well or wells to inject a greenhouse gas substance into a part of a geological formation;

potential GHG storage formation has the meaning given in section 4A(1);

pre-certificate notice has the meaning given in section 74AT(2);

primary entitlement means —

- (a) in relation to a petroleum permittee, the number of blocks forming part of a location in the petroleum permit area in respect of which that petroleum permittee may make an application under section 40(1); and
- (b) in relation to a petroleum lessee, the number of blocks in the petroleum lease area in respect of which that petroleum lessee may make an application under section 40A(1);

primary greenhouse gas substance means —

- (a) carbon dioxide; or
- (b) a prescribed greenhouse gas;

site closing certificate has the meaning given in section 74AX(2);

site plan means a document that —

- (a) relates to an identified GHG storage formation; and
- (b) complies with any requirements specified in the regulations; and

(c) is divided into the following parts —

(i) Part A, which sets out predictions for the behaviour of a greenhouse gas substance stored in the identified GHG storage formation;

(ii) Part B, which deals with other matters;

spatial extent, of an eligible GHG storage formation, has the meaning given in section 4B(3);

special prospecting authority means —

(a) a petroleum special prospecting authority; or

(b) a GHG special prospecting authority;

terminal point means a terminal point declared under section 63A(1);

(3) In section 4(1) in the definition of *facility* delete “petroleum operation;” and insert:

petroleum operation or a GHG operation;

(4) In section 4(1) in the definition of *primary licence* delete “licence” and insert:

petroleum production licence

(5) In section 4(1) in the definition of *Registration Fees Act* after “*Petroleum*” insert:

and Greenhouse Gas Storage

- (6) In section 4(1) in the definition of *well* delete “substance or operations for the recovery of petroleum or a regulated substance,” and insert:

substance, operations for the recovery of petroleum or a regulated substance or GHG operations,

265. Section 4A to 4D inserted

After section 4 insert:

4A. Potential GHG storage formation

- (1) For the purposes of this Act, a *potential GHG storage formation* is a part of a geological formation that is suitable for the permanent storage of a greenhouse gas substance injected into that part.
- (2) For the purposes of subsection (1), it is not necessary to identify the greenhouse gas substance.
- (3) For the purposes of subsection (1), in determining whether a part of a geological formation is suitable for the permanent storage of a greenhouse gas substance injected into that part, regard may be had to reasonably foreseeable technological developments.

4B. Eligible GHG storage formation and related terms

- (1) For the purposes of this Act, an *eligible GHG storage formation* is a part of a geological formation that is suitable for the permanent storage of a particular amount of a particular greenhouse gas substance injected at a particular point or points into that part over a particular period.

- (2) An amount referred to in subsection (1) must be at least 100 000 tonnes.
- (3) For the purposes of this Act, the *spatial extent* of an eligible GHG storage formation is the expected migration pathway or pathways of the particular amount of the particular greenhouse gas substance injected as referred to in subsection (1), over the period —
 - (a) beginning at the start of the particular period referred to in that subsection; and
 - (b) ending at the notional site closing certificate time as defined in subsection (8).
- (4) In determining the spatial extent of an eligible GHG storage formation, regard must be had to —
 - (a) the fundamental suitability determinants; and
 - (b) any other relevant matters.
- (5) The regulations may provide that the expected migration pathway or pathways are to be ascertained for the purposes of subsection (3) on the basis of —
 - (a) 1 or more assumptions (if any) specified in the regulations; and
 - (b) a level of probability specified in the regulations; and
 - (c) a methodology (if any) specified in the regulations.
- (6) For the purposes of the application of this section to a part of a geological formation covered by subsection (1), the notional site closing certificate time is worked out by —
 - (a) assuming that the particular amount of the particular greenhouse gas substance referred to in that subsection was injected at the particular

point or points referred to in that subsection over the particular period referred to in that subsection; and

- (b) assuming that, throughout that period, that part was an identified GHG storage formation; and
- (c) assuming that, throughout that period, operations for the injection of the greenhouse gas substance into that part —
 - (i) were authorised by a GHG injection licence; and
 - (ii) complied with the requirements of this Act and the regulations;

and

- (d) assuming that, at the end of that period, operations for the injection of the greenhouse gas substance into that part ceased; and
 - (e) estimating the earliest time after the end of that period when the Minister would be in a position to issue a site closing certificate in relation to the identified GHG storage formation.
- (7) When making an estimate under subsection (6)(e), section 74AS is to be disregarded.
 - (8) The *notional site closing certificate time* is the time estimated under subsection (6)(e).
 - (9) For the purposes of this Act, the following are the *fundamental suitability determinants* of an eligible GHG storage formation —
 - (a) the particular amount referred to in subsection (1);
 - (b) the particular greenhouse gas substance referred to in subsection (1);

- (c) the particular point or points referred to in subsection (1);
- (d) the particular period referred to in subsection (1);
- (e) the effective sealing feature or attribute that enables the permanent storage referred to in subsection (1).

4C. Incidental greenhouse gas-related substance

- (1) This section applies if a primary greenhouse gas substance is captured from a particular source material.
- (2) For the purposes of this Act, each of the following is an *incidental greenhouse gas-related substance* in relation to a primary greenhouse gas substance —
 - (a) any substance that is incidentally derived from the source material;
 - (b) any substance that is incidentally derived from the capture;
 - (c) if the primary greenhouse gas substance, whether in a pure form or in a mixture with other substances, is transported — any substance that is incidentally derived from the transportation;
 - (d) if the primary greenhouse gas substance, whether in a pure form or in a mixture with other substances, is injected into a part of a geological formation — any substance that is incidentally derived from the injection;
 - (e) if the primary greenhouse gas substance, whether in a pure form or in a mixture with other substances, is stored in a part of a geological formation — any substance that is incidentally derived from the storage.

4D. Greenhouse gas substance or GHG

- (1) For the purposes of this Act, each of the following is a *greenhouse gas substance* or *GHG* —
 - (a) a primary greenhouse gas substance, whether in a gaseous or liquid state;
 - (b) subject to subsection (2), a mixture of a substance referred to in paragraph (a) with —
 - (i) 1 or more incidental greenhouse gas-related substances, whether in a gaseous or liquid state, that relate to a substance referred to in paragraph (a);
or
 - (ii) a detection agent, whether in a gaseous or liquid state.
- (2) Subsection (1)(b) applies only if —
 - (a) the mixture consists overwhelmingly of a primary greenhouse gas substance, whether in a gaseous or liquid state; and
 - (b) in a case where the mixture includes a detection agent — the concentration of the detection agent in the mixture is not more than the concentration prescribed in relation to that detection agent.

266. Section 6A amended

- (1) In section 6A(1) delete the definition of *petroleum mining instrument*.

- (2) In section 6A(1) insert in alphabetical order:

Territory instrument means a permit, lease, licence, infrastructure licence or pipeline licence.

- (3) In section 6A(1) in the definition of ***Commonwealth instrument*** delete “petroleum mining” and insert:

Territory

- (4) In section 6A(3) and (4) delete “petroleum mining” (each occurrence) and insert:

Territory

267. Section 6B amended

- (1) In section 6B(1) in the definition of ***infrastructure facilities*** delete “(2),” and insert:

(2) or (3),

- (2) After section 6B(2) insert:

- (3) The activities referred to in subsection (1) are the following —
- (a) activities preparatory to injecting a greenhouse gas substance into an identified GHG storage formation (for example, controlling the flow of a greenhouse gas substance into the relevant well);

- (b) preparing a greenhouse gas substance for injection into an identified GHG storage formation (for example, pumping, processing or compressing);
 - (c) preparing a greenhouse gas substance for transport to another place (for example, pumping or compressing);
 - (d) storing a greenhouse gas substance before it is —
 - (i) transported to another place; or
 - (ii) injected into an identified GHG storage formation; or
 - (iii) subjected to any other activity at a facility, structure or installation;
 - (e) monitoring the behaviour of a greenhouse gas substance stored in an identified GHG storage formation;
 - (f) remote control of facilities, structures or installations used to —
 - (i) inject a greenhouse gas substance into an identified GHG storage formation; or
 - (ii) store a greenhouse gas substance in an identified GHG storage formation; or
 - (iii) do anything referred to in paragraphs (a) to (e);
 - (g) activities related to anything referred to in paragraphs (a) to (f).
- (4) For the purposes of subsection (3), the injection of a greenhouse gas substance into an identified GHG storage formation is taken to take place at the top of the relevant well.

268. Part 3 heading replaced

Delete the heading to Part 3 and insert:

**Part 3 — Operations relating to recovery of
petroleum or regulated substances or
GHG injection, storage and transport**

269. Section 18 amended

After section 18(2) insert:

- (3) The Minister may, by instrument published in the *Gazette*, declare that a block specified in the instrument must not be the subject of a GHG exploration permit, GHG retention lease, GHG injection licence, GHG special prospecting authority or GHG access authority.
- (4) A declaration cannot be made under subsection (3) in respect of a block in respect of which a GHG exploration permit, GHG retention lease or GHG injection licence is in force.
- (5) While a declaration under subsection (3) remains in force in respect of a block, a GHG exploration permit, GHG retention lease, GHG injection licence, GHG special prospecting authority or GHG access authority must not be granted in respect of that block.

270. Part 3 Division 2 heading amended

In the heading to Part 3 Division 2 delete “**for petroleum or a regulated substance**”.

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271. Section 19 amended

(1) Before section 19(1) insert:

(1A) In this section —

explore for, in relation to petroleum, a regulated substance, a potential GHG storage formation or a potential GHG injection site, includes to conduct any geophysical survey the data from which is intended for use in the search for petroleum, a regulated substance, a potential GHG storage formation or a potential GHG injection site.

(2) In section 19(1):

(a) in paragraph (a) before “permit” insert:

petroleum exploration

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

Act.

(c) delete the Penalty and insert:

Penalty for this subsection: imprisonment for 5 years or a fine of \$50 000.

- (3) Delete section 19(2) and insert:
- (2) A person must not explore for a potential GHG storage formation or a potential GHG injection site in the adjacent area except —
- (a) under and in accordance with a GHG exploration permit; or
 - (b) as otherwise permitted by this Act.
- Penalty for this subsection: imprisonment for 5 years or a fine of \$50 000.

Note: The heading to amended section 19 is to read:

Exploration for petroleum, regulated substances, potential GHG storage formations and potential GHG injection sites restricted

272. Section 20 amended

After section 20(2) insert:

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

273. Section 20A inserted

After section 20 insert:

20A. Petroleum lessee or licensee to be notified of proposal to advertise certain blocks

- (1) This section applies if —
 - (a) the Minister proposes to publish an instrument under section 20(1) inviting applications for the grant of a GHG exploration permit in respect of a block or blocks that is or are the subject of a petroleum retention lease or petroleum production licence; and
 - (b) at the time of the proposal, the petroleum lessee or petroleum licensee is entitled to apply for the grant of a GHG retention lease or GHG injection licence over the block or blocks.
- (2) The Minister must, at least 60 days before the proposed publication of the instrument, notify the petroleum lessee or petroleum licensee of the proposed publication.
- (3) Subsection (4) applies if the petroleum lessee or petroleum licensee makes an application referred to in subsection (1)(b) during the period —
 - (a) beginning when the petroleum lessee or petroleum licensee is given the notification under subsection (2); and
 - (b) ending at the end of the day before the day of proposed publication of the instrument.
- (4) The Minister must not publish the instrument until —
 - (a) the application lapses; or

- (b) the petroleum lessee or petroleum licensee withdraws the application; or
- (c) the Minister refuses to grant the GHG retention lease or GHG injection licence.

274. Section 21 amended

In section 21(1):

- (a) in paragraph (c) before “must” insert:

in the case of an application for a petroleum exploration permit —

- (b) delete paragraph (da) and insert:

- (da) in the case of an application for a petroleum exploration permit — may include an application for an approval for the purposes of section 28(2)(a); and
- (db) in the case of an application for a GHG exploration permit — must be accompanied by any information required under section 20(3); and

275. Section 22A amended

Delete section 22A(1) and insert:

- (1) This section applies if —
 - (a) 2 or more applications are made under section 20 for the grant of a petroleum exploration permit for the same block or blocks; or

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- (b) 2 or more applications are made under section 20 for the grant of a GHG exploration permit for the same block or blocks.

276. Section 22 amended

- (1) Delete section 22(2)(aa) and insert:

- (aa) if the application is an application for a petroleum exploration permit and included an application for an approval for the purposes of section 28(2)(a) — a statement as to whether the approval will be granted with the petroleum exploration permit; and

- (2) In section 22(4) delete “permit” and insert:

petroleum exploration permit or a GHG exploration permit (as the case requires)

- (3) In section 22(4A) delete “permit” and insert:

petroleum exploration permit

277. Section 23 amended

- (1) In section 23(1):

- (a) in paragraph (a) before “lease” insert:

petroleum retention

(b) in paragraph (aa) before “licence” insert:

petroleum production

(c) in paragraph (b) before “permit” insert:

petroleum exploration

(d) in paragraph (c) delete “permit, lease or licence” and insert:

petroleum exploration permit, petroleum retention lease
or petroleum production licence

(e) delete “grant of a permit” and insert:

grant of a petroleum exploration permit

(2) In section 23(4)(d) delete “grant of a permit” and insert:

grant of a petroleum exploration permit

Note: The heading to amended section 23 is to read:

**Application for petroleum exploration permit for surrendered,
cancelled or determined blocks**

278. Section 24 amended

In section 24(2) and (3) delete “permit” and insert:

petroleum exploration permit

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279. Section 25 amended

- (1) In section 25(1) and (2) delete “permit” (each occurrence) and insert:

petroleum exploration permit

- (2) In section 25(5):

- (a) in paragraph (a) delete “permit” and insert:

petroleum exploration permit

- (b) in paragraph (aa) delete “permit; and” and insert:

petroleum exploration permit; and

- (c) in paragraph (b)(ii) delete “permit” and insert:

petroleum exploration permit

280. Section 26 amended

In section 26(1) and (2) delete “permit” (each occurrence) and insert:

petroleum exploration permit

Note: The heading to amended section 26 is to read:

Request by applicant for grant of petroleum exploration permit in respect of advertised blocks

281. Section 27 amended

In section 27 delete “permit” (each occurrence) and insert:

petroleum exploration permit

Note: The heading to amended section 27 is to read:

Grant of petroleum exploration permit on request

282. Section 27A amended

In section 27A(5)(c) and (6)(c) delete “a permit” and insert:

a petroleum exploration permit

283. Section 28 replaced

Delete section 28 and insert:

28. Rights conferred by petroleum exploration permit

- (1) Except as provided in subsection (2), a petroleum exploration permit, while it remains in force, authorises the petroleum permittee, subject to this Act and in accordance with the conditions to which the permit is subject —
 - (a) to explore for petroleum or a regulated substance in the petroleum permit area; and
 - (b) to recover petroleum or a regulated substance in the petroleum permit area for the purpose of establishing the nature and probable extent of a discovery of petroleum or a regulated substance; and

- (c) to carry on any operations and execute any works in the petroleum permit area that are necessary for those purposes.
- (2) A petroleum exploration permit does not authorise the petroleum permittee to do the things referred to in subsection (1)(a) to (c) in relation to a regulated substance unless —
 - (a) the petroleum exploration permit includes an approval granted by the Minister extending the permit to cover the regulated substance; or
 - (b) the petroleum permittee applies to the Minister in writing for such an approval and the Minister grants the approval by instrument in writing.
- (3) A petroleum exploration permit does not authorise the petroleum permittee to make a well outside the petroleum permit area.

Note for this subsection:

The petroleum permittee may be able to make a well outside the petroleum permit area under another authority, for example, a petroleum access authority.

28A. Rights conferred by GHG exploration permit

- (1) A GHG exploration permit, while it remains in force, authorises the GHG permittee, subject to this Act and in accordance with the conditions to which the GHG exploration permit is subject —
 - (a) to explore for a potential GHG storage formation in the GHG permit area; and
 - (b) to explore for a potential GHG injection site in the GHG permit area; and
 - (c) to inject, on an appraisal basis, a greenhouse gas substance into a part of a geological formation, so long as the relevant well is situated in the GHG permit area; and

- (d) to store, on an appraisal basis, a greenhouse gas substance in a part of a geological formation, so long as the relevant well is situated in the GHG permit area; and
- (e) to inject, on an appraisal basis, any of the following into a part of a geological formation for purposes in connection with the exploration authorised by paragraph (a) or (b), so long as the relevant well is situated in the GHG permit area —
 - (i) air;
 - (ii) petroleum;
 - (iii) water;and
- (f) to store, on an appraisal basis, any of the following in a part of a geological formation for purposes in connection with the exploration authorised by paragraph (a) or (b), so long as the relevant well is situated in the GHG permit area —
 - (i) air;
 - (ii) petroleum;
 - (iii) water;and
- (g) with the written consent of the Minister, to recover petroleum or a regulated substance in the GHG permit area for the sole purpose of appraising a discovery of —
 - (i) petroleum or a regulated substance that was made as an incidental consequence of the exploration authorised by paragraph (a) or (b); or

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- (ii) petroleum that was made as an incidental consequence of the injection authorised by paragraph (c) or (e);
 - and
 - (h) to carry on any operations and execute any works in the GHG permit area that are necessary for those purposes.
- (2) If petroleum or a regulated substance is recovered by the GHG permittee in the GHG permit area as authorised by subsection (1)(g), the petroleum or regulated substance does not become the property of the GHG permittee.
- (3) A GHG exploration permit does not authorise the GHG permittee to make a well outside the GHG permit area.

284. Section 30 amended

- (1) In section 30(1) delete “32A and 32B,” and insert:

32A, 32B and 32C,

- (2) In section 30(2) delete “the permit —” and insert:

a petroleum exploration permit —

- (3) In section 30(3) delete “the permit” (1st occurrence) and insert:

a petroleum exploration permit

- (4) After section 30(3) insert:
- (4) An application for the renewal of a GHG exploration permit must —
- (a) subject to subsection (5), be made in an approved manner —
- (i) not more than 12 months before the day of expiration of the permit; and
- (ii) at least 6 months before the day of expiration of the permit;
- and
- (b) be accompanied by the prescribed fee.
- (5) The Minister may, for reasons that the Minister thinks sufficient, receive an application for the renewal of a GHG exploration permit less than 6 months before, but not in any case after, the day of expiration of the permit.

285. Section 32A amended

- (1) In section 32A(1) after “applies to a” insert:

petroleum exploration

- (2) In section 32A(2) after “if a” insert:

petroleum exploration

Note: The heading to amended section 32A is to read:

Certain petroleum exploration permits cannot be renewed more than twice

286. Section 32C inserted

After section 32B insert:

32C. GHG exploration permits cannot be renewed more than once

Despite sections 30(1) and 32, if a GHG exploration permit has been renewed once —

- (a) the permittee is not entitled to apply for a further renewal of the permit; and
- (b) the Minister cannot grant a further renewal of the permit.

287. Section 34 replaced

Delete section 34 and insert:

34. Certain discoveries in permit area to be notified

- (1) Subsection (2) applies if —
 - (a) petroleum or a regulated substance is discovered in a permit area; or
 - (b) a potential GHG storage formation or potential GHG injection site is discovered in a permit area.
- (2) The permittee must —
 - (a) immediately inform the Minister of the discovery; and

- (b) within the period of 3 days after the day of the discovery, give to the Minister particulars in writing of the discovery.

Penalty for this subsection: a fine of \$10 000.

288. Part 3 Division 2A heading amended

In the heading to Part 3 Division 2A delete “**for petroleum or regulated substances**”.

289. Section 38A amended

- (1) In section 38A(1):

- (a) before “permittee” insert:

petroleum

- (b) before “permit” insert:

petroleum exploration

- (c) before “lease” insert:

petroleum retention

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

- (1A) A GHG permittee may, within the application period, apply to the Minister for the grant of a GHG retention lease in respect of 1 or more of the blocks specified in the application if —
 - (a) the GHG exploration permit is in force in respect of the block or blocks; and

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- (b) 1 or more identified GHG storage formations are wholly situated in the GHG permit area; and
- (c) neither a GHG injection licence nor a GHG retention lease is in force in respect of the block or blocks.

(3) After section 38A(2) insert:

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

- (a) must be made in an approved manner; and
 - (b) must be accompanied by —
 - (i) particulars of the proposals of the applicant for work and expenditure in respect of the 1 or more identified GHG storage formations comprised in the block or blocks specified in the application; and
 - (ii) an assessment of when the applicant will be in a position to carry on a GHG injection operation in respect of each identified GHG storage formation comprised in the block or blocks specified in the application;
- and
- (c) may set out any other matters that the applicant wishes to be considered; and
 - (d) must be accompanied by the prescribed fee.

- (4) In section 38A(4) delete “this section by a” and insert:

subsection (1) by a petroleum

- (5) After section 38A(4) insert:

- (5) The application period in respect of an application under subsection (1A) is —

- (a) the period of 12 months after —

- (i) if there is a single identified GHG storage formation — the day on which the identified GHG storage formation was declared; or
- (ii) if there are 2 or more identified GHG storage formations — the earliest day on which any of the identified GHG storage formations was declared;

or

- (b) if the Minister, on application in writing made to the Minister before the end of the period referred to in paragraph (a), allows a further period of not more than 6 months — that further period.

290. Section 38B amended

- (1) In section 38B(1):

- (a) in paragraph (a) delete “38A; and” and insert:

38A(1); and

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(b) before “lease” insert:

petroleum retention

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

(1A) On an application under section 38A(1A), the Minister must, by written notice served on the applicant, inform the applicant that the Minister is prepared to grant to the applicant a GHG retention lease in respect of 1 or more of the blocks specified in the application if —

(a) the applicant gives any further information as and when required by the Minister under section 38A(3); and

(b) the Minister is satisfied that —

(i) the area comprised in the block or blocks contains an identified GHG storage formation; and

(ii) the applicant is not, at the time of the application, in a position to carry on a GHG injection operation in respect of that identified GHG storage formation but is likely to be in a position to do so within the period of 10 years after that time.

(3) In section 38B(2)(b) after “(1)(c)” insert:

or (1A)(b)

- (4) In section 38B(3A):
- (a) in paragraph (b) after “(1)(c)” insert:

or (1A)(b)
 - (b) delete “(1)(c).” and insert:

(1)(c) or (1A)(b).
- (5) In section 38B(3):
- (a) after “(1)” insert:

or (1A)
 - (b) delete paragraph (aa) and insert:

(aa) if the instrument is under subsection (1) and the application included an application for an approval for the purposes of section 38C(2)(a) — a statement as to whether the approval will be granted with the petroleum retention lease; and
- (6) In section 38B(4) after “(1)” insert:

or (1A)

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- (7) In section 38B(5):
- (a) after “(1)” insert:

or (1A)
 - (b) before “retention lease” insert:

petroleum retention lease or GHG
- (8) In section 38B(5A) delete “lease” and insert:

petroleum retention lease
- (9) In section 38B(6) after “(1)” insert:

or (1A)

291. Section 38BA amended

In section 38BA:

- (a) in paragraph (a) delete “section 38A(1)” and insert:

section 38A(1) or (1A)
- (b) in paragraph (b) delete “38B(1) or (2)” and insert:

38B(1), (1A), (2) or (3A)

292. Sections 38BB, 38BC and 38BD inserted

After section 38BA insert:

38BB. Application by petroleum lessee for GHG retention lease

- (1) A petroleum lessee may apply to the Minister for the grant of a GHG retention lease in respect of 1 or more of the blocks specified in the application if —
 - (a) the petroleum retention lease is in force in respect of the block or blocks; and
 - (b) 1 or more identified GHG storage formations are wholly situated in the petroleum lease area; and
 - (c) none of the following is in force in respect of the block or blocks —
 - (i) a GHG exploration permit;
 - (ii) a GHG injection licence;
 - (iii) a GHG retention lease.
- (2) An application under subsection (1) —
 - (a) must be made in an approved manner; and
 - (b) must be accompanied by —
 - (i) particulars of the proposals of the applicant for work and expenditure in respect of the 1 or more identified GHG storage formations comprised in the block or blocks specified in the application; and
 - (ii) an assessment of when the applicant will be in a position to carry on a GHG injection operation in respect of each identified GHG storage formation

comprised in the block or blocks
specified in the application;

and

- (c) may set out any other matters that the applicant wishes to be considered; and
 - (d) must be accompanied by the prescribed fee.
- (3) The Minister may, at any time and by instrument in writing served on the applicant, require the applicant to give to the Minister, within the period specified in the instrument, further information in writing in connection with the application.

38BC. Grant or refusal of GHG retention lease in relation to application by petroleum lessee

- (1) On an application under section 38BB(1), the Minister must, by written notice served on the applicant, inform the applicant that the Minister is prepared to grant to the applicant a GHG retention lease in respect of 1 or more of the blocks specified in the application if —
- (a) the applicant has given any further information as and when required by the Minister under section 38BB(3); and
 - (b) the Minister is satisfied that —
 - (i) the area comprised in the block or any 1 or more of the blocks specified in the application contains an identified GHG storage formation; and
 - (ii) the applicant is not, at the time of the application, in a position to carry on a GHG injection operation in respect of the identified GHG storage formation but is likely to be in that position within the period of 10 years after that time.

- (2) On an application under section 38BB(1), the Minister must, by written notice served on the applicant, refuse to grant a GHG retention lease to the applicant if —
 - (a) the applicant has not given any further information as and when required by the Minister under section 38BB(3); or
 - (b) the Minister is not satisfied as to the matters referred to in subsection (1)(b) in relation to the block or all of the blocks specified in the application.
- (3) A notice under subsection (1) must contain —
 - (a) a summary of the conditions subject to which the lease is to be granted; and
 - (b) a statement to the effect that the application will lapse if the applicant does not make a request under subsection (4) in respect of the grant of the lease.
- (4) An applicant on whom a notice is served under subsection (1) may request the Minister to grant the lease to the applicant.
- (5) The request must be in writing and must be made —
 - (a) before the end of the period of 1 month after the day of service of the notice on the applicant under subsection (1); or
 - (b) if the Minister, on application in writing made to the Minister before the end of that period, allows a further period of not more than 1 month for the making of the request — before the end of that further period.
- (6) If the applicant makes the request within the period applicable under subsection (5), the Minister must grant to the applicant a GHG retention lease in respect

of the block or blocks specified in the notice under subsection (1).

- (7) If the applicant does not make the request within the period applicable under subsection (5), the application lapses at the end of that period.

38BD. Application of s. 38BB and 38BC if petroleum retention lease is transferred

- (1) This section applies if a transfer of a petroleum retention lease is registered under section 78 —
- (a) after an application has been made under section 38BB(1) in relation to a block or blocks in respect of which the petroleum retention lease is in force; and
 - (b) before a decision has been made by the Minister under section 38BC(1) or (2) in relation to the application.
- (2) Sections 38BB and 38BC have effect, after the time of the transfer, as if any reference in those sections to the applicant were a reference to the transferee.

293. Section 38CA amended

- (1) In section 38CA(1):
- (a) in paragraph (a) before “licence” insert:

petroleum production
 - (b) before “licensee” insert:

petroleum

(c) before “lease” insert:

petroleum retention

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

(1A) Subsection (1B) applies if —

- (a) a GHG injection licence is in force in respect of a block or blocks; and
- (b) 1 or more identified GHG storage formations are wholly situated in the GHG licence area.

(1B) The GHG licensee may, within the application period, apply to the Minister for the grant of a GHG retention lease in respect of the block or blocks.

(1C) Subsection (1D) applies if —

- (a) a petroleum production licence is in force in respect of a block or blocks; and
- (b) a single identified GHG storage formation extends to the block or blocks; and
- (c) none of the following is in force in respect of the block or blocks —
 - (i) a GHG exploration permit;
 - (ii) a GHG injection licence;
 - (iii) a GHG retention lease.

(1D) The petroleum licensee may apply to the Minister for the grant of a GHG retention lease over the block or blocks to which the identified GHG storage formation extends.

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- (3) In section 38CA(2):
- (a) delete “(1) —” and insert:

(1), (1B) or (1D) —
 - (b) in paragraph (b) delete “is to” and insert:

in the case of an application under subsection (1), must
 - (c) delete paragraph (ba) and insert:
 - (ba) in the case of an application under subsection (1), may include an application for an approval for the purposes of section 38C(2)(a); and
 - (bb) in the case of an application under subsection (1B) or (1D), must be accompanied by particulars of the proposals of the applicant for work and expenditure in respect of the block or blocks specified in the application; and
- (4) After section 38CA(2) insert:
- (2A) An application under subsection (1B) or (1D) must also be accompanied by —
- (a) particulars of the proposals of the applicant for work and expenditure in respect of the 1 or more identified GHG storage formations comprised in the block or blocks specified in the application; and

- (b) an assessment of when the applicant will be in a position to carry on a GHG injection operation in respect of each identified GHG storage formation comprised in the block or blocks specified in the application.

- (5) In section 38CA(4) delete “this section” and insert:

subsection (1)

- (6) After section 38CA(4) insert:

- (5) The application period in respect of an application under subsection (1B) by a GHG licensee is the period of 5 years beginning on —

- (a) the day on which the GHG injection licence is granted; or
- (b) if any GHG injection operations have been carried on under the GHG injection licence in respect of the GHG licence area — the last day on which the operations are carried on.

294. Section 38CB amended

- (1) In section 38CB(1):

- (a) in paragraph (a) delete “38CA; and” and insert:

38CA(1); and

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(b) before “lease” insert:

petroleum retention

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

(1A) Subsection (1B) applies if —

(a) an application is made under section 38CA(1B) or (1D); and

(b) the applicant gives any further information as and when required by the Minister under section 38CA(3); and

(c) the Minister is satisfied that the applicant is not, at the time of the application, in a position to —

(i) inject a greenhouse gas substance into the identified GHG storage formation, or at least 1 of the identified GHG storage formations, concerned; and

(ii) store the greenhouse gas substance in the identified GHG storage formation, or at least 1 of the identified GHG storage formations, concerned;

and

(d) the Minister is satisfied that the applicant is likely to be in the position referred to in paragraph (c) within 10 years; and

(e) the Minister is satisfied of the matters prescribed by the regulations.

(1B) The Minister must, by written notice served on the applicant, inform the applicant that the Minister is prepared to grant to the applicant a GHG retention

lease in respect of the block or blocks specified in the application.

- (3) In section 38CB(2):
- (a) delete “38CA” and insert:

38CA(1)
 - (b) before “lease” insert:

petroleum retention
- (4) After section 38CB(2) insert:
- (2A) Subsection (2B) applies if an application has been made under section 38CA(1B) or (1D) and —
 - (a) the applicant has not given further information as and when required by the Minister under section 38CA(3); or
 - (b) the Minister is not satisfied as mentioned in subsection (1A)(c), (d) or (e) in relation to the block or blocks specified in the application.
 - (2B) The Minister must, by written notice served on the applicant, refuse to grant a GHG retention lease to the applicant.
- (5) In section 38CB(3):
- (a) delete “(1)” and insert:

(1) or (1B)

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- (b) delete paragraph (aa) and insert:
 - (aa) if the notice is under subsection (1) and the application included an application for an approval for the purposes of section 38C(2)(a) — a statement as to whether the approval will be granted with the petroleum retention lease; and

- (6) In section 38CB(4) delete “(1)” and insert:
 - (1) or (1B)

- (7) In section 38CB(5)(a) delete “(1); or” and insert:
 - (1) or (1B); or

- (8) Delete section 38CB(6) and insert:
 - (6) If an applicant makes a request within the period applicable under subsection (5), the Minister must —
 - (a) in the case of a request for a petroleum retention lease, grant a petroleum retention lease in respect of the unused area; or
 - (b) in the case of a request for a GHG retention lease, grant a GHG retention lease in respect of the block or blocks to which the request relates.

- (9) In section 38CB(6A) delete “lease” and insert:

petroleum retention lease

- (10) In section 38CB(8):

- (a) before “lease” insert:

petroleum retention

- (b) before “licence” insert:

petroleum production

- (11) After section 38CB(8) insert:

- (9) On the day on which a GHG retention lease granted under this section in respect of a block or blocks comes into force, any GHG injection licence ceases to be in force in respect of the block or blocks.

295. Section 38CC amended

- (1) In section 38CC(a) delete “38CA(1)” and insert:

38CA(1), (1B) or (1D)

- (2) In section 38CC(b) delete “38CB(1) or (2)” and insert:

38CB(1), (1B), (2) or (2B)

296. Section 38C replaced

Delete section 38C and insert:

38C. Rights conferred by petroleum retention lease

- (1) Except as provided in subsection (2), a petroleum retention lease, while it remains in force, authorises the petroleum lessee, subject to this Act and in accordance with the conditions to which the petroleum retention lease is subject —
 - (a) to explore for petroleum or a regulated substance in the petroleum lease area; and
 - (b) to recover petroleum or a regulated substance in the petroleum lease area for the purpose of establishing the nature and probable extent of a discovery of petroleum or a regulated substance; and
 - (c) to carry on any operations and execute any works in the petroleum lease area that are necessary for those purposes.
- (2) A petroleum retention lease does not authorise the petroleum lessee to do the things referred to in subsection (1)(a) to (c) in relation to a regulated substance unless —
 - (a) the petroleum retention lease includes an approval granted by the Minister extending the lease to cover the regulated substance; or
 - (b) the petroleum lessee applies to the Minister in writing for such an approval and the Minister grants the approval by instrument in writing.

- (3) A petroleum retention lease does not authorise the petroleum lessee to make a well outside the petroleum lease area.

Note for this subsection:

The petroleum lessee may be able to make a well outside the petroleum lease area under another authority, for example, a petroleum access authority.

38CAA. Rights conferred by GHG retention lease

- (1) A GHG retention lease, while it remains in force, authorises the GHG lessee, subject to this Act and in accordance with the conditions to which the GHG retention lease is subject —
- (a) to explore for a potential GHG storage formation in the GHG lease area; and
 - (b) to explore for a potential GHG injection site in the GHG lease area; and
 - (c) to inject, on an appraisal basis, a greenhouse gas substance into a part of a geological formation, so long as the relevant well is situated in the GHG lease area; and
 - (d) to store, on an appraisal basis, a greenhouse gas substance in a part of a geological formation, so long as the relevant well is situated in the GHG lease area; and
 - (e) to inject, on an appraisal basis, any of the following into a part of a geological formation for purposes in connection with the exploration authorised by paragraph (a) or (b), so long as the relevant well is situated in the GHG lease area —
 - (i) air;
 - (ii) petroleum;

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- (iii) water;
 - and
 - (f) to store, on an appraisal basis, any of the following in a part of a geological formation for purposes in connection with the exploration authorised by paragraph (a) or (b), so long as the relevant well is situated in the GHG lease area —
 - (i) air;
 - (ii) petroleum;
 - (iii) water;
 - and
 - (g) with the written consent of the Minister, to recover petroleum or a regulated substance in the GHG lease area for the sole purpose of appraising a discovery of —
 - (i) petroleum or a regulated substance that was made as an incidental consequence of the exploration authorised by paragraph (a) or (b); or
 - (ii) petroleum that was made as an incidental consequence of the injection authorised by paragraph (c) or (e);
 - and
 - (h) to carry on any operations and execute any works in the GHG lease area that are necessary for those purposes.
- (2) If petroleum or a regulated substance is recovered by the GHG lessee in the GHG lease area as authorised by subsection (1)(g), the petroleum or regulated substance does not become the property of the GHG lessee.

- (3) A GHG retention lease does not authorise the GHG lessee to make a well outside the GHG lease area.

297. Section 38E amended

- (1) Delete section 38E(1) and (2) and insert:
- (1) Subsection (2) applies if —
- (a) a lessee has been given a notice of the kind referred to in section 38H(3A) during the term of the lease and has carried out, and has informed the Minister of the results of, the re-evaluation required by the notice; and
 - (b) the lessee has not applied for the renewal of the lease; and
 - (c) after consideration of the results of the re-evaluation referred to in paragraph (a) and any other matters that the Minister thinks fit, the Minister is of the opinion that, as the case requires —
 - (i) recovery of petroleum or a regulated substance from the petroleum lease area is commercially viable; or
 - (ii) the lessee is in a position to carry on a GHG injection operation in the GHG lease area.
- (2) The Minister may serve on the lessee and on any other person that the Minister thinks appropriate an instrument in writing —
- (a) informing the lessee and the other person that the Minister has formed that opinion and that the Minister intends to cancel the lease; and

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(b) stating that the lessee or the other person may serve an instrument in writing on the Minister within the period specified in the first-mentioned instrument, not being a period ending earlier than 1 month after the day of service of the first-mentioned instrument, setting out any matters that the lessee or other person, as the case may be, wishes to be considered.

(2A) Subsection (2B) applies if —

(a) an instrument under subsection (2) is served on a lessee; and

(b) either —

(i) the lessee does not, within the period referred to in subsection (2)(b), serve on the Minister an instrument setting out matters that the lessee wishes to be considered; or

(ii) the Minister, after consideration of matters set out in an instrument served on the Minister by the lessee within the period referred to in subsection (2)(b), determines that the lease should be cancelled.

(2B) The Minister must, by instrument in writing served on the lessee, cancel the lease.

(2) In section 38E(3) delete “(2)” and insert:

(2B)

(3) In section 38E(4) delete “(2),” and insert:

(2B),

298. Section 38F amended

(1) In section 38F(2) delete “lease —” and insert:

petroleum retention lease —

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

(2A) An application for the renewal of a GHG retention lease —

(a) subject to subsection (3), must be made in an approved manner not less than 6 months or more than 12 months before the day on which the lease ceases to be in force; and

(b) must be accompanied by —

(i) particulars of the proposals of the applicant for work and expenditure in respect of the lease area; and

(ii) any other information specified in the regulations;

and

(c) must be accompanied by the prescribed fee.

299. Section 38G amended

(1) Delete section 38G(1) and (2) and insert:

(1) Subsections (1A) and (1B) apply if —

- (a) an application for the renewal of a lease is made under section 38F(1); and
- (b) the applicant gives further information as and when required by the Minister under section 38F(4); and
- (c) in the case of a petroleum retention lease, the Minister is satisfied that recovery of petroleum or a regulated substance from the petroleum lease area —
 - (i) is not, at the time of the application, commercially viable; and
 - (ii) is likely to become commercially viable within the period of 15 years after that time;

and

- (d) in the case of a GHG retention lease, the Minister is satisfied that the applicant —
 - (i) is not, at the time of the application, in a position to carry on a GHG injection operation in the GHG lease area; and
 - (ii) is likely to be in that position within the period of 10 years after that time.

(1A) The Minister must inform the applicant, by instrument in writing served on the applicant, that the Minister is prepared to grant to the applicant the renewal of the lease if the following have been complied with —

- (a) the conditions to which the lease is, or has from time to time been, subject;

- (b) the provisions of this Part and of the regulations.
- (1B) The Minister may inform the applicant, by instrument in writing served on the applicant, that the Minister is prepared to grant to the applicant the renewal of the lease if —
 - (a) any condition to which the lease is, or has from time to time been, subject or any provision of this Part or the regulations has not been complied with; and
 - (b) the Minister is, nevertheless, satisfied that special circumstances exist that justify the granting of the renewal of the lease.
- (2) Subject to subsection (3), if an application for the renewal of a lease is made under section 38F(1), the Minister must, by instrument in writing served on the applicant, refuse to grant the renewal of the lease if —
 - (a) the applicant has not given any further information as and when required by the Minister under section 38F(4); or
 - (b) the Minister is not satisfied as to the matters referred to in subsection (1)(c) or (d), whichever is applicable; or
 - (c) both of the following apply —
 - (i) any condition to which the lease is, or has from time to time been, subject or any provision of this Part or the regulations has not been complied with;
 - (ii) the Minister is not satisfied that special circumstances exist that justify the granting of the renewal of the lease.

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(2) In section 38G(4) delete “(1)” and insert:

(1A) or (1B)

(3) In section 38G(5) delete “(1)(c)(i),” and insert:

(1)(c)(i) or (d)(i),

(4) In section 38G(6), (7) and (8) delete “(1)” and insert:

(1A) or (1B)

(5) In section 38G(10) delete “(1)(c)(i),” and insert:

(1)(c)(i) or (d)(i),

300. Section 38GA inserted

After section 38G insert:

38GA. GHG retention lease cannot be renewed more than once

Despite sections 38F and 38G, if a GHG retention lease is renewed once —

- (a) the lessee is not entitled to apply for a further renewal of the lease; and
- (b) the Minister cannot grant a further renewal of the lease.

301. Section 38H amended

- (1) Delete section 38H(3) and insert:
- (3) A lease is taken to contain a condition that the lessee will within the required period —
- (a) re-evaluate, as the case requires —
 - (i) the commercial viability of the recovery of petroleum or a regulated substance from the petroleum lease area (otherwise than by the drilling of wells); or
 - (ii) whether or not the lessee is in a position to carry on a GHG injection operation in the GHG lease area;
- and
- (b) inform the Minister in writing of the results of the re-evaluation.
- (3A) For the purposes of subsection (3), the *required period* is —
- (a) 3 months after the receipt of a written notice from the Minister requesting the lessee to comply with subsection (3); or
 - (b) any further period that the Minister, on application in writing served on the Minister before the end of the period mentioned in paragraph (a), allows.

- (2) In section 38H(4) delete “(3)” and insert:

(3A)(a)

302. Section 38J replaced

Delete section 38J and insert:

38J. Certain discoveries in lease area to be notified

- (1) Subsection (2) applies if —
 - (a) petroleum or a regulated substance is discovered in a lease area; or
 - (b) a potential GHG storage formation or potential GHG injection site is discovered in a lease area.
- (2) The lessee must —
 - (a) immediately inform the Minister of the discovery; and
 - (b) within the period of 3 days after the day of the discovery, give the Minister particulars in writing of the discovery.

Penalty for this subsection: a fine of \$10 000.

303. Part 3 Division 3 heading amended

In the heading to Part 3 Division 3 after “**substances**” insert:

and GHG injection licences

304. Section 39 amended

In section 39:

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

petroleum production

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

Act.

(c) delete the Penalty and insert:

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

305. Section 39A inserted

After section 39 insert:

39A. GHG injection operations in adjacent area

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

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

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

306. Section 40 amended

(1) In section 40(1):

(a) before “permittee” insert:

petroleum

(b) before “permit” insert:

petroleum exploration

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(c) delete “licence —” and insert:

petroleum production licence —

(2) In section 40(2):

(a) before “permittee” insert:

petroleum

(b) before “permit” insert:

petroleum exploration

(c) in paragraph (a) before “licence” insert:

petroleum production

(d) in paragraph (b) before “licence” (1st occurrence) insert:

petroleum production

(3) In section 40(3):

(a) in paragraphs (a) and (b) before “permittee” insert:

petroleum

(b) in paragraph (b) before “licence” (1st occurrence) insert:

petroleum production

(c) before “permittee may,” insert:

petroleum

(d) before “licence” (last occurrence) insert:

petroleum production

(4) In section 40(4) before “permittee” insert:

petroleum

(5) In section 40(5)(a):

(a) delete “a permittee” and insert:

a petroleum permittee

(b) before “licence” insert:

petroleum production

(c) delete “lease under section 38A; and” and insert:

petroleum retention lease under section 38A(1); and

Note: The heading to amended section 40 is to read:

**Application by petroleum permittee for petroleum production
licence**

307. Section 40AA inserted

After section 40 insert:

40AA. Application by GHG permittee for GHG injection licence

- (1) A GHG permittee whose GHG exploration permit is in force in respect of a block that constitutes, or the blocks that constitute, an identified GHG storage formation may apply to the Minister for the grant of a GHG injection licence in respect of —
 - (a) the block that constitutes the identified GHG storage formation; or
 - (b) all of the blocks that constitute the identified GHG storage formation; or
 - (c) some of the blocks that constitute the identified GHG storage formation.
- (2) Subsection (3) applies if —
 - (a) an application under subsection (1) (the *licence application*) relates to a block or blocks in respect of which the GHG permittee has applied for a GHG retention lease under section 38A(1A); and
 - (b) an instrument refusing to grant the GHG retention lease is served on the GHG permittee under section 38B(2).
- (3) The licence application must be made within 12 months after the day of service of the instrument.

308. Section 40A amended

- (1) In section 40A(1):
- (a) before “lessee” insert:

petroleum
 - (b) before “lease” (1st occurrence) insert:

petroleum retention
 - (c) before “licence —” insert:

petroleum production
- (2) After section 40A(1) insert:
- (1A) A GHG lessee whose GHG retention lease is in force may make an application to the Minister for the grant of a GHG injection licence —
 - (a) if the lease is in respect of 2 or more blocks, in respect of all of those blocks; or
 - (b) if the lease is in respect of 1 block, in respect of that block.
 - (1B) A petroleum lessee whose petroleum retention lease is in force in respect of a block or blocks may make an application to the Minister for the grant of a GHG injection licence over the block or blocks if —
 - (a) a single identified GHG storage formation extends to the block or blocks; and

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(b) none of the following is in force in respect of the block or blocks —

- (i) a GHG exploration permit;
- (ii) a GHG injection licence;
- (iii) a GHG retention lease.

(3) In section 40A(2):

(a) before “lease” insert:

petroleum retention

(b) before “lessee” insert:

petroleum

(c) before “licence” insert:

petroleum production

(4) In section 40A(3):

(a) before “lessee” (1st occurrence) insert:

petroleum

(b) before “lease” (1st occurrence) insert:

petroleum retention

(c) before “licence” insert:

petroleum production

Note: The heading to amended section 40A is to read:

Application for licence by lessee

309. Section 40B inserted

After section 40A insert:

40B. Application by petroleum licensee for GHG injection licence

A petroleum licensee whose petroleum production licence is in force in respect of a block or blocks may apply to the Minister for the grant of a GHG injection licence over the block or blocks if —

- (a) a single identified GHG storage formation extends to the block or blocks; and
- (b) none of the following is in force in respect of the block or blocks —
 - (i) a GHG exploration permit;
 - (ii) a GHG injection licence;
 - (iii) a GHG retention lease.

310. Section 41 amended

In section 41(1):

(a) delete “40 or 40A —” and insert:

40, 40AA, 40A or 40B —

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- (b) delete paragraph (ca) and insert:
 - (ca) may, in the case of an application for a petroleum production licence, include an application for an approval for the purposes of section 52(2)(a); and
 - (cb) must, in the case of an application for the grant of a GHG injection licence, specify the source, volume and composition of the greenhouse gas substance to be initially injected and stored; and

- (c) in paragraph (e) delete “in the case of an application for the grant of a licence”.

Note: The heading to amended section 41 is to read:

Requirements for application for licence under s. 40, 40AA, 40A or 40B

311. Section 43 amended

- (1) In section 43(1) delete “40 or 40A.” and insert:

40, 40AA, 40A or 40B.

- (2) Before section 43(2A)(a) insert:

- (aa) an application for the grant of a petroleum production licence is made under section 40 or 40A; and

- (3) After section 43(2A) insert:

- (2B) On an application under section 40AA, 40A or 40B for the grant of a GHG injection licence, the Minister must, by written notice served on the applicant, inform

the applicant that the Minister is prepared to grant the licence in respect of 1 or more of the blocks specified in the application if —

- (a) the applicant gives any further information as and when required by the Minister under section 41(2); and
- (b) the Minister is satisfied that the area comprised in the block or blocks specified in the application contains an identified GHG storage formation.

(4) In section 43(2):

(a) after “(2A)” insert:

or (2B)

(b) delete paragraph (aa) and insert:

- (aa) if the notice is under subsection (2A) and the application included an application for an approval for the purposes of section 52(2)(a) — contain a statement as to whether the approval will be granted with the petroleum production licence; and

(5) Delete section 43(3)(b) and insert:

- (b) the Minister is not satisfied as mentioned in subsection (2A)(b) or (2B)(b), whichever is applicable, in respect of the block or blocks,

312. Section 44 amended

(1) Delete section 44(1) and (2) and insert:

- (1) An applicant on whom a notice is served under section 43(2A) or (2B) may, within the required period, by instrument in writing served on the Minister, request the Minister to grant to the applicant the licence referred to in the notice.
- (2) If an applicant on whom a notice is served under section 43(2A) or (2B) has made a request under subsection (1) within the required period, the Minister must grant to the applicant a petroleum production licence or a GHG injection licence, as the case requires, in respect of the block or blocks as to which the Minister is satisfied as mentioned in section 43(2A)(b) or (2B)(b).

(2AA) For the purposes of subsections (1) and (2), the **required period** is —

- (a) 3 months after the day of service of the notice;
or
- (b) any further period, not exceeding 3 months, that the Minister, on application in writing served on the Minister before the end of the period mentioned in paragraph (a), allows.

(2) In section 44(2A) delete “licence” and insert:

petroleum production licence

- (3) In section 44(3):
- (a) before “permittee” insert:

petroleum
 - (b) before “lessee” insert:

petroleum
- (4) In section 44(4):
- (a) after “43(2A)” insert:

or (2B)
 - (b) delete “period applicable under subsection (1),” and insert:

required period,
- (5) After section 44(5) insert:
- (6) Subsection (5) does not apply if the licence is a GHG injection licence granted on an application made under section 40A(1B) or 40B.

313. Section 44A amended

In section 44A:

- (a) in paragraph (a)(i) delete “40” and insert:

40 or 40AA

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(b) in paragraph (a)(ii) delete “force;” and insert:

force; or

(c) after paragraph (a)(ii) insert:

(iii) under section 40B for the grant of a
GHG injection licence in respect of a
block or blocks in respect of which a
petroleum production licence is in force;

(d) in paragraph (b) delete “43(2A)” and insert:

43(2A), (2B) or (3)

(e) delete “permit or lease,” and insert:

permit, lease or petroleum production licence,

Note: The heading to amended section 44A is to read:

**Application of s. 41 to 44 where permit, lease or petroleum
production licence transferred**

314. Section 45 amended

(1) In section 45(1) before “licence,” insert:

petroleum production

(2) In section 45(2)(b) before “permit” insert:

petroleum exploration

Note: The heading to amended section 45 is to read:

Variation of petroleum production licence area

315. Section 46 amended

- (1) In section 46(1):
 - (a) in paragraphs (a) and (b) before “permittee” insert:

petroleum
 - (b) before “permit” insert:

petroleum exploration

- (2) In section 46(1a):
 - (a) before “lessee” insert:

petroleum
 - (b) delete “40A” and insert:

40A(1)
 - (c) before “lease” insert:

petroleum retention

- (3) In section 46(2):
 - (a) delete “permittee or” and insert:

petroleum permittee or petroleum

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(b) in paragraph (a) delete “permit or” and insert:

petroleum exploration permit or petroleum retention

(4) In section 46(3) delete “permit or” and insert:

petroleum exploration permit or petroleum retention

(5) In section 46(4)(a) and (b) delete “lease or” and insert:

petroleum retention lease or petroleum production

(6) In section 46(5):

(a) before “lease” (1st occurrence) insert:

petroleum retention

(b) before “lease” (2nd occurrence) insert:

petroleum

(7) In section 46(6)(a) before “lease” insert:

petroleum retention

(8) In section 46(7):

(a) before “permit” (1st occurrence) insert:

petroleum exploration

(b) in paragraph (a) before “permit” insert:

petroleum exploration

(c) in paragraph (c) before “permit” insert:

petroleum

Note: The heading to amended section 46 is to read:

Determination of petroleum exploration permit or petroleum retention lease as to block not taken up by licensee

316. Section 47 amended

(1) Delete section 47(1) and insert:

(1) Subsection (1A) applies if —

(a) a petroleum production licence is surrendered or cancelled as to a block; or

(b) a petroleum exploration permit or petroleum retention lease is surrendered, cancelled or determined as to a block —

(i) that, at the time of the surrender, cancellation or determination, was, or was included in, a location; and

(ii) in which, in the opinion of the Minister, there is petroleum or a regulated substance;

or

(c) a resources pool from which the petroleum or regulated substance has been recovered is within or extends to a block which is not the subject of a petroleum exploration permit,

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petroleum retention lease or petroleum
production licence.

(1A) The Minister may, by instrument published in the
Gazette —

- (a) invite applications for the grant of a petroleum
production licence in respect of that block; and
- (b) specify a period within which applications may
be made.

(2) In section 47(2):

(a) delete “(1),” and insert:

(1A),

(b) in paragraph (a) before “licence” insert:

petroleum production

(c) in paragraph (b) before “licence” (1st occurrence) insert:

petroleum production

(3) In section 47(3):

(a) delete “(1),” and insert:

(1A),

(b) before “licence” (1st occurrence) insert:

petroleum production

- (4) In section 47(6)(d) delete “in the case of an application under subsection (1),”.

Note: The heading to amended section 47 is to read:

**Application for petroleum production licence in respect of
surrendered, cancelled or determined blocks**

317. Section 49 amended

- (1) In section 49(1):
- (a) delete “47(1),” and insert:
- 47(1A),
- (b) delete “that subsection” and insert:
- that section
- (c) before “licence” insert:
- petroleum production
- (2) In section 49(2):
- (a) delete “47(1),” and insert:
- 47(1A),
- (b) delete “that subsection” and insert:
- that section

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(c) in paragraph (c) before “licence” insert:

petroleum production

Note: The heading to amended section 49 is to read:

**Request by applicant for grant of petroleum production licence
under s. 47**

318. Section 50 amended

In section 50 delete “licence” (each occurrence) and insert:

petroleum production licence

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

Grant of petroleum production licence on request under s. 49

319. Section 51 amended

(1) In section 51(1):

(a) before “licence” (1st occurrence) insert:

petroleum production

(b) before “licences” insert:

petroleum production

(2) In section 51(4) delete “licences” and insert:

petroleum production licences

- (3) In section 51(5):
- (a) in paragraph (c) delete “approval.” and insert:

approval; and
 - (b) after paragraph (c) insert:
 - (d) must be granted subject to any directions under this Act previously given to the holder of the original licence in respect of the licence area of the original licence; and
 - (e) must be granted subject to any instruments and agreements in respect of the original licence a memorial of which is entered in the register under section 76, to the extent that the instruments and agreements apply to the licence (or any of those instruments and agreements that are in effect at the time that an application under this section is granted but in respect of which a memorial is not yet entered under section 76).

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

Petroleum production licence for 2 or more blocks may be divided into 2 or more licences

320. Section 51A amended

In section 51A(5)(a) before “licence” (2nd occurrence) insert:

petroleum production

321. Section 52 replaced

Delete section 52 and insert:

52. Rights conferred by licence

- (1) Except as provided in subsection (2), a petroleum production licence, while it remains in force, authorises the petroleum licensee, subject to this Act and in accordance with the conditions to which the petroleum production licence is subject —
 - (a) to recover petroleum or a regulated substance —
 - (i) in the petroleum licence area; and
 - (ii) from the petroleum licence area in another area to which the petroleum licensee has lawful access for that purpose;
 - and
 - (b) to explore for petroleum or a regulated substance in the petroleum licence area; and
 - (c) to carry on any operations and execute any works in the petroleum licence area that are necessary for those purposes.
- (2) A petroleum production licence does not authorise the petroleum licensee to do the things referred to in subsection (1)(a) to (c) in relation to a regulated substance unless —
 - (a) the petroleum production licence includes an approval granted by the Minister extending the licence to cover the regulated substance; or
 - (b) the petroleum licensee applies to the Minister in writing for such an approval and the Minister grants the approval by instrument in writing.

- (3) A petroleum production licence does not authorise the petroleum licensee to make a well outside the petroleum licence area.

Note for this subsection:

The petroleum licensee may be able to make a well outside the petroleum licence area under another authority, for example, a petroleum access authority.

- (4) A GHG injection licence, while it remains in force, authorises the GHG licensee, subject to this Act and in accordance with the conditions to which the GHG injection licence is subject —
- (a) to inject a greenhouse gas substance into an identified GHG storage formation that is wholly situated in the GHG licence area, so long as the relevant well is situated in the GHG licence area; and
 - (b) to permanently store a greenhouse gas substance in an identified GHG storage formation that is wholly situated in the GHG licence area, so long as the injection of the stored greenhouse gas substance takes place at a well situated in the GHG licence area; and
 - (c) to explore for a potential GHG storage formation in the GHG licence area; and
 - (d) to explore for a potential GHG injection site in the GHG licence area; and
 - (e) to inject, on an appraisal basis, a greenhouse gas substance into a part of a geological formation, so long as the relevant well is situated in the GHG licence area; and
 - (f) to store, on an appraisal basis, a greenhouse gas substance in a part of a geological formation, so long as the relevant well is situated in the GHG licence area; and

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- (g) to inject, on an appraisal basis, any of the following into a part of a geological formation for purposes in connection with the exploration authorised by paragraph (c) or (d), so long as the relevant well is situated in the GHG licence area —
 - (i) air;
 - (ii) petroleum;
 - (iii) water;and
- (h) to store, on an appraisal basis, any of the following in a part of a geological formation for purposes in connection with the exploration authorised by paragraph (c) or (d), so long as the relevant well is situated in the GHG licence area —
 - (i) air;
 - (ii) petroleum;
 - (iii) water;and
- (i) with the written consent of the Minister, to recover petroleum or a regulated substance in the GHG licence area for the sole purpose of appraising a discovery of —
 - (i) petroleum that was made as an incidental consequence of the injection authorised by paragraph (a), (e) or (g);
or
 - (ii) petroleum or a regulated substance that was made as an incidental consequence of the exploration authorised by paragraph (c) or (d);and

- (j) to carry on any operations and execute any works in the GHG licence area that are necessary for those purposes.
- (5) If petroleum or a regulated substance is recovered by the GHG licensee in the GHG licence area as authorised by subsection (4)(i), the petroleum or regulated substance does not become the property of the GHG licensee.
- (6) A GHG injection licence does not authorise the GHG licensee to make a well outside the GHG licence area.

322. Section 53 amended

- (1) In section 53(1) and (2) before “licence” (1st occurrence) insert:

petroleum production
- (2) After section 53(3) insert:
- (4) Subject to this Part, a GHG injection licence remains in force indefinitely.

323. Section 53A inserted

After section 53 insert:

53A. Certain discoveries in licence area to be notified

- (1) Subsection (2) applies if —
 - (a) petroleum or a regulated substance is discovered in a licence area; or

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- (b) a potential GHG storage formation or potential GHG injection site is discovered in a licence area.
- (2) The licensee must —
 - (a) immediately inform the Minister of the discovery; and
 - (b) within the period of 3 days after the day of the discovery, give the Minister particulars in writing of the discovery.

Penalty for this subsection: a fine of \$10 000.

324. Section 54A amended

- (1) In section 54A(1) before “licence” (1st occurrence) insert:

petroleum production

- (2) After section 54A(1) insert:

- (1A) If a GHG injection licence is in force under section 53(4) and the licensee has not carried on any GHG injection operations under the licence at any time during a continuous period of at least 5 years, the Minister may, by written notice served on the licensee, inform the licensee that the Minister proposes to terminate the licence after the end of the period of 1 month after the notice is served.

- (3) In section 54A(2) after “(1)” insert:

or (1A)

- (4) In section 54A(3) before “licence,” insert:

petroleum production

- (5) After section 54A(3) insert:

- (4) In working out for the purposes of subsection (1A) the duration of the period in which no GHG injection operations were carried on under a GHG injection licence, any period in which those operations were not carried on because of circumstances beyond the licensee’s control is to be disregarded.

325. Section 54 amended

- (1) In section 54(1):

- (a) before “licensee” insert:

petroleum

- (b) before “licence” (1st occurrence) insert:

petroleum production

- (2) In section 54(2):

- (a) delete “licence — ” insert:

petroleum production licence —

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(b) in paragraph (c) before “licensee” insert:

petroleum

(c) in paragraph (c) before “licence” insert:

petroleum

(3) In section 54(3), 54(4)(a) and (5)(a) before “licence” (1st occurrence) insert:

petroleum production

Note: The heading to amended section 54 is to read:

Application for renewal of petroleum production licence

326. Section 55 amended

(1) In section 55(1):

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

petroleum production

(b) in paragraph (c)(ii) before “licence area” insert

petroleum

(c) before “licensee,” insert:

petroleum

- (2) In section 55(2):
- (a) in paragraph (a) before “licence” insert:

petroleum production
 - (b) before “licensee,” insert:

petroleum
- (3) In section 55(3):
- (a) before “licence” (1st occurrence) insert:

petroleum production
 - (b) before “licensee,” insert:

petroleum
- (4) In section 55(4):
- (a) before “licence” (1st occurrence) insert:

petroleum production
 - (b) in paragraph (a) before “licensee,” insert:

petroleum

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- (c) in paragraph (c)(ii) before “licensee” (1st occurrence) insert:

petroleum

- (d) in paragraph (d) before “licensee” insert:

petroleum

- (5) In section 55(5):

- (a) before “licence,” insert:

petroleum production

- (b) before “licensee,” insert:

petroleum

- (6) In section 55(7):

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

petroleum production

- (b) in paragraph (b) before “licensee” insert:

petroleum

- (7) In section 55(8):
(a) before “licensee” (1st occurrence) insert:

petroleum

- (b) before “licence.” insert:

petroleum production

- (8) In section 55(9):
(a) before “licensee” insert:

petroleum

- (b) before “licence.” insert:

petroleum production

- (9) In section 55(10) before “licensee” insert:

petroleum

- (10) In section 55(11)(a) before “licence” insert:

petroleum production

Note: The heading to amended section 55 is to read:

Grant or refusal of renewal of petroleum production licence

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327. Section 56 amended

After section 56(1) insert:

- (1A) Without limiting subsection (1), a GHG injection licence is subject to the condition that the GHG licensee must comply with any requirements imposed on the GHG licensee by any regulations made for the purposes of subsection (1B).
- (1B) The regulations may establish a regime for third party access to services provided by means of the use of —
 - (a) identified GHG storage formations; or
 - (b) wells, equipment or structures for use in injecting greenhouse gas substances into identified GHG storage formations; or
 - (c) equipment or structures for use in the processing, compressing or storing of greenhouse gas substances prior to the injection of the substances into identified GHG storage formations.

328. Section 60B amended

In section 60B(2)(b) before “facilities” insert:

infrastructure

329. Part 3 Division 4 Subdivision 1 heading inserted

At the beginning of Part 3 Division 4 insert:

Subdivision 1 — General provisions

330. Sections 60L and 60M inserted

After section 60K insert:

60L. Pipeline operator under the Commonwealth Act or corresponding law

In this Division, the *pipeline operator under the Commonwealth Act or a corresponding law* is a person —

- (a) who is entitled under the Commonwealth Act or a corresponding law to carry on operations for the recovery of petroleum or the injection of greenhouse gas substances in an area outside the adjacent area; and
- (b) who the Minister is satisfied is or will be entitled to construct a pipeline from the first-mentioned area to the boundary of the adjacent area.

60M. Specified greenhouse gas pipelines

In this Division —

greenhouse gas (GHG licence area) pipeline, in relation to a GHG licence area, means a greenhouse gas pipeline for —

- (a) the conveyance within the GHG licence area of a greenhouse gas substance that is to be injected into an identified GHG storage formation that is wholly situated in the GHG licence area; or
- (b) the conveyance from a place outside the GHG licence area to a place in the GHG licence area of a greenhouse gas substance that is to be injected into an identified GHG storage

formation that is wholly situated in the GHG licence area;

greenhouse gas (petroleum licence area) pipeline, in relation to a petroleum licence area, means a greenhouse gas pipeline for —

- (a) the conveyance within the petroleum licence area of any greenhouse gas substance that is a by-product of petroleum operations carried on under the petroleum production licence; or
- (b) the conveyance from a place outside the petroleum licence area to a place in the petroleum licence area of any greenhouse gas substance that is to be injected into the seabed or subsoil of the petroleum licence area to enhance petroleum operations carried on under the petroleum production licence.

331. Section 63A inserted

After section 63 insert:

63A. Terminal point

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

332. Part 3 Division 4 Subdivision 2 heading inserted

Before section 64 insert:

Subdivision 2 — Obtaining pipeline licences

333. Sections 64 and 65 replaced

Delete sections 64 and 65 and insert:

64. Application for pipeline licence

- (1) A person may apply to the Minister for the grant of a pipeline licence.
- (2) An application may be made under this section for a pipeline licence whether the licence is for the conveyance of —
 - (a) petroleum recovered from an area within the adjacent area or an area outside the adjacent area; or
 - (b) greenhouse gas substances within the adjacent area or to or from an area outside the adjacent area.
- (3) An application under this section must be made in an approved manner and be accompanied by the prescribed fee.
- (4) An application under this section must be accompanied by details of —
 - (a) the proposed design and construction of the pipeline; and
 - (b) the proposed size and capacity of the pipeline; and

Petroleum Legislation Amendment Act 2024

Part 4 Petroleum (Submerged Lands) Act 1982 amended

Division 3 Amendments relating to greenhouse gas storage and transport

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- (c) the proposals of the applicant for work and expenditure in respect of the construction of the pipeline; and
 - (d) the technical qualifications of the applicant and of the applicant's employees; and
 - (e) the technical advice available to the applicant; and
 - (f) the financial resources available to the applicant; and
 - (g) any agreements entered into, or proposed to be entered into, by the applicant for or in relation to the supply or conveyance of petroleum or greenhouse gas substances by means of the pipeline.
- (5) An application under this section must be accompanied by a plan, drawn to an approved scale, showing —
- (a) the route to be followed by the pipeline; and
 - (b) the sites of pumping stations, tank stations and valve stations to be used in connection with the pipeline; and
 - (c) the site of any pumping station, tank station or valve station that the applicant wants to be declared under section 63 to be a terminal station in connection with the pipeline; and
 - (d) the location of any point that the applicant wants to be declared under section 63A(1) to be a terminal point in connection with the pipeline.
- (6) An application under this section may set out any other matters that the applicant wishes the Minister to consider.

64A. Request for further information

- (1) The Minister may, at any time and by written notice given to an applicant for a pipeline licence, require the applicant to give the Minister, within the period specified in the notice, further information in connection with the application.
- (2) If the applicant fails to comply with the requirement, the Minister may, by written notice given to the applicant —
 - (a) refuse to consider the application; or
 - (b) refuse to take any action, or any further action, in relation to the application.
- (3) Subsection (2) has effect despite any provision of this Division that requires the Minister to —
 - (a) consider the application; or
 - (b) take any particular action in relation to the application.
- (4) A reference in this section to taking action in relation to the application includes a reference to giving a pipeline licence offer notice in relation to the application.

64B. Rights of petroleum licensees following application for petroleum pipeline licences by other persons

- (1) This section applies if —
 - (a) a petroleum production licence is in force; and
 - (b) a person applies for a pipeline licence in relation to the construction, in the adjacent area, of a petroleum pipeline for the conveyance of petroleum recovered in the petroleum licence area; and
 - (c) the person is not the petroleum licensee.

- (2) The petroleum licensee may, within the required period, apply to the Minister under section 64 for the grant of that pipeline licence and request that the application mentioned in subsection (1)(b) be rejected.
- (3) For the purposes of subsection (2), the **required period** is —
 - (a) 3 months after the publication in the *Gazette* of notice of the application mentioned in subsection (1)(b); or
 - (b) a further period, not being more than 3 months, that the Minister, on application in writing served on the Minister before the end of the period mentioned in paragraph (a), allows.

Note for this subsection:

For publication in the *Gazette* of notice of the application, see section 94.

- (4) If a pipeline licence is granted to the petroleum licensee as a result of an application covered by subsection (2), the Minister must, by written notice given to the person mentioned in subsection (1)(b), reject the application mentioned in subsection (1)(b).

64C. Rights of petroleum licensees following application for greenhouse gas pipeline licences by other persons

- (1) This section applies if —
 - (a) a petroleum production licence is in force; and
 - (b) the petroleum licence area is in the adjacent area; and
 - (c) a person applies for a pipeline licence in relation to the construction, in the adjacent area, of a greenhouse gas (petroleum licence area) pipeline in relation to the petroleum licence area; and

- (d) the person is not the petroleum licensee.
- (2) The petroleum licensee may, within the required period, apply to the Minister under section 64 for the grant of that pipeline licence and request that the application mentioned in subsection (1)(c) be rejected.
- (3) For the purposes of subsection (2), the *required period* is —
 - (a) 3 months after the publication in the *Gazette* of notice of the application mentioned in subsection (1)(c); or
 - (b) a further period, not being more than 3 months, that the Minister, on application in writing served on the Minister before the end of the period mentioned in paragraph (a), allows.

Note for this subsection:

For publication in the *Gazette* of notice of the application, see section 94.

- (4) If a pipeline licence is granted to the petroleum licensee as a result of an application covered by subsection (2), the Minister must, by written notice given to the person mentioned in subsection (1)(c), reject the application mentioned in subsection (1)(c).

64D. Rights of GHG licensees following application for greenhouse gas pipeline licences by other persons

- (1) This section applies if —
 - (a) a GHG injection licence is in force; and
 - (b) the GHG licence area is in the adjacent area; and
 - (c) a person applies for a pipeline licence in relation to the construction, in the adjacent area, of a greenhouse gas (GHG licence area)

pipeline in relation to the GHG licence area;
and

- (d) the person is not the GHG licensee.
- (2) The GHG licensee may, within the required period, apply to the Minister under section 64 for the grant of that pipeline licence and request that the application mentioned in subsection (1)(c) be rejected.
- (3) For the purposes of subsection (2), the *required period* is —
 - (a) 3 months after the publication in the *Gazette* of notice of the application mentioned in subsection (1)(c); or
 - (b) a further period, not being more than 3 months, that the Minister, on application in writing served on the Minister before the end of the period mentioned in paragraph (a), allows.

Note for this subsection:

For publication in the *Gazette* of notice of the application, see section 94.

- (4) If a pipeline licence is granted to the GHG licensee as a result of an application covered by subsection (2), the Minister must, by written notice given to the person mentioned in subsection (1)(c), reject the application mentioned in subsection (1)(c).

64E. Rights of pipeline operator following application for petroleum pipeline licences by other persons

- (1) This section applies if —
 - (a) a person applies for a pipeline licence in relation to the construction, in the adjacent area, of a petroleum pipeline for the conveyance of petroleum recovered in the licence area of a

- production licence under the Commonwealth Act or a corresponding law; and
- (b) the person is not the pipeline operator under the Commonwealth Act or corresponding law.
- (2) The pipeline operator under the Commonwealth Act or corresponding law may, within the required period, apply to the Minister under section 64 for the grant of that pipeline licence and request that the application mentioned in subsection (1)(a) be rejected.
- (3) For the purposes of subsection (2), the *required period* is —
- (a) 3 months after the publication in the *Gazette* of notice of the application mentioned in subsection (1)(a); or
- (b) a further period, not being more than 3 months, that the Minister, on application in writing served on the Minister before the end of the period mentioned in paragraph (a), allows.

Note for this subsection:

For publication in the *Gazette* of notice of the application, see section 94.

- (4) If a pipeline licence is granted to the pipeline operator as a result of an application covered by subsection (2), the Minister must, by written notice given to the person mentioned in subsection (1)(a), reject the application mentioned in subsection (1)(a).

64F. Rights of pipeline operator following application for greenhouse gas pipeline licences by other persons

- (1) This section applies if —
- (a) a person applies for a pipeline licence in relation to the construction, in the adjacent area, of a greenhouse gas pipeline for the conveyance

of a greenhouse gas substance to a place in a greenhouse gas injection licence area under the Commonwealth Act or a corresponding law;
and

- (b) the person is not the pipeline operator under the Commonwealth Act or a corresponding law.
- (2) The pipeline operator under the Commonwealth Act or corresponding law may, within the required period, apply to the Minister under section 64 for the grant of that pipeline licence and request that the application mentioned in subsection (1)(a) be rejected.
- (3) For the purposes of subsection (2), the *required period* is —
- (a) 3 months after the publication in the *Gazette* of notice of the application mentioned in subsection (1)(a); or
 - (b) a further period, not being more than 3 months, that the Minister, on application in writing served on the Minister before the end of the period mentioned in paragraph (a), allows.

Note for this subsection:

For publication in the *Gazette* of notice of the application, see section 94.

- (4) If a pipeline licence is granted to the pipeline operator under the Commonwealth Act or corresponding law as a result of an application covered by subsection (2), the Minister must, by written notice given to the person mentioned in subsection (1)(a), reject the application mentioned in subsection (1)(a).

64G. Petroleum pipeline licence offer — petroleum recovered in petroleum licence area

- (1) This section applies if an application is made under section 64 for a pipeline licence in relation to the

construction, in the adjacent area, of a petroleum pipeline for the conveyance of petroleum recovered in the petroleum licence area.

- (2) If the applicant is the petroleum licensee, the Minister must give the applicant a written notice informing the applicant that the Minister is prepared to grant the applicant a pipeline licence if the following have been complied with —
- (a) the conditions to which the petroleum production licence is, or has from time to time been, subject;
 - (b) any requirement under section 64A(1);
 - (c) this Part;
 - (d) the regulations.
- (3) If the applicant is the petroleum licensee, the Minister may give the applicant a written notice informing the applicant that the Minister is prepared to grant the applicant a pipeline licence if —
- (a) any of the following have not been complied with —
 - (i) the conditions to which the petroleum production licence is, or has from time to time been, subject;
 - (ii) any requirement under section 64A(1);
 - (iii) this Part;
 - (iv) the regulations;and
 - (b) the Minister is, nevertheless, satisfied that special circumstances exist that justify the granting of a pipeline licence.

- (4) If the applicant is not the petroleum licensee and the application has not been rejected under section 64B(4), the Minister may give the applicant a written notice informing the applicant that the Minister is prepared to grant the applicant a pipeline licence.

64H. Petroleum pipeline licence offer — petroleum recovered in licence area under Commonwealth Act or corresponding law

- (1) This section applies if an application is made under section 64 for a pipeline licence in relation to the construction, in the adjacent area, of a petroleum pipeline for the conveyance of petroleum recovered in the licence area of a production licence under the Commonwealth Act or a corresponding law.
- (2) If the applicant is the pipeline operator under the Commonwealth Act or corresponding law, the Minister must give the applicant a written notice informing the applicant that the Minister is prepared to grant the applicant a pipeline licence.
- (3) If the applicant is not the pipeline operator under the Commonwealth Act or corresponding law and the application has not been rejected under section 64E(4), the Minister may give the applicant a written notice informing the applicant that the Minister is prepared to grant the applicant a pipeline licence.

64I. Greenhouse gas pipeline licence offer relating to petroleum licence area

- (1) This section applies if —
 - (a) a petroleum production licence is in force; and
 - (b) the petroleum licence area is in the adjacent area; and

- (c) an application is made under section 64 for a pipeline licence in relation to the construction, in the adjacent area, of a greenhouse gas (petroleum licence area) pipeline in relation to the petroleum licence area.
- (2) If the applicant is the petroleum licensee, the Minister must give the applicant a written notice informing the applicant that the Minister is prepared to grant the applicant a pipeline licence if the following have been complied with —
 - (a) the conditions to which the petroleum production licence is, or has from time to time been, subject;
 - (b) any requirement under section 64A(1);
 - (c) this Part;
 - (d) the regulations.
- (3) If the applicant is the petroleum licensee, the Minister may give the applicant a written notice informing the applicant that the Minister is prepared to grant the applicant a pipeline licence if —
 - (a) any of the following have not been complied with —
 - (i) the conditions to which the petroleum production licence is, or has from time to time been, subject;
 - (ii) any requirement under section 64A(1);
 - (iii) this Part;
 - (iv) the regulations;and
 - (b) the Minister is, nevertheless, satisfied that special circumstances exist that justify the granting of a pipeline licence.

- (4) If the applicant is not the petroleum licensee and the application has not been rejected under section 64C(4), the Minister may give the applicant a written notice informing the applicant that the Minister is prepared to grant the applicant a pipeline licence.

64J. Greenhouse gas pipeline licence offer — GHG licence area

- (1) This section applies if —
- (a) a GHG injection licence is in force; and
 - (b) the GHG licence area is in the adjacent area; and
 - (c) an application is made under section 64 for a pipeline licence in relation to the construction, in the adjacent area, of a greenhouse gas (GHG licence area) pipeline in relation to the GHG licence area.
- (2) If the applicant is the GHG licensee, the Minister must give the applicant a written notice informing the applicant that the Minister is prepared to grant the applicant a pipeline licence if the following have been complied with —
- (a) the conditions to which the GHG injection licence is, or has from time to time been, subject;
 - (b) any requirement under section 64A(1);
 - (c) this Part;
 - (d) the regulations.
- (3) If the applicant is the GHG licensee, the Minister may give the applicant a written notice informing the

applicant that the Minister is prepared to grant the applicant a pipeline licence if —

- (a) any of the following have not been complied with —
 - (i) the conditions to which the GHG injection licence is, or has from time to time been, subject;
 - (ii) any requirement under section 64A(1);
 - (iii) this Part;
 - (iv) the regulations;and
 - (b) the Minister is, nevertheless, satisfied that special circumstances exist that justify the granting of a pipeline licence.
- (4) If the applicant is not the GHG licensee and the application has not been rejected under section 64D(4), the Minister may give the applicant a written notice informing the applicant that the Minister is prepared to grant the applicant a pipeline licence.

64K. Greenhouse gas pipeline licence offer — greenhouse gas injection area under Commonwealth Act or corresponding law

- (1) This section applies if an application is made under section 64 for a pipeline licence in relation to the construction, in the adjacent area, of a greenhouse gas pipeline for the conveyance of a greenhouse gas substance to a place in a greenhouse gas injection licence area under the Commonwealth Act or a corresponding law.
- (2) If the applicant is the pipeline operator under the Commonwealth Act or corresponding law, the Minister must give the applicant a written notice informing the

applicant that the Minister is prepared to grant the applicant a pipeline licence.

- (3) If the applicant is not the pipeline operator under the Commonwealth Act or corresponding law and the application has not been rejected under section 64F(4), the Minister may give the applicant a written notice informing the applicant that the Minister is prepared to grant the applicant a pipeline licence.

64L. Form and content of pipeline licence offer notice

- (1) A pipeline licence offer notice must —
- (a) specify the route to be followed by the pipeline; and
 - (b) contain a summary of the conditions subject to which the pipeline licence is to be granted; and
 - (c) contain a statement to the effect that the application for a pipeline licence will lapse if the applicant does not make a request under section 64M.
- (2) The route specified in a pipeline licence offer notice must be —
- (a) the route shown in the plan accompanying the application; or
 - (b) if the Minister is of the opinion that, for any reason, that route is not appropriate, a route that, in the opinion of the Minister, is appropriate.

64M. Request for grant of pipeline licence after offer

- (1) A person to whom a pipeline licence offer notice is given may, within the required period, request the Minister, in writing, to grant the pipeline licence.

- (2) If a person to whom a pipeline licence offer notice is given does not make a request under subsection (1) within the required period, the application for the pipeline licence lapses at the end of that period.
- (3) For the purposes of subsection (1), the *required period* is —
 - (a) 3 months after the pipeline licence offer notice is given; or
 - (b) a further period, not being more than 3 months, that the Minister, on application in writing served on the Minister before the end of the period mentioned in paragraph (a), allows.

64N. Refusal to grant petroleum pipeline licence — petroleum licence area

- (1) This section applies if an application is made under section 64 for a pipeline licence in relation to the construction, in the adjacent area, of a petroleum pipeline for the conveyance of petroleum recovered in a petroleum licence area.
- (2) If the application is made by the petroleum licensee, the Minister must, by written notice given to the applicant, refuse to grant the licence if —
 - (a) any of the following have not been complied with —
 - (i) the conditions to which the petroleum production licence is, or has from time to time been, subject;
 - (ii) any requirement under section 64A(1);
 - (iii) this Part;
 - (iv) the regulations;and

- (b) the Minister is not satisfied that special circumstances exist that justify the granting of a pipeline licence.
- (3) If the application is not made by the petroleum licensee, the Minister may, by written notice given to the applicant, refuse to grant the licence.

640. Refusal to grant greenhouse gas pipeline licence relating to petroleum licence area

- (1) This section applies if —
 - (a) a petroleum production licence is in force; and
 - (b) the petroleum licence area is in the adjacent area; and
 - (c) an application is made under section 64 for a pipeline licence in relation to the construction, in the adjacent area, of a greenhouse gas (petroleum licence area) pipeline in relation to the petroleum licence area.
 - (2) If the application is made by the petroleum licensee, the Minister must, by written notice given to the applicant, refuse to grant the licence if —
 - (a) any of the following have not been complied with —
 - (i) the conditions to which the petroleum production licence is, or has from time to time been, subject;
 - (ii) any requirement under section 64A(1);
 - (iii) this Part;
 - (iv) the regulations;
- and

- (b) the Minister is not satisfied that special circumstances exist that justify the granting of a pipeline licence.
- (3) If the applicant is not the petroleum licensee, the Minister may, by written notice given to the applicant, refuse to grant the licence.

64P. Refusal to grant greenhouse gas pipeline licence relating to GHG licence area

- (1) This section applies if —
 - (a) a GHG injection licence is in force; and
 - (b) the GHG licence area is in the adjacent area; and
 - (c) an application is made under section 64 for a pipeline licence in relation to the construction, in the adjacent area, of a greenhouse gas (GHG licence area) pipeline in relation to the GHG licence area.
- (2) If the application is made by the GHG licensee, the Minister must, by written notice given to the applicant, refuse to grant the licence if —
 - (a) any of the following have not been complied with —
 - (i) the conditions to which the GHG injection licence is, or has from time to time been, subject;
 - (ii) any requirement under section 64A(1);
 - (iii) this Part;
 - (iv) the regulations;

- (b) the Minister is not satisfied that special circumstances exist that justify the granting of a pipeline licence.
- (3) If the applicant is not the GHG licensee, the Minister may, by written notice given to the applicant, refuse to grant the licence.

64Q. Refusal to grant petroleum pipeline licence – petroleum production area under Commonwealth Act or corresponding law

- (1) This section applies if —
 - (a) an application is made under section 64 for a pipeline licence in relation to the construction, in the adjacent area, of a petroleum pipeline for the conveyance of petroleum recovered in the licence area of a production licence under the Commonwealth Act or a corresponding law; and
 - (b) the applicant is not the pipeline operator under the Commonwealth Act or corresponding law.
- (2) The Minister may, by written notice given to the applicant, refuse to grant the licence.

64R. Refusal to grant greenhouse gas pipeline licence – greenhouse gas injection licence area under Commonwealth Act or corresponding law

- (1) This section applies if —
 - (a) an application is made under section 64 for a pipeline licence in relation to the construction, in the adjacent area, of a greenhouse gas pipeline for the conveyance of a greenhouse gas substance to a place in a greenhouse gas injection licence area under the Commonwealth Act or a corresponding law; and

- (b) the applicant is not the pipeline operator under the Commonwealth Act or corresponding law.
- (2) The Minister may, by written notice given to the applicant, refuse to grant the licence.

64S. Consultation before refusal of application by petroleum licensee or GHG licensee

- (1) Before making a decision under section 64N(2), 64O(2) or 64P(2) to refuse to grant a pipeline licence, the Minister must —
 - (a) by written notice given to the applicant for the licence, give at least 30 days' notice of the Minister's intention to make the decision; and
 - (b) give a copy of the notice to any other persons the Minister thinks fit.
- (2) The notice must —
 - (a) set out details of the decision that is proposed to be made; and
 - (b) set out the reasons for the proposal; and
 - (c) invite a person to whom the notice, or a copy of the notice, has been given to make a written submission to the Minister about the proposal; and
 - (d) specify a period within which submissions may be made.
- (3) In making the decision under section 64N(2), 64O(2) or 64P(2), the Minister must take into account any submissions made in accordance with the notice.

65. Grant of pipeline licence

- (1) This section applies if —
 - (a) an applicant is given a pipeline licence offer notice; and
 - (b) the applicant makes a request under section 64M in relation to the pipeline licence offer notice within the period applicable under that section.
- (2) The Minister must grant the applicant the pipeline licence.

334. Section 70 amended

In section 70(3) delete “The” and insert:

If the pipeline is a petroleum pipeline, the

335. Part 3 Division 4 Subdivision 3 heading inserted

After section 70 insert:

Subdivision 3 — Varying a pipeline licence

336. Part 3 Division 4 Subdivision 4 heading inserted

After section 72 insert:

Subdivision 4 — Operation of pipeline licence

337. Section 73 amended

In section 73(1) after “petroleum” (each occurrence) insert:

or greenhouse gas substances

338. Part 3 Divisions 4AAA and 4AAB inserted

After Part 3 Division 4 insert:

**Division 4AAA — Petroleum titles and GHG titles may
subsist in respect of same blocks**

**74AA. Petroleum titles and GHG titles may subsist in
respect of same blocks**

(1) In this section —

GHG title means a GHG exploration permit, GHG retention lease, GHG injection licence, GHG special prospecting authority or GHG access authority;

petroleum title means a petroleum exploration permit, petroleum retention lease, petroleum production licence, petroleum special prospecting authority or petroleum access authority.

(2) The Minister must not do either of the following unless the Minister complies with subsection (3) —

(a) grant a petroleum title on an application under this Act in respect of a block that is the subject of a GHG title of which the registered holder is a person other than the applicant;

(b) vary a petroleum production licence on an application under section 40(2)(b) to include in the licence area a block that is the subject of a

GHG title of which the registered holder is a person other than the applicant.

- (3) The Minister complies with this subsection if the Minister —
- (a) by instrument in writing served on the registered holder of the GHG title, gives not less than 1 month's notice of the Minister's intention to grant the petroleum title or vary the petroleum production licence, as the case requires; and
 - (b) in the instrument —
 - (i) gives particulars of the petroleum title proposed to be granted or of the variation proposed to be made to the petroleum production licence; and
 - (ii) specifies a day on or before which the person on whom the instrument is served may, by instrument in writing served on the Minister, submit any matters relating to the information given under subparagraph (i) that the person wishes the Minister to consider;
- and
- (c) takes into account any matters the person submits to the Minister on or before the specified day.
- (4) The Minister must not grant a GHG title on an application under this Act in respect of a block that is the subject of a petroleum title of which the registered holder is a person other than the applicant, unless the Minister complies with subsection (5).

- (5) The Minister complies with this subsection if the Minister —
- (a) by instrument in writing served on the registered holder of the petroleum title, gives not less than 1 month's notice of the Minister's intention to grant the GHG title; and
 - (b) in the instrument —
 - (i) gives particulars of the GHG title proposed to be granted; and
 - (ii) specifies a date on or before which the person on whom the instrument is served may, by instrument in writing served on the Minister, submit any matters relating to the information given under subparagraph (i) that the person wishes the Minister to consider;
- and
- (c) takes into account any matters the person submits to the Minister on or before the specified day.
- (6) Nothing in this section limits the operation of any other provisions of this Act relating to applying for or granting a petroleum title or GHG title or varying a petroleum title.

**Division 4AAB — Matters relating to GHG injection
and storage**

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

**74AB. Application for declaration of identified GHG
storage formation**

- (1) This section applies if —
 - (a) a GHG exploration permit, GHG retention lease, GHG injection licence, petroleum retention lease or petroleum production licence is in force; and
 - (b) the permittee, lessee or licensee has reasonable grounds to believe that —
 - (i) a part of a geological formation is an eligible GHG storage formation; and
 - (ii) that part is wholly situated in the permit area, lease area or licence area.
- (2) The permittee, lessee or licensee may apply to the Minister for the declaration of the part referred to in subsection (1)(b) as an identified GHG storage formation.
- (3) An application under this section must be made in an approved manner and set out —
 - (a) the applicant's reasons for believing that the part referred to in subsection (1)(b) is an eligible GHG storage formation; and

- (b) assuming that the part referred to in subsection (1)(b) is an eligible GHG storage formation —
 - (i) the fundamental suitability determinants of the eligible GHG storage formation; and
 - (ii) an estimate of the spatial extent of the eligible GHG storage formation; and
 - (iii) any other information prescribed by the regulations.
- (4) An estimate of spatial extent must comply with any requirements specified in the regulations.

74AC. Requirement for further information or further analysis

- (1) If an application is made under section 74AB, the Minister may, by written notice given to the applicant, require the applicant —
 - (a) to give the Minister, within the period specified in the notice, further information in connection with the application; or
 - (b) to —
 - (i) carry out any further analysis of relevant information specified in the notice; and
 - (ii) give the Minister, within the period specified in the notice, a written report of the results of that analysis.
- (2) If the applicant breaches a requirement under subsection (1), the Minister may, by written notice given to the applicant —
 - (a) refuse to consider the application; or

- (b) refuse to take any action, or any further action, in relation to the application.

74AD. Variation of application

- (1) At any time before the Minister makes a declaration under section 74AE on an application under section 74AB, the applicant may, by written notice given to the Minister, vary —
 - (a) any or all of the fundamental suitability determinants specified in the application; or
 - (b) the spatial extent estimated in the application.
- (2) A variation of an application must be made in an approved manner.
- (3) A variation of an application may be made —
 - (a) on the applicant's own initiative; or
 - (b) at the request of the Minister.
- (4) If an application is varied under this section, a reference in this Act to the application is a reference to the application as varied.

74AE. Declaration of identified GHG storage formation

- (1) This section applies if —
 - (a) an application is made under section 74AB in relation to a part of a geological formation; and
 - (b) the Minister is satisfied that, using the fundamental suitability determinants set out in the application —
 - (i) that part is an eligible GHG storage formation; and
 - (ii) the estimate of the spatial extent set out in the application is a reasonable estimate of the spatial extent of the eligible GHG storage formation.

- (2) The Minister must, by instrument in writing, declare —
 - (a) that part to be an identified GHG storage formation for the purposes of this Act; and
 - (b) that, for the purposes of this Act, the spatial extent of the identified GHG storage formation is the spatial extent estimated in the application; and
 - (c) that the fundamental suitability determinants specified in the application are the fundamental suitability determinants of the identified GHG storage formation for the purposes of this Act.
- (3) A declaration under subsection (2) must set out —
 - (a) the estimate of the spatial extent specified in the application; and
 - (b) the fundamental suitability determinants specified in the application.
- (4) A copy of a declaration under subsection (2) must be published in the *Gazette*.

74AF. Refusal to make declaration

- (1) This section applies if —
 - (a) an application is made under section 74AB in relation to a part of a geological formation; and
 - (b) the Minister is not required by section 74AE to make a declaration in relation to that part.
- (2) The Minister must, by written notice given to the applicant, refuse to declare that part to be an identified GHG storage formation.

74AG. Variation of declaration

- (1) This section applies if a declaration is in force under section 74AE in relation to a part of a geological formation.
- (2) The Minister may, by instrument in writing, vary the declaration.
- (3) A variation of the declaration may be made —
 - (a) if the part is wholly situated in —
 - (i) a GHG permit area — on the application of the GHG permittee; or
 - (ii) a lease area — on the application of the lessee; or
 - (iii) a licence area — on the application of the licensee;
 - or
 - (b) on the Minister’s own initiative.
- (4) An application for a variation of the declaration must —
 - (a) be made in an approved manner; and
 - (b) set out the proposed variation; and
 - (c) specify the reasons for the proposed variation.
- (5) In deciding whether to vary the declaration, the Minister must have regard to —
 - (a) any new information; and
 - (b) any new analysis; and
 - (c) any relevant scientific or technological developments; and
 - (d) any other matters that the Minister considers relevant.

- (6) Before varying a declaration on the Minister's own initiative, the Minister must consult —
 - (a) if the part is wholly situated in a GHG permit area — the GHG permittee; or
 - (b) if the part is wholly situated in a lease area — the lessee; or
 - (c) if the part is wholly situated in a licence area — the licensee.
- (7) A copy of a variation under subsection (2) must be published in the *Gazette*.
- (8) If a declaration in force under section 74AE is varied, a reference in this Act to the declaration is a reference to the declaration as varied.

74AH. Revocation of declaration

- (1) This section applies if a declaration is in force under section 74AE in relation to a part of a geological formation.
- (2) The Minister may, by instrument in writing, revoke the declaration if the Minister is satisfied that, using any set of fundamental suitability determinants, the part is not an eligible GHG storage formation.
- (3) Before revoking a declaration, the Minister must —
 - (a) consult —
 - (i) if the part is wholly situated in a GHG permit area — the GHG permittee; or
 - (ii) if the part is wholly situated in a lease area — the lessee; or
 - (iii) if the part is wholly situated in a licence area — the licensee;and

- (b) consider whether the Minister should instead vary the declaration under section 74AG.
- (4) A copy of a revocation under subsection (2) must be published in the *Gazette*.

Subdivision 2 — Approved site plans

74AI. Approved site plans

- (1) The regulations may provide that a GHG licensee must not carry on any operations in relation to an identified GHG storage formation specified in the licence unless an approved site plan is in force in relation to the formation.
- (2) The regulations may provide that, if an approved site plan is in force in relation to an identified GHG storage formation specified in a GHG injection licence, the GHG licensee must comply with the approved site plan.
- (3) The regulations may make provision for the Minister to approve draft site plans.
- (4) The regulations may provide that, if the Minister approves a draft site plan, the approved site plan —
 - (a) comes into force at the time of the approval; and
 - (b) remains in force —
 - (i) if, under the regulations, the Minister withdraws approval of the approved site plan — until the withdrawal; or
 - (ii) otherwise — indefinitely.
- (5) The regulations may make provision for the Minister to withdraw approval of approved site plans.

- (6) The regulations may make provision for and in relation to the variation of approved site plans.
- (7) Regulations made for the purposes of subsection (6) may —
 - (a) require a GHG licensee to prepare a draft variation of an approved site plan —
 - (i) periodically; or
 - (ii) in the circumstances specified in the regulations; or
 - (iii) when required to do so by the Minister; and
 - (b) require a GHG licensee to give the draft variation to the Minister; and
 - (c) make provision for the Minister to approve the variation; and
 - (d) provide that, if the Minister approves the variation, the approved site plan is varied accordingly.
- (8) If an approved site plan is varied, a reference in this Act to the approved site plan is a reference to the approved site plan as varied.

Subdivision 3 — Serious situations

74AJ. When serious situation exists

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

- (a) a greenhouse gas substance that has been injected into the identified GHG storage formation has leaked or will leak; or

- (b) a greenhouse gas substance has leaked or will leak in the course of being injected into the identified GHG storage formation; or
- (c) a greenhouse gas substance that has been injected into the identified GHG storage formation has behaved or will behave otherwise than as predicted in Part A of an approved site plan for the formation; or
- (d) the injection of a greenhouse gas substance into, or the storage of a greenhouse gas substance in, the identified GHG storage formation has had or will have a significant adverse impact on the geotechnical integrity of the whole or a part of a geological formation or geological structure; or
- (e) the identified GHG storage formation is not suitable for the permanent storage of a greenhouse gas substance as set out in an approved site plan for the formation.

74AK. Reporting of serious situations

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

- (a) immediately inform the Minister of the serious situation; and
- (b) within the period of 3 days after informing the Minister under paragraph (a), give to the Minister particulars in writing of the serious situation.

Penalty: a fine of \$10 000.

74AL. Minister may give directions

- (1) If, in the opinion of the Minister, a serious situation exists in relation to an identified GHG storage formation specified in a GHG injection licence, the Minister may, by written notice given to the GHG licensee, direct the licensee —
 - (a) to take all reasonable steps to ensure that a greenhouse gas substance is injected into the identified GHG storage formation in the manner specified in the direction; or
 - (b) to take all reasonable steps to ensure that a greenhouse gas substance is stored in the identified GHG storage formation in the manner specified in the direction; or
 - (c) to stop or suspend the injection of a greenhouse gas substance at the place or places specified in the direction; or
 - (d) to inject a greenhouse gas substance into the identified GHG storage formation at the place or places specified in the direction; or
 - (e) to undertake the activities specified in the direction for the purposes of eliminating, mitigating, managing or remedying the serious situation; or
 - (f) to take any action specified in the direction; or
 - (g) to refrain from taking any action specified in the direction.
- (2) A direction under subsection (1) —
 - (a) has effect, and must be complied with, despite —
 - (i) any previous direction under that subsection; and

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- (ii) anything in the regulations;
 - and
 - (b) prevails over anything in an approved site plan for the identified GHG storage formation to the extent of any inconsistency; and
 - (c) may make provision in relation to a matter by applying, adopting or incorporating (with or without modification) a code of practice or standard contained in an instrument as in force or existing at the time when the direction takes effect; and
 - (d) may prohibit the doing of an act or thing —
 - (i) unconditionally; or
 - (ii) subject to conditions, including conditions requiring the consent or approval of a person specified in the direction.
- (3) A person to whom a direction is given under subsection (1) must comply with the direction.
- Penalty for this subsection: a fine of \$10 000.

Subdivision 4 — Site closing certificates

74AM. Application for site closing certificate

A GHG licensee may apply to the Minister for a site closing certificate in relation to a particular identified GHG storage formation specified in the GHG injection licence.

74AN. Application for site closing certificate required if operations have ceased

- (1) This section applies if —
 - (a) a GHG injection licence is in force; and
 - (b) operations for the injection of a greenhouse gas substance into a particular identified GHG storage formation specified in the licence have ceased.
- (2) The GHG licensee must, within the application period, apply under section 74AM for a site closing certificate in relation to the identified GHG storage formation.
Penalty for this subsection: a fine of \$10 000.
- (3) The application period for an application referred to in subsection (2) is —
 - (a) the period of 30 days after the day on which the cessation referred to in subsection (1)(b) occurred; or
 - (b) any longer period, not more than 90 days after that day, that the Minister allows.
- (4) The Minister may allow a longer period under subsection (3)(b) only on written application made by the licensee within the period of 30 days mentioned in subsection (3)(a).

74AO. Application for site closing certificate may be directed if ground for terminating or cancelling GHG injection licence exists

- (1) This section applies if —
 - (a) a GHG injection licence is in force; and
 - (b) under section 54A(1A) or 105(1), there is a ground for terminating or cancelling the licence.

- (2) The Minister may, by written notice given to the GHG licensee, direct the licensee —
 - (a) to apply under section 74AM for a site closing certificate in relation to each identified GHG storage formation specified in the licence; and
 - (b) to do so within the period specified in the notice.
- (3) The period specified under subsection (2)(b) must not be shorter than 30 days.
- (4) A person to whom a direction is given under subsection (2) must comply with the direction.
Penalty for this subsection: a fine of \$10 000.

74AP. Application for site closing certificate may be directed if GHG injection licence tied to ceased petroleum lease or licence

- (1) This section applies if —
 - (a) a GHG injection licence is in force; and
 - (b) the GHG injection licence is tied to a petroleum retention lease or petroleum production licence; and
 - (c) the petroleum retention lease or petroleum production licence ceases to be in force as a result of being surrendered, cancelled, terminated or wholly revoked.
- (2) The Minister may, by written notice given to the GHG licensee, direct the licensee —
 - (a) to apply under section 74AM for a site closing certificate in relation to each identified GHG storage formation specified in the licence; and
 - (b) to do so within the period specified in the notice.

- (3) The period specified under subsection (2)(b) must not be shorter than 30 days.
- (4) A person to whom a direction is given under subsection (2) must comply with the direction.
Penalty for this subsection: a fine of \$10 000.
- (5) For the purposes of subsection (1)(b), a GHG injection licence (the **GHG licence**) is tied to a petroleum retention lease (the **petroleum lease**) if —
- (a) the GHG licence is derived from a GHG retention lease —
 - (i) granted under section 38BC to the registered holder of a petroleum retention lease; or
 - (ii) granted by way of renewal of a GHG retention lease granted under section 38BC to the registered holder of a petroleum retention lease;
- and
- (b) the petroleum lease is —
 - (i) the petroleum retention lease referred to in paragraph (a)(i) or (ii); or
 - (ii) a petroleum retention lease granted by way of renewal of the petroleum retention lease referred to in paragraph (a)(i) or (ii).
- (6) For the purposes of subsection (1)(b), a GHG injection licence (the **GHG licence**) is tied to a petroleum production licence (the **petroleum licence**) if —
- (a) the GHG licence is derived from a GHG retention lease —

- (i) granted under section 38BC to the registered holder of a petroleum retention lease; or
- (ii) granted by way of renewal of a GHG retention lease granted under section 38BC to the registered holder of a petroleum retention lease;

and

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

74AQ. Requirements for application for site closing certificate

- (1) An application for a site closing certificate under section 74AM —
 - (a) must be made in an approved manner; and
 - (b) must be accompanied by a written report that sets out —
 - (i) the applicant’s modelling of the behaviour of the greenhouse gas substance injected into the identified GHG storage formation; and
 - (ii) information relevant to that modelling; and
 - (iii) the applicant’s analysis of that information;

and

- (c) must be accompanied by a written report that sets out the applicant's assessment of —
 - (i) the behaviour of the greenhouse gas substance injected into the identified GHG storage formation; and
 - (ii) the expected migration pathway or pathways of that greenhouse gas substance; and
 - (iii) the short-term consequences of the migration of that greenhouse gas substance; and
 - (iv) the long-term consequences of the migration of that greenhouse gas substance;and
 - (d) must be accompanied by the applicant's suggestions for the approach to be taken by the State, after the issue of the site closing certificate, to the monitoring of the behaviour of a greenhouse gas substance stored in the identified GHG storage formation; and
 - (e) must be accompanied by any other information prescribed by the regulations; and
 - (f) may set out any other matters that the applicant wishes the Minister to consider; and
 - (g) must be accompanied by the prescribed fee.
- (2) Subsection (1)(b) to (d) do not apply if there have not been any operations for the injection of a greenhouse gas substance into the identified GHG storage formation.
- (3) The Minister may, at any time and by instrument in writing served on the applicant, require the applicant to give to the Minister, within the period specified in the

instrument, further information in writing in connection with the application.

74AR. Variation of application for site closing certificate

- (1) This section applies if an application for a site closing certificate is made under section 74AM.
- (2) At any time before any action is taken by the Minister under section 74AT, 74AU or 74AV, the applicant may, by written notice given to the Minister, vary the application.
- (3) A variation of an application must be made in an approved manner.
- (4) A variation of an application may be made —
 - (a) on the applicant's own initiative; or
 - (b) at the request of the Minister.
- (5) A variation of an application may set out any additional matters that the applicant wishes to be considered.
- (6) If an application is varied under this section, a reference in this Act to the application is a reference to the application as varied.

74AS. Time for decision on application for site closing certificate

If an application for a site closing certificate is made under section 74AM, the Minister must make a decision on the application, and a decision whether to give the applicant a pre-certificate notice, within 5 years after the day on which the application was made.

74AT. Pre-certificate notice

- (1) This section applies if an application for a site closing certificate is made under section 74AM.
- (2) The Minister may give the applicant a written notice (a *pre-certificate notice*) informing the applicant that the Minister is prepared to issue to the applicant a site closing certificate in relation to an identified GHG storage formation specified in the application if the Minister is satisfied that —
 - (a) operations for the injection of a greenhouse gas substance into the identified GHG storage formation have ceased; or
 - (b) there have not been any operations for the injection of a greenhouse gas substance into the identified GHG storage formation.
- (3) In deciding whether to give the applicant a pre-certificate notice, the Minister must have regard to any significant risk the Minister is satisfied exists that a greenhouse gas substance injected into the identified GHG storage formation will have a significant adverse impact on —
 - (a) navigation; or
 - (b) fishing; or
 - (c) any of the following operations of another person that are being lawfully carried on —
 - (i) operations relating to the exploration for, recovery of or conveyance of a mineral, whether petroleum or a regulated substance or not;
 - (ii) GHG operations;
 - (iii) operations relating to the construction or operation of a pipeline;

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or

- (d) the enjoyment of native title rights (as defined in the *Native Title Act 1993* (Commonwealth) section 223).
- (4) Subsection (3) does not limit the matters to which the Minister may have regard.
- (5) The Minister must not give the applicant a pre-certificate notice in relation to the identified GHG storage formation unless the Minister is satisfied that —
 - (a) either —
 - (i) the relevant statutory requirements have been complied with; or
 - (ii) any of the relevant statutory requirements have not been complied with, but there are sufficient grounds to warrant the issue of the site closing certificate;
 - and
 - (b) if any conditions are specified in the regulations — those conditions have been satisfied.
- (6) For the purposes of subsection (5)(a), each of the following is a relevant statutory requirement —
 - (a) the conditions to which the GHG injection licence is, or has from time to time been, subject;
 - (b) the provisions of this Part;
 - (c) the provisions of the regulations.

74AU. Refusal of pre-certificate notice

- (1) This section applies if an application for a site closing certificate is made under section 74AM.
- (2) The Minister must refuse to give the applicant a pre-certificate notice in relation to the identified GHG storage formation if the Minister is not satisfied as to the matters referred to in section 74AT(5)(a) and (b).
- (3) The Minister may refuse to give the applicant a pre-certificate notice in relation to the identified GHG storage formation if —
 - (a) the Minister is not satisfied that the greenhouse gas substance injected into the identified GHG storage formation is behaving as predicted in Part A of an approved site plan for the formation; or
 - (b) the Minister is satisfied that there is a significant risk that a greenhouse gas substance injected into the identified GHG storage formation will have a significant adverse impact on —
 - (i) the conservation of the resources of the soil or the Earth's crust; or
 - (ii) the geotechnical integrity of the whole or a part of a geological formation or geological structure; or
 - (iii) the environment; or
 - (iv) human health or safety.
- (4) Subsection (3) does not limit the matters to which the Minister may have regard in deciding whether to refuse to give the applicant a pre-certificate notice.

74AV. Notice of refusal to give pre-certificate notice

- (1) This section applies if —
 - (a) an application for a site closing certificate is made under section 74AM; and
 - (b) the Minister refuses to give a pre-certificate notice to the applicant.
- (2) The Minister must give written notice of the refusal to the applicant.

74AW. Content of pre-certificate notice

- (1) A pre-certificate notice that relates to an application for a site closing certificate must —
 - (a) specify a program of operations proposed to be carried out by the State for the purposes of monitoring the behaviour of a greenhouse gas substance stored in the identified GHG storage formation concerned; and
 - (b) set out an estimate of the total costs and expenses of carrying out the program; and
 - (c) specify the form and amount of a security to be lodged by the applicant in respect of the compliance, by the holder for the time being of the site closing certificate, with the holder's obligations under section 74AZD in relation to the costs and expenses of carrying out the program; and
 - (d) contain a statement to the effect that the application will lapse if the applicant does not lodge the security with the Minister within the period applicable under subsection (3).
- (2) The amount of the security is to equal the estimate referred to in subsection (1)(b).

- (3) The period for lodging the security is —
 - (a) 2 months after the pre-certificate notice was given to the applicant; or
 - (b) any longer period, not more than 6 months after the pre-certificate notice was given to the applicant, that the Minister allows.
- (4) If the applicant does not lodge the security with the Minister within the period applicable under subsection (3), the application lapses at the end of that period.
- (5) The regulations may provide that an estimate referred to in subsection (1)(b) is to be made on the basis of —
 - (a) an assumption that costs and expenses will increase at an annual rate specified in the regulations; and
 - (b) any other assumptions specified in the regulations.
- (6) Subsection (1) does not apply if the Minister is satisfied that there have not been any operations for the injection of a greenhouse gas substance into the identified GHG storage formation concerned.

74AX. Issue of site closing certificate

- (1) This section applies if —
 - (a) an applicant has been given a pre-certificate notice under section 74AT; and
 - (b) if section 74AW(1) applies — the applicant has lodged the specified security within the period applicable under section 74AW(3).
- (2) The Minister must issue to the applicant a certificate (a *site closing certificate*) in relation to the identified

GHG storage formation specified in the pre-certificate notice.

74AY. Transferee of GHG injection licence treated as applicant

- (1) This section applies if a transfer of a GHG injection licence is registered under section 78 —
 - (a) after an application is made under section 74AM for a site closing certificate in relation to an identified GHG storage formation specified in the GHG injection licence; and
 - (b) before any action has been taken by the Minister under section 74AT, 74AU or 74AV in relation to the application.
- (2) After the transfer, sections 74AM to 74AX have effect in relation to the application as if any reference in those sections to the applicant were a reference to the transferee.

74AZ. Duration of site closing certificate

Subject to this Part, a site closing certificate remains in force indefinitely.

74AZA. Transfer of site closing certificate

- (1) This section applies if —
 - (a) a site closing certificate is issued to the registered holder of a GHG injection licence; and
 - (b) a transfer of the licence is registered under section 78.
- (2) The site closing certificate is, by force of this section, transferred to the transferee of the licence.

74AZB. Transfer of securities

- (1) This section applies if —
 - (a) a security is lodged in relation to a site closing certificate; and
 - (b) the site closing certificate is transferred under section 74AZA.
- (2) The interest of the transferor in the security is, by force of this section, transferred to the transferee.
- (3) A document setting out or relating to the security has effect, after the transfer, as if a reference in the document to the transferor were a reference to the transferee.

74AZC. Discharge of securities

The regulations may make provision in relation to the discharge, in whole or in part, by the Minister of securities in force in relation to site closing certificates.

74AZD. Recovery of State's costs and expenses

- (1) This section applies if —
 - (a) a site closing certificate is in force in relation to an identified GHG storage formation; and
 - (b) the State incurs reasonable costs or expenses in carrying out the program specified in the pre-certificate notice for the site closing certificate.
- (2) The costs and expenses —
 - (a) are a debt due to the State by the holder of the certificate; and
 - (b) are recoverable in a court of competent jurisdiction.

- (3) The total of the costs and expenses recoverable under subsection (2) must not exceed the estimate set out in the pre-certificate notice.

Subdivision 5 — Long-term liabilities in respect of GHG storage

74AZE. Closure assurance period

- (1) This section applies if —
- (a) a site closing certificate is in force in relation to an identified GHG storage formation; and
 - (b) the Minister is satisfied that operations for the injection of a greenhouse gas substance into the formation ceased on a day (the *cessation day*) before the application for the site closing certificate was made; and
 - (c) on a day (the *decision day*) that is at least 15 years after the issue of the site closing certificate, the Minister is satisfied that —
 - (i) the greenhouse gas substance injected into the formation is behaving as predicted in Part A of an approved site plan for the formation; and
 - (ii) there is no significant risk that a greenhouse gas substance injected into the formation will have a significant adverse impact on the geotechnical integrity of the whole or a part of a geological formation or geological structure; and
 - (iii) there is no significant risk that a greenhouse gas substance injected into the formation will have a significant adverse impact on the environment; and

- (iv) there is no significant risk that a greenhouse gas substance injected into the formation will have a significant adverse impact on human health or safety; and
 - (v) since the cessation day, there have not been any operations for the injection of a greenhouse gas substance into the formation.
- (2) The Minister may, by instrument in writing, declare that for the purposes of this Act the closure assurance period in relation to the formation is the period —
- (a) beginning at the end of the cessation day; and
 - (b) ending at the end of the decision day.
- (3) A copy of a declaration under subsection (2) must be given to the holder of the site closing certificate.

74AZF. Indemnity against long-term liability

- (1) This section applies if —
- (a) a site closing certificate is in force in relation to an identified GHG storage formation; and
 - (b) when the application for the certificate was made, the formation was specified in a GHG injection licence; and
 - (c) there is a closure assurance period in relation to the formation; and
 - (d) the following conditions are satisfied in relation to a liability of an existing person who is or has been the registered holder of the licence (whether or not the licence is in force) —
 - (i) the liability is a liability for damages;

- (ii) the liability is attributable to an act done or omitted to be done in the carrying on of operations authorised by the licence in relation to the formation;
 - (iii) the liability is incurred or accrued after the end of the closure assurance period in relation to the formation;
 - (iv) any other conditions specified in the regulations.
- (2) The State must indemnify the person against the liability.
- (3) The amount of any indemnity under subsection (2) must be charged to the Consolidated Account, which is, to the necessary extent, appropriated accordingly.

74AZG. State to assume long-term liability if licensee has ceased to exist

- (1) This section applies if —
- (a) a site closing certificate is in force in relation to an identified GHG storage formation; and
 - (b) when the application for the certificate was made, the formation was specified in a GHG injection licence; and
 - (c) there is a closure assurance period in relation to the formation; and
 - (d) a person who has been the registered holder of the licence (whether or not the licence is in force) has ceased to exist; and
 - (e) if the person had continued in existence, the following conditions would have been satisfied in relation to a liability of the person —
 - (i) the liability is a liability for damages;

- (ii) the liability is attributable to an act done or omitted to be done in the carrying on of operations authorised by the licence in relation to the formation;
 - (iii) the liability is incurred or accrued after the end of the closure assurance period in relation to the formation;
 - (iv) any other conditions specified in the regulations;
- and
- (f) apart from this section, the damages are irrecoverable because the person has ceased to exist.
- (2) The liability is taken to be a liability of the State.
 - (3) The amount of any liability under subsection (2) is to be charged to the Consolidated Account, which is, to the necessary extent, appropriated accordingly.

339. Section 76 amended

In section 76(2):

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

(b); and

- (b) after paragraph (d) insert:

- (e) any instrument under section 74AE, 74AG or 74AH.

340. Section 81 amended

In section 81(1):

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

substance or the carrying out of GHG operations);

- (b) in paragraph (d)(ii) delete “kind;” and insert:

kind; or

- (c) after paragraph (d)(ii) insert:

- (iii) any other interest that is similar to an interest referred to in subparagraph (i), being an interest relating to a greenhouse gas substance injected or stored under an existing permit, lease or licence or relating to revenue derived as a result of the carrying out of GHG operations authorised by an existing permit, lease or licence;

341. Section 96 amended

After section 96(3) insert:

- (4) This section does not apply to —
- (a) a GHG exploration permit; or
 - (b) a GHG retention lease; or
 - (c) a GHG injection licence; or
 - (d) an infrastructure licence for an activity set out in section 6B(3); or

- (e) a pipeline licence for the conveyance of greenhouse gas substances.

342. Section 97 amended

- (1) Delete section 97(1) and insert:

- (1) Subsection (1A) applies to the following operations —
 - (a) all petroleum operations;
 - (b) all GHG operations.
- (1A) A permittee, lessee or licensee must carry out the operations referred to in subsection (1) in the permit area, lease area or licence area, as the case requires —
 - (a) in a proper and workmanlike manner; and
 - (b) in the case of operations referred to in subsection (1)(a), in accordance with good oil-field practice.
- (1B) Subsections (2) and (2A) have effect without limiting the generality of subsection (1A) but subject to any authorisation, requirement or direction given or made by or under this Act.

- (2) In section 97(2):

- (a) delete the passage that begins with “In particular,” and ends with “must —” and insert:

A petroleum permittee, petroleum lessee or petroleum licensee must —

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(b) delete paragraph (a) and insert:

(a) control the flow and prevent the waste or escape in the permit area, lease area or licence area of petroleum, a regulated substance, greenhouse gas substances or water; and

(c) in paragraph (c) after “to” insert:

potential GHG storage formations, potential GHG injection sites and

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

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

(e) in paragraph (e) delete “pool” and insert:

pool, potential GHG storage formation or potential GHG injection site

(3) After section 97(2) insert:

(2A) A GHG permittee, GHG lessee or GHG licensee must —

(a) control the flow and prevent the waste or escape in the permit area, lease area or licence area of greenhouse gas substances, petroleum, a regulated substance or water; and

- (b) prevent the escape in the permit area, lease area or licence area of any mixture of water or drilling fluid with greenhouse gas substances or any other matter; and
- (c) prevent damage to potential GHG storage formations, potential GHG injection sites and strata bearing petroleum or a regulated substance in an area, whether in the adjacent area or not, in respect of which the permit, lease or licence is not in force; and
- (d) keep separate —
 - (i) each potential GHG storage formation, potential GHG injection site or resources pool discovered in the permit area, lease area or licence area; and
 - (ii) any of the sources of water discovered in that area that the Minister, by instrument in writing served on that person, directs;and
- (e) except for the purposes of carrying on a GHG operation under this Act in a proper and workmanlike manner, prevent water or any other matter entering any potential GHG storage formation, potential GHG injection site or resources pool through wells in the permit area, lease area or licence area.

(4) Delete section 97(5) and insert:

- (5) A person who is the holder of a special prospecting authority or an access authority must carry out all operations authorised by the special prospecting authority or access authority in the area in respect of

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which the special prospecting authority or access authority is in force —

- (a) in a proper and workmanlike manner; and
- (b) in the case of petroleum operations, in accordance with good oil-field practice.

(5) At the end of section 97 in the Penalty after “(2),” insert:

(2A),

343. Section 97A amended

In section 97A(1) and (2) delete “petroleum or a regulated substance.” and insert:

petroleum, regulated substances or greenhouse gas substances, as the case requires.

344. Section 97B amended

(1) Delete section 97B(1) and insert:

(1) In this section —

petroleum title means any of the following —

- (a) a petroleum exploration permit;
- (b) a petroleum retention lease;
- (c) a petroleum production licence;
- (d) a petroleum special prospecting authority;
- (e) a petroleum access authority.

- (2) In section 97B(2) to (8) before “title” (each occurrence) insert:

petroleum

345. Section 101 amended

After section 101(2)(b)(i) insert:

- (ia) in the adjacent area for any reason touching, concerning, arising out of or connected with GHG operations in the adjacent area; or

346. Section 111 amended

- (1) In section 111(2)(ca) delete “may” and insert:

may, in the case of an application for the grant of a petroleum special prospecting authority,

- (2) In section 111(3A), (4) and (4A) before “special” (each occurrence) insert:

petroleum

- (3) After section 111(4A) insert:

- (4B) A GHG special prospecting authority, while it remains in force, authorises the holder, subject to this Act and in accordance with the conditions to which the special prospecting authority is subject, to carry on in the

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

- (4) In section 111(6b)(a) and (b) before “special” insert:

petroleum

- (5) After section 111(6b) insert:

- (6C) Subsection (6D) applies if —

- (a) a person holds a GHG special prospecting authority in respect of a block; and
- (b) another GHG special prospecting authority is granted to another person in respect of the block.

- (6D) The Minister must, by notice in writing served on each of the persons referred to in subsection (6C), inform each of them of —

- (a) the GHG exploration operations authorised by the GHG special prospecting authority granted to the other person; and
- (b) the conditions to which the GHG special prospecting authority granted to the other person is subject.

347. Section 112 amended

(1) Before section 112(1) insert:

(1AA) In this section —

GHG title means an authority, however described, under the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967* or a law of the Commonwealth, of another State or of the Northern Territory, to carry on an operation equivalent to a GHG injection operation;

petroleum title means an authority, however described, under the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967* or a law of the Commonwealth, of another State or of the Northern Territory, to explore for, or to recover, petroleum or a regulated substance.

(2) In section 112(1):

(a) delete “permittee, lessee, licensee or holder of a” and insert:

petroleum permittee, petroleum lessee, petroleum licensee or holder of a petroleum

(b) delete “an access authority” and insert:

a petroleum access authority

(3) In section 112(1a) delete “an access authority” and insert:

a petroleum access authority

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(4) After section 112(1a) insert:

(1B) A person who is a GHG permittee, GHG lessee, GHG licensee or holder of a GHG special prospecting authority may apply to the Minister for the grant of a GHG access authority to enable the person to carry on, in an area being part of the adjacent area that is not part of the permit area, lease area or licence area or area of the blocks specified in the special prospecting authority, GHG operations related to the GHG operations carried on in the permit area, lease area or licence area or area of the blocks so specified.

(1C) A holder of a GHG title outside the adjacent area may apply to the Minister for the grant of a GHG access authority to enable the holder to carry on, in a part of the adjacent area, GHG operations related to the operation carried on in the area to which that GHG title relates.

(5) In section 112(2)(ca) delete “may” and insert:

may, in the case of an application for the grant of a petroleum access authority,

(6) In section 112(3)(a) delete “authority or a petroleum title” and insert:

authority, a petroleum title or a GHG title

- (7) In section 112(3A):
- (a) delete “an access” and insert:

a petroleum access
 - (b) delete “the access” and insert:

the petroleum access
- (8) Delete section 112(4) and (5A) and insert:
- (4) Subject to subsection (4C), the Minister must not do either of the following unless the Minister complies with subsection (4B) —
- (a) grant a petroleum access authority on an application under this section in respect of a block that is the subject of a petroleum exploration permit, petroleum retention lease, petroleum production licence or petroleum special prospecting authority of which the registered holder is a person other than the applicant;
 - (b) vary a petroleum access authority as in force in respect of a block that is the subject of a petroleum exploration permit, petroleum retention lease, petroleum production licence or petroleum special prospecting authority of which the registered holder is a person other than the registered holder of the access authority.

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- (4A) Subject to subsection (4C), the Minister must not do either of the following unless the Minister complies with subsection (4B) —
- (a) grant a GHG access authority on an application under this section in respect of a block that is the subject of a GHG exploration permit, GHG retention lease, GHG injection licence or GHG special prospecting authority of which the registered holder is a person other than the applicant;
 - (b) vary a GHG access authority as in force in respect of a block that is the subject of a GHG exploration permit, GHG retention lease, GHG injection licence or GHG special prospecting authority of which the registered holder is a person other than the registered holder of the access authority.
- (4B) The Minister must not grant or vary, as the case may be, an access authority as referred to in subsection (4) or (4A) unless the Minister —
- (a) by instrument in writing served on the person who is the registered holder of the permit, lease, licence or special prospecting authority, gives not less than 1 month's notice of the Minister's intention to grant or vary, as the case may be, the access authority; and
 - (b) serves a copy of the instrument —
 - (i) on any other persons that the Minister thinks fit; and
 - (ii) in a case where the Minister intends to vary an access authority, on the registered holder of the access authority;
- and

- (c) in the instrument —
 - (i) gives particulars of the access authority proposed to be granted, or of the variation proposed to be made, as the case may be; and
 - (ii) specifies a day on or before which a person on whom the instrument, or a copy of the instrument, is served may, by instrument in writing served on the Minister, submit any matters that the person wishes the Minister to consider;
and
 - (d) takes into account any matters so submitted on or before the specified day by a person on whom the first-mentioned instrument, or a copy of that instrument, is served.
- (4C) Subsection (4) or (4A), as the case requires, does not apply if the holder of the permit, lease, licence or special prospecting authority consents in writing to the grant or variation, as the case may be, of the access authority.
- (9) In section 112(5AA):
- (a) delete “An” and insert:

A petroleum
 - (b) in paragraph (a) before “access” (each occurrence) insert:

petroleum

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(10) In section 112(6):

(a) delete “an access” and insert:

a petroleum access

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

Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967.

(11) After section 112(6) insert:

(6A) A GHG access authority does not authorise the holder to make a well.

(12) Delete section 112(13).

348. Section 115 amended

In section 115(1) after “pipeline” insert:

or to GHG operations

349. Section 123 amended

In section 123(1) and (3) after “operations” insert:

or GHG exploration operations

350. Section 124 amended

Delete section 124(d) and insert:

- (d) any of the following operations of another person that are being lawfully carried on —
 - (i) operations relating to the exploration for, recovery of or conveyance of a mineral, whether petroleum or a regulated substance or not;
 - (ii) GHG operations;
 - (iii) operations relating to the construction or operation of a pipeline;
- or

351. Section 124B amended

In section 124B(1):

- (a) in paragraph (a) before “any structure” insert:

a well or

- (b) in paragraph (a) delete “an offshore resource operation; or” and insert:

a petroleum operation or GHG operation; or

- (c) in paragraph (b) delete “offshore resource operation.” and insert:

petroleum operation or GHG operation.

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Note: The heading to amended section 124B is to read:

Interfering with petroleum operation or GHG operation

352. Section 126 amended

After section 126(1)(a)(iv) insert:

(iva) GHG operations;

353. Section 134 amended

In section 134(1) delete “19, 39,” and insert:

19(1) or (2), 39, 39A,

354. Section 137A amended

Delete section 137A(1) and insert:

- (1) In a proceeding for an offence against this Act an averment in the charge of the offence of any of the following is taken to be proved in the absence of evidence to the contrary —
 - (a) that at a particular time a particular operation was a petroleum operation or a GHG operation;
 - (b) that at a particular time a particular person was the operator of a petroleum operation or a GHG operation;
 - (c) that at a particular time a particular person was in control of a particular part of a petroleum operation or a GHG operation;
 - (d) that at a particular time a particular person was an employer who carried on a petroleum operation or a GHG operation;

- (e) that at a particular time a particular person was an employer of a particular person or particular persons engaged in a petroleum operation or a GHG operation;
- (f) that at a particular time a particular person was an employee or inspector.

355. Section 143 amended

- (1) Delete section 143(1) and insert:

- (1) A petroleum exploration permit, petroleum retention lease or petroleum production licence is subject to a condition that the petroleum permittee, petroleum lessee or petroleum licensee must, subject to this section, pay to the Minister a royalty at the prescribed rate in respect of all petroleum or regulated substances recovered by the petroleum permittee, petroleum lessee or petroleum licensee in the petroleum permit area, petroleum lease area or petroleum licence area.

- (2) In section 143(2) delete “permit, lease or” and insert:

petroleum exploration permit, petroleum retention lease or petroleum production

- (3) In section 143(7) before “licence granted” insert:

petroleum production

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- (4) In section 143(8) delete “permit, lease or” and insert:

petroleum exploration permit, petroleum retention lease or
petroleum production

356. Section 145 amended

- (1) In section 145(1)(b) delete “permittee, lessee or” and insert:

petroleum permittee, petroleum lessee or petroleum

- (2) In section 145(2) delete “permittee, lessee or” (each occurrence) and insert:

petroleum permittee, petroleum lessee or petroleum

- (3) In section 145(3):

- (a) delete “permittee, lessee or” and insert:

petroleum permittee, petroleum lessee or petroleum

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

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

357. Section 146 amended

In section 146 delete “permittee, lessee or” and insert:

petroleum permittee, petroleum lessee or petroleum

358. Section 147 amended

In section 147 delete “permittee, lessee or” and insert:

petroleum permittee, petroleum lessee or petroleum

359. Section 148 amended

(1) Delete section 148(1) and insert:

(1) In this section —

petroleum title holder means a petroleum permittee,
petroleum lessee or petroleum licensee.

(2) In section 148(2) before “title” (each occurrence) insert:

petroleum

(3) In section 148(3) after “*Petroleum*” insert:

and Greenhouse Gas

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- (4) In section 148(5)(b) before “title” insert:

petroleum

360. Section 150 amended

Delete section 150(1) and insert:

- (1) If an amount of royalty under this Act is not paid under this Division at or before the time it is payable, an additional amount is payable to the Minister by the petroleum permittee, petroleum lessee or petroleum licensee calculated at the rate of one-third of 1% per day on the amount of royalty from time to time remaining unpaid, to be computed from the time when the royalty became payable until it is paid.
- (1A) If a fee under this Act is not paid under this Division at or before the time it is payable, an additional amount is payable to the Minister by the permittee, lessee, licensee, infrastructure licensee or pipeline licensee calculated at the rate of one-third of 1% per day on the amount of the fee from time to time remaining unpaid, to be computed from the time when the fee became payable until it is paid.

361. Section 151 amended

- (1) In section 151:
- (a) delete “A fee, royalty” and insert:
- (1) A fee

(b) after “amount” insert:

(other than a royalty)

(2) At the end of section 151 insert:

(2) A royalty payable under this Division is a debt due by the petroleum permittee, petroleum lessee or petroleum licensee to the State and is recoverable in a court of competent jurisdiction.

362. Section 152A amended

(1) In section 152A delete the definition of *petroleum mining sample*.

(2) In section 152A insert in alphabetical order:

mining sample means any of the following that has been given at any time, whether before or after the commencement, to the Minister —

- (a) a core or cutting from, or a sample of, the seabed or subsoil;
- (b) a sample of petroleum or a regulated substance recovered;
- (c) a sample of fluid recovered (other than fluid petroleum or a regulated substance);
- (d) a portion of that core, cutting or sample;

- (3) In section 152A in the definition of *Minister of another jurisdiction* delete “Territory;” and insert:

Territory.

363. Section 152C amended

In section 152C(1) delete “petroleum”.

364. Section 152D amended

In section 152D delete “petroleum”.

365. Section 152F amended

In section 152F(1) delete “petroleum”.

366. Section 152G amended

In section 152G delete “petroleum”.

367. Section 152I amended

Delete section 152I(a) to (d) and insert:

- (a) a petroleum exploration permit granted under section 22(4) or 27;
- (b) a GHG exploration permit granted under section 22(4);
- (c) a petroleum retention lease or GHG retention lease granted under section 38B(5) or 38CB(6);
- (d) a petroleum production licence granted under section 44(2), 50 or 51(4);
- (e) a GHG injection licence granted under section 44(2);

- (f) an infrastructure licence granted under section 60E(3);
- (g) a pipeline licence granted under section 65(2).

368. Section 152 amended

(1) In section 152(2):

(a) after paragraph (b) insert:

(ba) GHG operations;

(b) in paragraph (f) after “substance,” (1st occurrence) insert:

greenhouse gas substances,

(c) in paragraph (f) delete “petroleum or a regulated substance” and insert:

petroleum, a regulated substance or greenhouse gas substances

(d) in paragraph (g) delete “petroleum or a regulated substance;” and insert:

petroleum, a regulated substance or greenhouse gas substances;

(e) in paragraph (h) delete “substance” and insert:

substance, potential GHG storage formations or potential GHG injection sites

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(f) after paragraph (l) insert:

(laa) the maintaining in good condition and repair of all structures, equipment and other property used or intended to be used for or in connection with GHG operations in the adjacent area;

(g) after paragraph (m) insert:

(ma) the removal from the adjacent area of structures, equipment and other property brought into that area for or in connection with GHG operations that are not used or intended to be used in connection with GHG operations in the adjacent area;

(h) in paragraph (n) delete “offshore resource operations,” and insert:

petroleum operations, GHG operations,

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

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

369. Schedule 3 Division 2 inserted

At the end of Schedule 3 insert:

Division 2 — Provisions for *Petroleum Legislation Amendment Act 2024*

6. Duty to pay royalties

- (1) In this clause —
amendment day means the day on which the *Petroleum Legislation Amendment Act 2024* section 355(1) comes into operation;
- (2) The amendment made by the *Petroleum Legislation Amendment Act 2024* section 355(1) does not apply in relation to a permittee, lessee or licensee to whom section 143(1) applies immediately before amendment day.
- (3) Accordingly, on and after amendment day, section 143(1), as in force immediately before amendment day, continues to apply to the permittee, lessee or licensee as if that amendment had not been made.

Note: The heading to section 48 is to read:

Application fee for s. 47

Part 5 — Other Acts amended

Division 1 — *Barrow Island Act 2003* amended

370. Act amended

This Division amends the *Barrow Island Act 2003*.

371. Section 7 amended

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

petroleum, geothermal energy or greenhouse gas

372. Section 11 amended

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

Petroleum and Greenhouse Gas Pipelines Act 1969

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

Petroleum and Greenhouse Gas Pipelines Act 1969,

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

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

373. Section 14 amended

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

Petroleum and Greenhouse Gas Pipelines Act 1969

Notes:

1. The note at the end of the definition of **Barrow Island lease** in section 3 is to read:

Note for this definition:

Though repealed by the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967*, the *Petroleum Act 1936* continues to apply to the Barrow Island lease and renewals of it (see the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967* section 134).

2. The note at the end of section 6(4) is to read:

Note for this subsection:

Though repealed by the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967*, the *Petroleum Act 1936* continues to apply to the Barrow Island lease and renewals of it (see the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967* section 134).

Division 2 — *Building Act 2011* amended

374. Act amended

This Division amends the *Building Act 2011*.

375. Section 73 amended

- (1) In section 73(1)(a) after “petroleum resources,” insert:

regulated substances,

(2) In section 73(1):

(a) delete paragraph (a) and insert:

(a) in connection with the exploration for, or exploitation of, petroleum resources, regulated substances, geothermal energy resources and other resources to which the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967* or *Petroleum and Greenhouse Gas Storage (Submerged Lands) Act 1982* applies; or

(aa) in connection with the carrying on of a GHG operation as defined in —

(i) the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967* section 5(1); or

(ii) the *Petroleum and Greenhouse Gas Storage (Submerged Lands) Act 1982* section 4(1);

or

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

Petroleum and Greenhouse Gas Pipelines Act 1969

**Division 3 — Conservation and Land Management Act 1984
amended**

376. Act amended

This Division amends the *Conservation and Land Management Act 1984*.

377. Section 3 amended

In section 3 in the definition of *Minister for Mines* delete “*Petroleum and Geothermal Energy Resources Act 1967*, the *Petroleum (Submerged Lands) Act 1982* and the *Petroleum Pipelines Act 1969*” and insert:

Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967, the *Petroleum and Greenhouse Gas Storage (Submerged Lands) Act 1982* and the *Petroleum and Greenhouse Gas Pipelines Act 1969*

378. Section 4 amended

- (1) In section 4(1) delete “minerals or petroleum,” and insert:

minerals, petroleum or regulated substances,

- (2) In section 4(1):

- (a) delete “*Petroleum and Geothermal Energy Resources Act 1967*, the *Petroleum (Submerged Lands) Act 1982*,” and insert:

Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967, the *Petroleum and Greenhouse Gas Storage (Submerged Lands) Act 1982*,

- (b) delete “petroleum or regulated substances,” and insert:

petroleum, regulated substances or greenhouse gas substances,

379. Section 13A amended

- (1) In section 13A(3):

- (a) after “petroleum,” insert:

a regulated substance,

- (b) after “or petroleum” insert:

or a regulated substance

- (2) Delete section 13A(3) and insert:

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

- (a) exploratory drilling for, or production of, petroleum, a regulated substance, geothermal energy resources or geothermal energy under the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967*;
- (b) exploratory drilling for potential GHG storage formations or potential GHG injection sites, or injection and storage of greenhouse gas substances, under the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967*;

- (c) exploratory drilling for, or production of, petroleum or a regulated substance under the *Petroleum and Greenhouse Gas Storage (Submerged Lands) Act 1982*;
- (d) exploratory drilling for potential GHG storage formations or potential GHG injection sites, or injection and storage of greenhouse gas substances, under the *Petroleum and Greenhouse Gas Storage (Submerged Lands) Act 1982*.

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

Purpose of and prohibited acts in marine nature reserves

380. Section 13B amended

(1) In section 13B(3B)(g):

(a) after “petroleum,” insert:

a regulated substance,

(b) after “or petroleum” insert:

or a regulated substance

(2) Delete section 13B(3B)(g) and insert:

- (g) exploratory drilling for, or production of, petroleum, a regulated substance, geothermal energy resources or geothermal energy under the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967*;
- (h) exploratory drilling for potential GHG storage formations or potential GHG injection sites, or

injection and storage of greenhouse gas substances, under the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967*;

- (i) exploratory drilling for, or production of, petroleum or a regulated substance under the *Petroleum and Greenhouse Gas Storage (Submerged Lands) Act 1982*;
 - (j) exploratory drilling for potential GHG storage formations or potential GHG injection sites, or injection and storage of greenhouse gas substances, under the *Petroleum and Greenhouse Gas Storage (Submerged Lands) Act 1982*.
- (3) In section 13B(9):
- (a) after “petroleum,” insert:

a regulated substance,
 - (b) after “or petroleum” insert:

or a regulated substance
- (4) Delete section 13B(9) and insert:
- (9) Despite section 4(1) but subject to section 13E, the activities referred to in subsection (3B)(g) to (j) must not be carried out in —
- (a) a sanctuary area; or
 - (b) a recreation area; or
 - (c) a special purpose area that, or that part of a special purpose area that, the Minister has

declared in the classification notice to be an area where those activities would be incompatible with a conservation purpose specified in the classification notice.

- (10) Despite subsection (9), the activities referred to in subsection (3B)(g) to (j) may be carried out, in accordance with the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967* or the *Petroleum and Greenhouse Gas Storage (Submerged Lands) Act 1982*, as the case requires, in any other area of the marine park.

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

Purpose of and prohibited acts in marine parks

381. Section 13C amended

- (1) Delete section 13C(1aa) and insert:

(1A) In this section —
geothermal energy, geothermal energy resources and *regulated substance* have the meanings given in the *Petroleum and Geothermal Energy Resources Act 1967* section 5(1).

- (2) Delete section 13C(1A) and insert:

(1A) In this section —
geothermal energy, geothermal energy resources and *regulated substance* have the meanings given in the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967* section 5(1).

- (3) In section 13C(2) in the definition of *commercial purposes* paragraphs (c) and (d) delete “petroleum” and insert:

petroleum, a regulated substance

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

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

- (c) seismic surveys and exploratory drilling for —

- (i) petroleum, a regulated substance, geothermal energy resources or potential GHG injection sites as those terms are defined in the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967* section 5(1); or
- (ii) potential GHG storage formations as defined in the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967* section 6B(1);

and

- (ca) seismic surveys and exploratory drilling for —

- (i) potential GHG injection sites as defined in the *Petroleum and Greenhouse Gas Storage (Submerged Lands) Act 1982* section 4(1); or
- (ii) potential GHG storage formations as defined in the *Petroleum and Greenhouse Gas Storage (Submerged Lands) Act 1982* section 4A(1);

and

- (b) in paragraph (d) delete “energy,” and insert:
- energy; and
- (c) after paragraph (d) insert:
- (e) injection and storage of greenhouse gas substances under the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967* section 5(1) or the *Petroleum and Greenhouse Gas Storage (Submerged Lands) Act 1982* section 4(1),
- (5) In section 13C(7)(a) after “petroleum” (each occurrence) insert:
- or a regulated substance
- (6) In section 13C(7):
- (a) in paragraph (a) delete “*Petroleum and Geothermal Energy Resources Act 1967* or the *Petroleum (Submerged Lands) Act 1982*; and” and insert:
- Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967* or the *Petroleum and Greenhouse Gas Storage (Submerged Lands) Act 1982*; and
- (b) in paragraph (ab) delete “*Petroleum and Geothermal Energy Resources Act 1967*; and” and insert:
- Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967*; and

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- (c) after paragraph (ab) insert:
- (ac) exploratory drilling for potential GHG storage formations and potential GHG injection sites, and injection and storage of greenhouse gas substances, under the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967*; and
 - (ad) exploratory drilling for potential GHG storage formations and potential GHG injection sites, and injection and storage of greenhouse gas substances, under the *Petroleum and Greenhouse Gas Storage (Submerged Lands) Act 1982*; and

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

Purpose of and permitted acts in marine management areas

382. Section 13E amended

- (1) In section 13E(1) delete the definitions of:

petroleum law

pipeline licence

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

petroleum law means —

- (a) the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967*; or
- (b) the *Petroleum and Greenhouse Gas Storage (Submerged Lands) Act 1982*; or
- (c) the *Petroleum and Greenhouse Gas Pipelines Act 1969*;

pipeline licence means —

- (a) a pipeline licence as defined in the *Petroleum and Greenhouse Gas Storage (Submerged Lands) Act 1982* section 4(1); or
 - (b) a licence as defined in the *Petroleum and Greenhouse Gas Pipelines Act 1969* section 4(1);
- (3) In section 13E(1) in the definition of *drilling reservation* delete “*Petroleum and Geothermal Energy Resources Act 1967*,” and insert:

Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967;

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

Effect of s. 13A and 13B on certain licences relating to petroleum

383. Section 60 amended

- (1) In section 60(2) delete “(2b),” and insert:

(2B),
- (2) Delete section 60(2b) and insert:

(2B) If the Minister for Mines has made submissions to the Commission on a proposed management plan for a marine park or a marine management area, the Minister must not approve the proposed plan unless the Minister —
 - (a) is satisfied that the proposed plan gives effect to those submissions to the extent that the

submissions relate to matters referred to in subsection (2C); or

- (b) having referred the proposed plan to the Governor, is satisfied that it gives effect to the decision of the Governor to the extent that the decision relates to matters referred to in subsection (2C).

(2C) For the purposes of subsection (2B)(a) and (b), the matters are as follows —

- (a) the administration of the *Mining Act 1978*, the *Offshore Minerals Act 2003*, the *Petroleum and Geothermal Energy Resources Act 1967*, the *Petroleum (Submerged Lands) Act 1982* or the *Petroleum Pipelines Act 1969*;
- (b) any of the following activities under an Act referred to in paragraph (a) —
 - (i) mining;
 - (ii) petroleum related exploration or production activities;
 - (iii) exploration or production activities related to regulated substances;
 - (iv) geothermal energy related exploration or production activities.

(3) Delete section 60(2C) and insert:

(2C) For the purposes of subsection (2B)(a) and (b), the matters are as follows —

- (a) the administration of the *Mining Act 1978*, the *Offshore Minerals Act 2003*, the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967*, the *Petroleum and Greenhouse Gas Storage (Submerged Lands)*

Act 1982 or the Petroleum and Greenhouse Gas Pipelines Act 1969;

- (b) any of the following activities under an Act referred to in paragraph (a) —
- (i) mining;
 - (ii) petroleum related exploration or production activities;
 - (iii) exploration or production activities related to regulated substances;
 - (iv) geothermal energy related exploration or production activities;
 - (v) greenhouse gas related exploration, injection or storage activities.

Division 4 — Dampier to Bunbury Pipeline Act 1997 amended

384. Act amended

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

385. Section 34 amended

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

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

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

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

- (a) as a fuel; or

(b) in any chemical process;

greenhouse gas substance has the meaning given in the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967* section 6E(1);

386. Schedule 4 Division 8 heading amended

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

Petroleum and Greenhouse Gas Pipelines Act 1969

387. Schedule 4 clause 37 amended

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

Petroleum and Greenhouse Gas Pipelines Act 1969

Division 5 — *Dangerous Goods Safety Act 2004* amended

388. Act amended

This Division amends the *Dangerous Goods Safety Act 2004*.

389. Section 6 amended

In section 6(1) delete “*Pipelines Act 1969* or *Petroleum*” and insert:

and Greenhouse Gas Pipelines Act 1969 or *Petroleum and Greenhouse Gas Storage*

**Division 6 — *Gas Supply (Gas Quality Specifications) Act 2009*
amended**

390. Act amended

This Division amends the *Gas Supply (Gas Quality Specifications) Act 2009*.

391. Section 3 amended

- (1) In section 3(1) in the definition of *gas producer* paragraph (b) delete “production licence for petroleum” and insert:

licence, other than an infrastructure licence or pipeline licence,

- (2) In section 3(1) in the definition of *gas producer* paragraph (b) delete “licence, other than an infrastructure licence or pipeline licence,” and insert:

petroleum production licence

- (3) In section 3(1) in the definition of *pipeline* delete “all of the definition from and including “but does not include”” and insert:

paragraph (b) of the definition

Division 7 — *Land Administration Act 1997* amended

392. Act amended

This Division amends the *Land Administration Act 1997*.

393. Section 3 amended

- (1) In section 3(1) delete the definition of *mining, petroleum or geothermal energy right*.
- (2) In section 3(1) insert in alphabetical order:

mining, petroleum, geothermal energy or greenhouse gas right means —

- (a) a mining tenement as defined in the *Mining Act 1978* section 8(1); or
- (b) a drilling reservation, lease, licence, permit, pipeline licence, special prospecting authority, access authority or other right under the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967*, the *Petroleum and Greenhouse Gas Pipelines Act 1969* or the *Petroleum and Greenhouse Gas Storage (Submerged Lands) Act 1982*;
- (3) In section 3(1) in the definition of *interest* paragraph (d) delete “petroleum or geothermal energy” and insert:

petroleum, geothermal energy or greenhouse gas

394. Section 5 amended

- (1) In section 5(1)(a) after “petroleum,” insert:

a regulated substance,

- (2) Delete section 5(2) and insert:

- (2) In subsection (1) —

geothermal energy, geothermal energy resources and *regulated substance* have the meanings given in the *Petroleum and Geothermal Energy Resources Act 1967*.

395. Section 5 replaced

Delete section 5 and insert:

5. Act not to apply to registration of certain rights

- (1) In this section —

geothermal energy has the meaning given in the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967* section 5(1);

geothermal energy resources has the meaning given in the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967* section 5(1);

greenhouse gas substance has the meaning given in the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967* section 6E(1);

regulated substance has the meaning given in the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967* section 5(1).

- (2) This Act does not —
- (a) apply to the registration of rights over Crown land in respect of minerals, petroleum, a regulated substance, geothermal energy, geothermal energy resources or the injection and storage of greenhouse gas substances; or
 - (b) prevent or otherwise affect the system of registration under other Acts of mining, petroleum, a regulated substance, geothermal energy or greenhouse gas rights in respect of Crown land.

396. Section 24 amended

In section 24 after “petroleum” insert:

and regulated substances

397. Section 24 replaced

Delete section 24 and insert:

24. Minerals, petroleum and other substances and things reserved to Crown

The following in Crown land are reserved to the Crown and remain so reserved after the Crown land is transferred in fee simple under this Act —

- (a) minerals as defined in the *Mining Act 1978* section 8(1);
- (b) petroleum or a regulated substance under the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967* or the

*Petroleum and Greenhouse Gas Storage
(Submerged Lands) Act 1982;*

- (c) geothermal energy resources and geothermal energy under the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967*;
- (d) potential GHG storage formations and potential GHG injection sites under the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967* or the *Petroleum and Greenhouse Gas Storage (Submerged Lands) Act 1982*.

398. Section 91 amended

In section 91(5):

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

petroleum, geothermal energy or greenhouse gas

- (b) delete “*petroleum or geothermal energy*” and insert:

petroleum, geothermal energy or greenhouse gas

- (c) delete “petroleum or geothermal energy” (last occurrence) and insert:

petroleum, geothermal energy or greenhouse gas

Note: The heading to amended section 91 is to read:

Grant of licences and profits à prendre over Crown land

399. Section 164 amended

- (1) In section 164(1)(b) after “petroleum” insert:

or regulated substance

- (2) Delete section 164(1) and insert:

- (1) If a taking order provides that land is to be taken, or that an interest in fee simple in land is to be taken, the interest taken includes the following unless the order provides otherwise —
- (a) all rights to any minerals under the land;
 - (b) the petroleum or regulated substance rights referred to in the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967*, the *Petroleum and Greenhouse Gas Pipelines Act 1969* and the *Petroleum and Greenhouse Gas Storage (Submerged Lands) Act 1982*;
 - (c) the rights relating to geothermal energy resources and geothermal energy referred to in the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967*;
 - (d) the rights relating to greenhouse gas substances referred to in the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967* and the *Petroleum and Greenhouse Gas Storage (Submerged Lands) Act 1982*.

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

Mineral, petroleum and other rights may be excluded when interest in land taken

400. Section 170 amended

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

petroleum, geothermal energy or greenhouse gas

Note: The heading to amended section 170 is to read:

Issue of notice of intention to take required interest

401. Section 175 amended

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

petroleum, geothermal energy or greenhouse gas

402. Section 177 amended

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

petroleum, geothermal energy or greenhouse gas

Note: The heading to amended section 177 is to read:

Minister’s powers to make taking order

403. Section 266 amended

In section 266(a) delete “minerals or petroleum; and” and insert:

minerals, petroleum or a regulated substance; and

Division 8 — Mining Act 1978 amended

404. Act amended

This Division amends the *Mining Act 1978*.

405. Section 8 amended

(1) In section 8(1) in the definition of *minerals*:

- (a) in paragraph (b) delete “*Petroleum and Geothermal Energy Resources Act 1967* or the *Petroleum (Submerged Lands) Act 1982*; or” and insert:

Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967 or the *Petroleum and Greenhouse Gas Storage (Submerged Lands) Act 1982*; or

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

Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967

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

Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967

406. Section 8A deleted

Delete section 8A.

407. Section 159 amended

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

Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967

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

408. Act amended

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

409. Long title amended

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

Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967.

410. Section 1 amended

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

Petroleum, Geothermal Energy and Greenhouse Gas Storage

Petroleum Legislation Amendment Act 2024

Part 5 Other Acts amended

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

s. 411

411. Section 3 amended

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

Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967

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

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

412. Section 4 amended

- (1) In section 4(2) and (4)(a) delete “*Petroleum and Geothermal Energy Resources Act 1967*” and insert:

Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967

- (2) In section 4(5):

- (a) delete “*Petroleum and Geothermal Energy Resources Act 1967*” (1st occurrence) and insert:

Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967

- (b) in paragraph (b)(ii) delete “*Petroleum and Geothermal Energy Resources Act 1967*; and” and insert:

Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967; and

- (3) In section 4(6)(b) and (7)(a) delete “*Petroleum and Geothermal Energy Resources Act 1967*” and insert:

Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967

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

413. Act amended

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

414. Section 21 amended

- (1) In section 21(1) delete “Petroleum and Geothermal Energy” and insert:

Petroleum, Geothermal Energy and Greenhouse Gas Storage

- (2) In section 21(3)(b) delete “operations and geothermal energy” and insert:

operations, geothermal energy operations and GHG

- (3) After section 21(3) insert:

- (4) The amounts to be credited under subsection (2) include any moneys held in the Petroleum and Geothermal Energy Safety Levies Account immediately before the day on which the *Petroleum*

Petroleum Legislation Amendment Act 2024

Part 5 Other Acts amended

Division 11 Petroleum (Submerged Lands) Registration Fees Act 1982 amended

s. 415

Legislation Amendment Act 2024 section 414 comes into operation.

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

**Petroleum, Geothermal Energy and Greenhouse Gas Storage
Safety Levies Account**

Division 11 — *Petroleum (Submerged Lands) Registration Fees Act 1982* amended

415. Act amended

This Division amends the *Petroleum (Submerged Lands) Registration Fees Act 1982*.

416. Long title amended

In the long title after “*Petroleum*” insert:

and Greenhouse Gas Storage

417. Section 1 amended

In section 1 after “*Petroleum*” insert:

and Greenhouse Gas Storage

418. Section 3 amended

In section 3 after “*Petroleum*” insert:

and Greenhouse Gas Storage

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

Act read with *Petroleum and Greenhouse Gas Storage (Submerged Lands) Act 1982*

419. Section 4 amended

In section 4(2), (4)(a), (5), (6)(b) and (7)(a) after “*Petroleum*” (each occurrence) insert:

and Greenhouse Gas Storage

Note: The heading to amended section 4 is to read:

Imposition of registration fees

Division 12 — *Petroleum Titles (Browse Basin) Act 2014*
amended

420. Act amended

This Division amends the *Petroleum Titles (Browse Basin) Act 2014*.

421. Section 6 amended

- (1) In section 6(3) delete “an exploration permit for petroleum” and insert:

a permit

- (2) In section 6(3) before “permit” (2nd occurrence) insert:

petroleum exploration

422. Section 8 amended

- (1) In section 8(3) delete “an exploration permit for petroleum” and insert:

a permit

- (2) In section 8(3) before “permit” (2nd occurrence) insert:

petroleum exploration

Division 13 — *Transfer of Land Act 1893* amended

423. Act amended

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

424. Section 3 amended

- (1) Before section 3(1) insert:

- (1A) In this section —

geothermal energy has the meaning given in the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967* section 5(1);

geothermal energy resources has the meaning given in the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967* section 5(1);

greenhouse gas substance has the meaning given in the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967* section 6E(1);

mining, petroleum, geothermal energy or greenhouse gas right has the meaning given in the *Land Administration Act 1997* section 3(1);

regulated substance has the meaning given in the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967* section 5(1).

- (2) In section 3(2)(a) after “petroleum,” insert:

a regulated substance,

- (3) In section 3(2):

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

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

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

petroleum, geothermal energy or greenhouse gas

- (4) In section 3(3) delete the definitions of *geothermal energy* and *geothermal energy resources* and insert:

geothermal energy, *geothermal energy resources* and *regulated substance* have the meanings given in the *Petroleum and Geothermal Energy Resources Act 1967*;

- (5) Delete section 3(3).

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

Application of other laws and this Act

Division 14 — *Waterways Conservation Act 1976* amended

425. Act amended

This Division amends the *Waterways Conservation Act 1976*.

426. Section 5 amended

In section 5(4)(c) delete “1967,” and insert:

*1967 or the Petroleum and Greenhouse Gas Storage
(Submerged Lands) Act 1982,*

Division 15 — *Work Health and Safety Act 2020* amended

427. Act amended

This Division amends the *Work Health and Safety Act 2020*.

428. Part 16 Division 12 Subdivision 2 heading amended

In the heading to Part 16 Division 12 Subdivision 2 delete
“**Petroleum and geothermal energy**” and insert:

Petroleum, geothermal energy and greenhouse gas storage

429. Section 424 amended

In section 424 delete “*Petroleum and Geothermal Energy*” and
insert:

Petroleum, Geothermal Energy and Greenhouse Gas Storage

430. Section 425 amended

- (1) In section 425(1) in the definition of *levy period* delete “*Petroleum and Geothermal Energy*” and insert:

Petroleum, Geothermal Energy and Greenhouse Gas Storage

- (2) In section 425(2) delete “*Petroleum and Geothermal Energy*” and insert:

Petroleum, Geothermal Energy and Greenhouse Gas Storage

Note: The heading to amended section 425 is to read:

***Petroleum, Geothermal Energy and Greenhouse Gas Storage
Safety Levies Act 2011 to continue to apply to past levy periods***

431. Schedule 1 clause 6 amended

- (1) In Schedule 1 clause 6(2) delete “*Petroleum and Geothermal Energy Resources Act 1967, the Petroleum Pipelines Act 1969 or the Petroleum (Submerged Lands) Act 1982.*” and insert:

Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967, the Petroleum and Greenhouse Gas Pipelines Act 1969 or the Petroleum and Greenhouse Gas Storage (Submerged Lands) Act 1982.

- (2) In Schedule 1 clause 6(3) delete “*Petroleum and Geothermal Energy*” and insert:

Petroleum, Geothermal Energy and Greenhouse Gas Storage

432. Schedule 1 clause 22 amended

In Schedule 1 clause 22 in the definition of *mining and petroleum industry* paragraph (b) delete “*Petroleum and Geothermal Energy Resources Act 1967*, the *Petroleum Pipelines Act 1969* or the *Petroleum (Submerged Lands) Act 1982*.” and insert:

Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967, the *Petroleum and Greenhouse Gas Pipelines Act 1969* or the *Petroleum and Greenhouse Gas Storage (Submerged Lands) Act 1982*.

Division 16 — Various Acts amended

433. Various 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

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>Biosecurity and Agriculture Management Act 2007</i>	s. 134(2)(c)
<i>Fire and Emergency Services Act 1998</i>	s. 3A def. of <i>owner</i> 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 <i>gas producer</i> par. (a)
<i>Heritage Act 2018</i>	s. 6 def. of <i>owner</i> par. (g)

Petroleum Legislation Amendment Act 2024

Part 5 Other Acts amended

Division 16 Various Acts amended

s. 433

<i>Local Government Act 1995</i>	s. 1.4 def. of owner par. (e)(iii) s. 6.27(c) s. 6.29(1) def. of relevant interest par. (b)
<i>Petroleum Titles (Browse Basin) Act 2014</i>	s. 3 def. of lease R2 s. 3 def. of PGERA Minister s. 3 def. of PGERA register s. 3 def. of TR/5 inshore block s. 3 def. of WA-30-R inshore block s. 3 def. of WA-315-P inshore block s. 4(1) and (2) s. 7(2) and (3) s. 9(1)
<i>Port Authorities Act 1999</i>	Sch. 8 cl. 75(1) def. of authorisation par. (d)
<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)(IV) and (VA)
<i>Waterways Conservation Act 1976</i>	s. 5(4)(b)

Note: The heading to amended section 7 of the *Petroleum Titles (Browse Basin) Act 2014* is to read:

New exploration permit under *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967*

434. Various references to *Petroleum Pipelines Act 1969* amended

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

Petroleum and Greenhouse Gas Pipelines Act 1969

- (b) delete “*Petroleum Pipelines Act 1969*” and insert:

Petroleum and Greenhouse Gas Pipelines Act 1969

Table

<i>Aboriginal Heritage Act 1972</i>	s. 18(1a)(a)(ii)
<i>Energy Coordination Act 1994</i>	s. 24A(2) s. 24C(1)
<i>Gas Standards Act 1972</i>	s. 4 def. of <i>pipeline licensee</i>
<i>Gas Supply (Gas Quality Specifications) Act 2009</i>	s. 3(1) def. of <i>gas transmission pipeline</i> s. 3(1) def. of <i>operator</i> s. 3(1) def. of <i>pipeline</i>
<i>Port Authorities Act 1999</i>	Sch. 8 cl. 75(1) def. of <i>authorisation</i> par. (d)

435. Various references to *Petroleum (Submerged Lands) Act 1982* amended

- (1) This section amends the Acts listed in the Table.
- (2) In the provisions listed in the Table:
- (a) delete “*Petroleum (Submerged Lands) Act 1982*” and insert:

Petroleum and Greenhouse Gas Storage (Submerged Lands) Act 1982

- (b) delete “*Petroleum (Submerged Lands) Act 1982*” and insert:

Petroleum and Greenhouse Gas Storage (Submerged Lands) Act 1982

- (c) delete “*Petroleum (Submerged Lands) Act 1982*” and insert:

Petroleum and Greenhouse Gas Storage (Submerged Lands) Act 1982

Table

<i>Fish Resources Management Act 1994</i>	s. 114
<i>Gas Supply (Gas Quality Specifications) Act 2009</i>	s. 3(1) def. of gas producer par. (b)
<i>Offshore Minerals Act 2003</i>	s. 3(1) note 1, (2)(b) and (2) note 4 s. 35 note 2

<p><i>Petroleum Titles (Browse Basin) Act 2014</i></p>	<p>s. 3 def. of <i>adjacent area</i> s. 3 def. of <i>lease TR/5</i> s. 3 def. of <i>PSLA Minister</i> s. 3 def. of <i>PSLA register</i> s. 3 def. of <i>TR/5 renewal day</i> s. 3 def. of <i>WA-30-R adjacent area block</i> s. 3 def. of <i>WA-315-P adjacent area block</i> s. 3 def. of <i>WA-398-P adjacent area block</i> s. 5 s. 6(2) and (3) s. 8(2), (3) and (4) s. 9(1) and (2)</p>
<p><i>Port Authorities Act 1999</i></p>	<p>Sch. 8 cl. 75(1) def. of <i>authorisation</i> par. (d)</p>

436. Various references to “Part III” amended

- (1) This section amends the Acts listed in the Table.
- (2) In the provisions listed in the Table delete “Part III” and insert:

Part 3

Table

<p><i>Gas Supply (Gas Quality Specifications) Act 2009</i></p>	<p>s. 3(1) def. of <i>gas producer</i> par. (b)</p>
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Petroleum Legislation Amendment Act 2024

Part 5 Other Acts amended

Division 16 Various Acts amended

s. 436

<i>Petroleum Titles (Browse Basin) Act 2014</i>	s. 3 def. of <i>lease R2</i> s. 3 def. of <i>lease TR/5</i> s. 6(3) s. 7(3) s. 8(3)
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Note: In the *Petroleum Titles (Browse Basin) Act 2014*, the headings to the amended sections listed in the Table are to read as set out in the Table.

Table

Amended section	Section heading
s. 6	New exploration permit under <i>Petroleum and Greenhouse Gas Storage (Submerged Lands) Act 1982</i>
s. 8	New exploration permit under <i>Petroleum and Greenhouse Gas Storage (Submerged Lands) Act 1982</i> and subsequent expansion

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