



Australian Government
**Department of Industry, Science,
Energy and Resources**

Offshore Greenhouse Gas Guideline for Consolidated Work- bid and Cross-boundary Greenhouse Gas Assessment Permits

In relation to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*

Effective 16 December 2020

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Introduction

The *Offshore Petroleum and Greenhouse Gas Storage Act 2006 (OPGGS Act)* provides for three types of greenhouse gas (GHG) assessment permits:

- i) work-bid GHG assessment permit
- ii) cash-bid GHG assessment permit
- iii) cross-boundary GHG assessment permit.

This guideline aims to assist applicants to lodge applications to unify adjacent GHG assessment permits and includes the criteria followed in assessing applications for either the consolidation of work-bid GHG assessment permits or cross-boundary GHG assessment permits under [Part 3.2 of the OPGGS Act](#). Applicants are encouraged to consider this guideline in a holistic manner, with no one section to be read in isolation, when providing information to support their work strategy and program. This guideline also sets out the decision-maker's expectations in relation to the conditions and administration of consolidating work-bid GHG assessment permits and cross-boundary GHG assessment permits under the [OPGGS Act](#).

- A. **A consolidated work-bid greenhouse gas assessment permit** means:
 - i. a GHG assessment permit arising from the unification of two existing and adjacent GHG assessment permits in Commonwealth waters (excluding a cross-boundary GHG assessment permit and a cash-bid GHG assessment permit) that were granted over blocks in the same offshore area under [Part 3.2 of the OPGGS Act](#).
- B. **A cross-boundary greenhouse gas assessment permit** means:
 - ii. a GHG assessment permit arising from the unification of an existing GHG assessment permit granted under [Part 3.2 of the OPGGS Act](#) and an existing and adjacent State/Territory GHG assessment title granted over State/Territory blocks in the coastal waters of a State or the Northern Territory.
- C. If industry members wish to communicate with the Cross-boundary Authority or the responsible Commonwealth Minister, all communication must be through NOPTA.
- D. [Part 1.3A of the OPGGS Act](#) establishes a Cross-boundary Authority for each offshore area. The Cross-boundary Authority for the offshore area of each State and the NT is constituted by the responsible Commonwealth Minister and the responsible State or NT Minister.
- E. The key functions and powers of the Cross-boundary Authorities with respect to cross-boundary GHG assessment permits include:
 - i. grant/refusal of cross-boundary permits, including permit renewals: [ss. 307C, 311C, 311D of the OPGGS Act](#)
 - ii. imposition of permit conditions: [s. 291A of the OPGGS Act](#)
 - iii. variation or suspension of, or exemption from, permit conditions: [s. 439A of the OPGGS Act](#)
 - iv. extension of permit term if any of the permit conditions is suspended: [s. 439B of the OPGGS Act](#).
- F. Decisions about other matters related to cross-boundary GHG assessment permits will be made by the responsible Commonwealth Minister, as those decisions have a technical element that might affect the level of long-term risk to the Commonwealth. These include:
 - i. approval of key GHG operations, including assessments of significant risk of a significant adverse impact on Commonwealth and State/NT petroleum operations: [s. 292A of the OPGGS Act](#)
 - ii. declaration of an identified GHG storage formation: [s. 312A of the OPGGS Act](#)
 - iii. surrender and cancellation of permits: [ss. 442, 447 of the OPGGS Act](#).

- G. The responsible Commonwealth Minister is also responsible for all decisions related to consolidated work-bid GHG assessment permits (see section 3 of this guideline).

1. Applying for a consolidated work-bid GHG assessment permit and cross-boundary GHG assessment permit

Prior to lodging an application

- 1.1. For either a consolidated work-bid GHG assessment permit or a cross-boundary GHG assessment permit the applicant must hold both pre-existing titles, where at least one block have a side in common. There must not be an identified GHG storage formation (see definition in [section 7 of the OPGGS Act: ss 302A\(1\), 307A\(1\) of the OPGGS Act](#)).
- 1.2. In the case of an application for a cross-boundary GHG assessment permit, the pre-existing Commonwealth and State/Territory GHG assessment titles must be of an equivalent nature. That is, both titles must be original titles (i.e. titles that have not yet been renewed), titles on their first renewal, or titles on their second renewal: [ss 307A\(1\)\(g\)-\(i\) of the OPGGS Act](#).
- 1.3. In addition, for a cross-boundary GHG assessment permit, the responsible Commonwealth Minister must have declared a compatible cross-boundary law for the State or Territory in which the pre-existing State/Territory GHG assessment title is located, in order for an application to be accepted: [ss 24A, 307A\(1\)\(j\) of the OPGGS Act](#).
- 1.4. Prior to lodging an application for a consolidated work-bid GHG assessment permit or a cross-boundary GHG assessment permit with NOPTA, the applicant should inform the responsible Commonwealth Minister that there is a part of a geological formation wholly situated in the area that consists of the combination of the areas of the two pre-existing titles, that the part extends to the area of each pre-existing title, and the applicant has reasonable grounds to suspect that the part could be an eligible GHG storage formation.

Notification of an eligible storage formation

- 1.5. A notification of an eligible storage formation will contain a written statement that the permittee has reasonable grounds to suspect that the part of the formation that extends to the title area of each of the two adjacent titles is suitable for the permanent storage of a specified amount of a specified GHG substance – with or without engineering enhancements. If engineering enhancements are required, the notification must be accompanied by a written statement describing those enhancements. Notification must meet the requirements of [section 451A of the OPGGS Act](#) (cross-boundary) or [section 451B of the OPGGS Act](#) (consolidation of Commonwealth permits).

Application content and fees

- 1.6. Details of the permit application assessment criteria are outlined in section 2 of this guideline.
- 1.7. For an application to be validly made, it will include the following:
 - a) a validly executed and completed application form for the consolidated work-bid or cross-boundary permit. The approved application form can be found on [NOPTA's website: s 426 of the OPGGS Act](#)
 - b) a work program consistent with the residual work programs from the existing adjacent permits and the expected duration of the term of the consolidated work-bid or cross-boundary permit
 - c) a minimum indicative cost in Australian dollars for each work activity proposed within each remaining permit year
 - d) a proposed work strategy that underpins the proposed work program for the consolidated work-bid or cross-boundary permit.

- 1.8. Applications for a consolidated GHG assessment permit or cross-boundary GHG assessment permit must be accompanied by the prescribed fee: [s 427 of the OPGGS Act](#).

Proposed work strategy

- 1.9. Applicants should outline a proposed work strategy that has the capability to significantly advance the understanding of potential GHG storage formations or potential GHG injection sites within the permit area.
- 1.10. The proposed work strategy underpinning the work program should deliver an increased understanding of the ‘fundamental suitability determinants’ of potential GHG storage formations within the permit area: [s 21 of the OPGGS Act](#).
- 1.11. ‘Fundamental suitability determinants’ are :
- a) the amount of GHG substance that it is suitable to store
 - b) the particular GHG substance that it is suitable to store
 - c) the proposed injection point or points
 - d) the proposed injection period
 - e) any proposed engineering enhancements
 - f) the effective sealing feature, attribute or mechanism.

Work program requirements

- 1.12. The work program proposed for the permit term must be consistent with the applicant’s proposed work strategy for the area.
- 1.13. The work program proposed for the permit term must be of equivalent or greater value to the residual work programs of the existing permits.
- 1.14. Applicants must specify the amount, type and sequencing of work program activities in the term of the consolidated GHG assessment permit/cross-boundary GHG assessment permit. The duration of the permit may influence how this is presented in the final work program (where possible ‘permit years’ will be at least a 12 month period).
- 1.15. Proposed minimum work program activities should only include work that will be undertaken within the permit area. Any work, studies or reprocessing proposed outside the permit area must be clearly differentiated.
- 1.16. The work program should contain operational activities commensurate with the applicant’s technical evaluation of the area, the available data, and the perceived storage potential of the area.
- 1.17. Non-operational activities including but not limited to the preparation of future applications, statutory reports, environmental or regulatory approvals, and commercial studies at the assessment permit phase are not considered assessment activities for the purposes of the minimum work requirements.
- 1.18. If an applicant proposes either new seismic surveying or drilling within the first year of the work program, there is an expectation that the applicant will have made preliminary enquiries as to the availability of either a seismic vessel or drilling rig to meet these work program commitments. Evidence of these enquiries is requested.
- 1.19. If proposed in the work program, the description of the planned exploration activity must include:
- a) an overview of the activities proposed to be completed under the consolidated GHG assessment permit/cross-boundary GHG assessment permit during the full term
 - b) for each year or part year of the program, explain the extent and nature of GHG storage assessment to be carried out (year-by-year or sequencing explanation of activities to be undertaken)

- c) details of the nature, scope and objectives of any proposed geotechnical studies
- d) the amount and type of any seismic survey that is proposed, including details of line spacing and conceptual locations. Applicants must clearly state the number of kilometres of full-fold 2D or square kilometres of full-fold 3D seismic data that will be acquired within the permit. Applicants must clearly state whether acquisition of seismic survey data relates to purchase/licensing of existing seismic data, or whether a new seismic survey will be undertaken as part of the work program
- e) a description of and the conceptual locations/targets/ total depths of any wells that are proposed
- f) a description of and the conceptual locations/targets/purpose of any other operational activities that are proposed
- g) the amount and type of any proposed seismic reprocessing. Applicants must clearly state which datasets they intend to reprocess, the type of reprocessing they intend to undertake and the number of kilometres and square kilometres of 2D and 3D seismic data, respectively, which will be reprocessed within the permit. Applicants must clearly state whether the proposed seismic reprocessing relates to the purchase/licensing of existing reprocessed data or whether new seismic reprocessing will be undertaken
- h) a high resolution map indicating where the activities are anticipated to be carried out in the permit area
- i) an overview of proposed studies relating to potential impacts on overlapping petroleum titleholders (current or future) for key GHG operations proposed in the work program.

Other matters

- 1.20. An application for either a consolidated GHG assessment permit or cross-boundary GHG assessment permit is expected to demonstrate that the applicant has continued to consider all relevant information and any special conditions that apply in the applicant's pre-existing permit areas that may affect the rights of others (such as environment protection, fisheries and navigation matters).
- 1.21. The applicant's proposed work program should have regard to [sections 27, 291 and 292 of the OPGGS Act](#) (consolidated work-bid GHG assessment permits) or [sections 27A, 291A and 292A of the OPGGS Act](#) (cross-boundary GHG assessment permits), which refer to assessing whether there is a significant risk of a significant adverse impact from an operational activity on petroleum exploration or recovery operations that are being or could be carried on under an existing or future petroleum title. In the case of a cross-boundary permit, existing or future petroleum titles include State or Territory petroleum titles.

Non-exclusive (multi-client) seismic data

- 1.22. If an applicant proposes to license non-exclusive seismic data as part of a work program, it must state whether the data is part of an existing non-exclusive seismic survey or part of a non-exclusive seismic survey that will be acquired after grant of the consolidated GHG assessment permit and cross-boundary GHG assessment permit.

Data existing prior to the grant of permit

- 1.23. The reprocessing and interpretation of existing data included in the technical assessment will be taken into account in assessing the merits of the work program proposed.

Data acquired after the grant of permit

- 1.24. An applicant may meet a proposed seismic surveying commitment by licensing an equivalent amount of non-exclusive seismic data that has been acquired within the permit area after the grant of the consolidated GHG assessment permit/cross-boundary GHG assessment permit.
- 1.25. Reprocessing of data may form part of the proposed work program. The work program should include how these data are proposed to be used in conjunction with any geophysical

studies proposed in the work program. The reprocessing would normally be expected to be from raw data or the quality controlled traces and to utilise techniques not previously undertaken on seismic data within the permit area.

Financial and technical particulars of the applicant

Technical Competence

- 1.26. Applicants should provide details of their technical capacity and competence to undertake the proposed work program, including the technical capacity and experience of key personnel and/or sub-contractors, and particulars of other current and previous involvement in GHG storage assessment as well as other relevant exploration experience.
- 1.27. An applicant should provide details of:
 - a) the technical qualifications of the applicant and those of its key employees
 - b) the technical advice that is or will be available to the applicant by way of consultants or other providers.
- 1.28. Where a third party provider will be used to undertake core elements of the primary work program, evidence of conditional agreements, or similar initial consultations, should be provided.
- 1.29. Applicants should include details of its available geological and geo-engineering, reservoir and fluid flow modelling expertise, and detail any previous or proposed collaboration with research bodies.

Financial Competence

- 1.30. Applicants should provide details that they and/or their consolidated parent entity group has the financial capacity to:
 - a) continue as a going concern
 - b) meet its existing (other) title-related commitments including work-programs, development and decommissioning obligations
 - c) undertake the proposed work program.

Lodgement of a Security

- 1.31. In the case of a consolidated work-bid GHG assessment permit or a cross boundary GHG assessment permit, a new security may be required to be lodged with the responsible Commonwealth Minister (via NOPTA) under [section 454 of the OPGGS Act](#). If a security is required for the new consolidated permit, the applicant may elect to carry over any securities lodged in respect of the pre-existing permits to the new permit.

2. Assessment of consolidated work-bid and cross-boundary GHG assessment permit applications

Assessment process

- 2.1. Refer to section 1 of the guideline for the expectations in relation to application content.
- 2.2. Applications for either a consolidated GHG assessment permit or cross-boundary GHG assessment permit will be assessed by NOPTA.
- 2.3. If NOPTA deems it necessary to clarify any aspect of the application, it will seek written information from the applicant.
- 2.4. NOPTA will provide advice on the application to the responsible Commonwealth Minister or Cross-boundary Authority (as applicable).

- 2.5. The technical and financial capacity of the applicant (or parent company group) will be assessed taking into account the following criteria:
- a) the amount and timing of the expenditure proposed in the applicant's work program
 - b) the amount and timing of commitments associated with other OPGGS Act titles for the applicant (and/or parent company group where the applicant relies on a parent entity for funding)
 - c) the track record of the applicant (and/or parent company group) in successfully executing work activities and funding commitments, of a commensurate level, for other OPGGS Act titles within the last 10 years.

Evaluation of applicant's proposed work strategy

- 2.6. The applicant's proposed work strategy will be evaluated taking into account:
- a) the types of activities required to identify and characterise suitable permanent storage formations and/or sites in the release area. These activities should form the basis of the proposed work program for consolidated work-bid or cross-boundary greenhouse assessment permits
 - b) the clarity, coherence and logic of the proposed work strategy.

Assessment of the applicant's work program

- 2.7. The work program will be assessed with regard to the proposed work strategy, taking into account the following criteria:
- a) the amount, type, timing, expenditure and relevance of proposed studies/modelling/testing with respect to the characterisation of eligible GHG storage formations
 - b) the amount, type, timing, expenditure and relevance of seismic surveying
 - c) the amount, type, timing, expenditure and relevance of any other new surveying, data acquisition, sampling, monitoring and reprocessing
 - d) the amount, type, timing, expenditure of any purchasing or licensing of existing data
 - e) the proposed studies and expenditure relating to potential migration paths for injected GHG substances
 - f) the number, timing and expenditure of wells to be drilled, provided there is an adequate supporting work program
 - g) the proposed studies and expenditure relating to potential impacts on petroleum operations.
- 2.8. The work program must be credible, coherent and supportable.
- 2.9. There should be sufficient geophysical surveys, seismic reprocessing and other relevant studies, such as but not limited to rock property studies and migration modelling, to enable the understanding of 'fundamental suitability determinants' to be significantly advanced.
- 2.10. Where an area is fully covered by 3D seismic data, substantial reprocessing of the data may form a substantial part of proposed work program commitments. The reprocessing would normally be expected to be from field tapes and to utilise techniques not previously undertaken on the seismic data acquired within the consolidated GHG assessment permit and cross-boundary GHG assessment permit.
- 2.11. Where an area has existing drill results, substantial new assessment/analysis of these data may form a substantial part of the proposed work program commitments.

Financial and technical particulars of the applicant

Technical Competence

- 2.12. Applicants are required to satisfy the responsible Commonwealth Minister or Cross-boundary Authority (as applicable) of its technical capacity and competence to undertake the proposed work program. This will include, but not be limited to, the technical capacity and experience of key personnel and/or sub-contractors, and particulars of other current and previous involvement in greenhouse gas storage assessment as well as other relevant exploration experience.

Financial Competence

- 2.13. In assessing the that the financial capacity the following matters may be considered in relation to the applicant and/or its consolidated parent entity group, whether it can:
- a) continue as a going concern
 - b) meet its existing (other) title-related commitments including work-programs, development and decommissioning obligations
 - c) undertake the proposed work program.
- 2.14. The assessment of financial capacity will test the applicant's ability to meet the commitments associated with the proposed work program in addition to its existing Commonwealth offshore title-related commitments.
- 2.15. When assessing an applicant's financial capacity, consideration will be given to the current and future funds available to the applicant and the magnitude and timing of obligations associated with the application, and other titles it holds under the OPGGS Act.

Information required to support financial assessment

- 2.16. To undertake an assessment of the financial capacity of an applicant, details of the current financial resources available and the future financial commitments of the applicant should be provided as follows:
- a) The most recent audited consolidated financial statements including:
 - i. Balance Sheet (dated not more than 12 months from the date the application is submitted)
 - ii. Income Statement
 - iii. Cash Flow Statement
 - iv. Notes to the accounts in sufficient detail and in a format consistent with generally accepted accounting principles
 - v. Prior year comparable financial statements
- OR
- b) If audited, consolidated financial statements are not available, unaudited consolidated financial statements (as per paragraphs 1.31 a) i. to v. of this guideline) can be provided. These must be accompanied by a declaration by the directors stating that the financial statements have been prepared in accordance with International Financial Reporting Standards and that the applicant can continue as a going concern as at the balance sheet date.
- 2.17. If an applicant relies on a parent entity's accounts to demonstrate financial capacity, details of funding methods and any guarantees between the entities should also be provided. The assessment that would have been applied to the applicant will apply to the parent entity to determine financial capability.

- 2.18. Evidence of financial capacity may include:
- a) Bank deposits held
 - b) Loan facilities – e.g. loan agreements signed by all parties or loan agreements conditional on the award of a title are acceptable, not letters of intent from a loan institution
 - c) Other guarantees – e.g. bank guarantee, or certified statement of an individual’s capacity to fund (high net worth individuals) from an accountant
 - d) Forecast cash flows if applicable
 - e) Track record of successful funding of assessment or other exploration projects
 - f) Proven ability to attract farm in partners
 - g) Proven ability to raise capital by public or private means
 - h) Letter of guarantee from capital raising entity (although arrangements with financial institutions or brokerage firms that undertake to raise equity on a best effort basis are not adequate evidence of funding)
 - i) Evidence that a satisfactory Joint Venture Operating Agreement has been or can be reached if applicable.

Past Performance

- 2.19. Past performance of the applicant, parent company or subsidiary company where applicable, and its directors is a factor the responsible Commonwealth Minister or Cross-boundary Authority will consider during the decision making process.
- 2.20. For example the responsible Commonwealth Minister or Cross-boundary Authority may not offer a consolidated or cross-boundary GHG assessment permit to an applicant if the applicant’s past performance indicates a history of non-compliance with permit conditions or if the applicant does not demonstrate a proven ability to significantly advance the understanding of potential GHG storage formations or potential GHG injection sites of permit areas.
- 2.21. Past performance refers to compliance matters under the OPGGS Act over the previous five years, such as cancellations or expiries in default, and also demonstrated ability to advance the understanding of potential GHG storage formations or potential GHG injection sites.
- 2.22. Past performance may also refer to any health, safety and/or environmental incidents within Australia or internationally. The applicant may choose to detail proposed mitigation in relation to these matters within their application documents.

3. Consolidated work-bid and cross-boundary GHG assessment permit conditions and administration

Legislation

Consolidated work-bid greenhouse gas assessment permits

- a) Variation or suspension of, or exemption from compliance with, permit conditions: [s 436 of the OPGGS Act](#)
- b) Extension of the permit term if any of the permit conditions is suspended: [s 437 of the OPGGS Act](#)
- c) Surrender of permits: [ss 441-443 of the OPGGS Act](#).

Cross-boundary greenhouse gas assessment permits

- a) Variation or suspension of, or exemption from compliance with, permit conditions: [s 439A of the OPGGS Act](#)
- b) Extension of the permit term if any of the permit conditions is suspended: [s 439B of the OPGGS Act](#)
- c) Surrender of permits: [ss 441-443 of the OPGGS Act](#).

General

- 3.1. The responsible Commonwealth Minister or the Cross-boundary Authority (as applicable) considers all applications on a case-by-case basis, with reference to the expectations set out in this section.
- 3.2. On application, the responsible Commonwealth Minister may grant or refuse a consolidated work-bid GHG assessment permit under [section 302B of the OPGGS Act](#) if an application for a GHG assessment permit has been made under [section 302A of the OPGGS Act](#).
- 3.3. On application the Cross-boundary Authority will advise the applicant that it is prepared to grant, or refuse to grant, a GHG assessment permit under [section 307B of the OPGGS Act](#), if an application for a cross-boundary GHG assessment permit is made under [section 307A of the OPGGS Act](#). The Cross-boundary Authority must grant the cross-boundary GHG permit under [section 307C of the OPGGS Act](#) if the applicant has done what is required in [sections 307C\(a\)-\(c\) of the OPGGS Act](#).
- 3.4. Consolidated GHG assessment permits and cross-boundary GHG assessment permits are subject to standard conditions, including conditions in relation to work requirements: [ss 291, 291A of the OPGGS Act](#).
- 3.5. Permittees must comply with all permit conditions, including the work program conditions specified on the permit. Failure to comply with the conditions of the consolidated GHG assessment permit or cross-boundary GHG assessment permit may result in the refusal of an application to renew the permit ([ss 310, 311C of the OPGGS Act](#)), or refusal to consent to surrender the permit ([s 442 of the OPGGS Act](#)), or in cancellation of the permit ([s 446 of the OPGGS Act](#)).
- 3.6. A permittee should commence planning for work program commitments prior to entering into a permit year, in order to prevent avoidable delays to the work program.
- 3.7. The responsible Commonwealth Minister or the Cross-boundary Authority acknowledges that elements of an assessment work program or its timing may need to change as geological knowledge is gained, or if the timing of an operation is impacted by *force majeure* circumstances (see paragraph 3.22 of this guideline).

Applications associated with the administration of assessment permits

- 3.8. For consolidated work-bid GHG assessment permits, the responsible Commonwealth Minister is the decision maker for applications mentioned in the overview of this section. The responsible Commonwealth Minister is also the decision maker for applications to surrender a cross-boundary GHG assessment permit. The Cross-boundary Authority is the decision maker on the other applications mentioned in the overview with respect to cross-boundary GHG assessment permits. The applications must be made in writing and lodged with NOPTA.
- 3.9. For applications mentioned in the overview of this section, if there is more than one registered holder of the title, and a current Eligible Voluntary Action form (EVA) has not previously been submitted, the application must: (a) also be accompanied by a duly executed EVA (Form 6), or (b) be executed by all of the registered holders of the title. Application forms and EVA forms are available on [NOPTA's website](#).

Work program conditions

- 3.10. Standard Condition 1 of a permit requires that permittees must carry out the work requirements stated in each permit year, within the specified permit year. Failure to do so is a ground on which the responsible Commonwealth Minister may cancel the permit: [s 446\(a\) of the OPGGS Act](#). Undertaking assessment activities in excess of the specified work requirements is allowed.
- 3.11. Standard Condition 2 of a permit requires that a permittee shall not commence any key GHG operations in the permit area except with and in accordance with the written approval of the responsible Commonwealth Minister: [ss 291\(3\), 291A\(3\), 292, 292A of the OPGGS Act](#).
- 3.12. Standard Condition 3 allows NOPTA, at its discretion, to credit activities undertaken in an earlier permit year towards meeting a future work requirement.
- 3.13. It is the responsibility of titleholders to obtain NOPTA's agreement to credit an activity to a later permit year.
- 3.14. Compliance with the permit conditions will be taken into account by the responsible Commonwealth Minister or the Cross-boundary Authority (as applicable) in considering any application by a permittee under [sections 436 or 439A of the OPGGS Act](#) to vary, suspend or seek exemption from compliance with any of the work program conditions of the permit. In relation to consent to surrender the permit: [s 441 of the OPGGS Act](#), or to renew the permit: [ss 309, 310, 311B, 311C of the OPGGS Act](#), compliance with the conditions will be taken into account.

Duration of term of consolidated work-bid GHG assessment permit and cross-boundary GHG assessment permit

Cross-boundary greenhouse gas assessment permit

- 3.15. The duration of the term of an original cross-boundary GHG assessment permit (i.e. a permit granted otherwise than by renewal) will be the amount of time (if any) still to run on the more recently-granted of the existing Commonwealth and State/NT GHG assessment permits that are unified to create the cross-boundary permit ([s 293\(1\) item 1A of the OPGGS Act](#)). If both the existing Commonwealth and State/Territory titles would have otherwise expired between the time that the application is lodged and grant of the cross-boundary permit, the duration of the term of the cross-boundary permit is for a period not exceeding 12 months, as specified by the Cross-boundary Authority: [s 293\(1\) item 1B of the OPGGS Act](#).

Consolidated work-bid greenhouse gas assessment permit

- 3.16. The duration of the term of an original consolidated work-bid GHG assessment permit depends on the nature of the two existing GHG assessment permits that are combined to form the consolidated permit.
- 3.17. If the existing permits were both original permits (i.e. permits that have not been renewed), both permits on their first renewal, or both permits on their second renewal, the duration of the term of the consolidated permit will be:
 - a) (a) if the grant occurs before the date of expiry of both permits, the time remaining on the more recently granted of the two permits, or
 - b) if the grant occurs before the expiry date of only one of the permits, the time remaining on the permit that had not ceased to be in force: [s 293\(1\) item 1C of the OPGGS Act](#).
- 3.18. If both existing permits would have otherwise expired between the time that the application is lodged and grant of the consolidated permit, the consolidated permit will remain in force for a period specified by the permit, not exceeding 12 months: [s 293\(1\) item 1F of the OPGGS Act](#).
- 3.19. If one of the existing permits is an original permit, and the other is a permit on its first or second renewal, the duration of the term of the consolidated permit will be the same as the

time that would have remained on the original permit at the time the consolidated permit is granted: [s 293\(1\) item 1D of the OPGGS Act](#). However, if the original permit would have otherwise expired the consolidated permit will remain in force for a period specified by the permit not exceeding 12 months: [s 293\(1\) item 1F of the OPGGS Act](#).

- 3.20. If one of the existing permits is a permit on its first renewal, and the other is a permit on its second renewal, the duration of the term of the consolidated permit will be the same as the time that would have remained on the first renewal permit at the time the consolidated permit is granted: [s 293\(1\) item 1E of the OPGGS Act](#). However, if the first renewal permit would have otherwise expired between the time that the application is lodged and grant of the consolidated permit, the consolidated permit will remain in force for a period specified by the permit, not exceeding 12 months: [s 293\(1\) item 1F of the OPGGS Act](#).

Refusal to grant a permit

- 3.21. The responsible Commonwealth Minister or the Cross-boundary Authority (as applicable) may refuse to grant a consolidated GHG assessment permit or cross-boundary GHG assessment permit. In deciding to refuse to grant a consolidated GHG assessment permit or cross-boundary GHG assessment permit, the responsible Commonwealth Minister or Cross-boundary Authority may consider:
- c) if the applicant submitted an application in an approved manner (see paragraph 1.4 of this guideline)
 - d) if the work program is inadequate to lead to a declaration of an identified storage formation
 - e) if the applicant possesses the financial capacity to facilitate the proposed work program, in addition to other guaranteed work program commitments in other titles under the OPGGS Act the applicant and/or parent company has an interest in
 - f) if the applicant possesses the technical capacity to facilitate the proposed work program
 - g) the past performance of the applicant in Australia or internationally.

Suspension of a permit condition and extension of the permit term

- 3.22. Permittees may apply to the responsible Commonwealth Minister or Cross-boundary Authority (as applicable) via NOPTA to either suspend a permit condition, or suspend a permit condition and, in connection with the suspension, receive an extension of the permit term: [ss 436, 437, 439A, 439B of the OPGGS Act](#). The responsible Commonwealth Minister or Cross-boundary Authority will decide on these applications on a case-by-case basis, taking into account circumstances including:
- a) the existence of force majeure circumstances (see paragraphs 3.22-3.24 of this guideline)
 - b) if the permittee is seeking to undertake above commitment work that has critical implications for the assessment of the permit area, and requires additional time to complete that work (see paragraph 3.3 of this guideline)
 - c) where a titleholder has a declaration of identified GHG storage formation, and is in the final year of the permit, the titleholder may apply for up to a six month suspension of the relevant work program condition(s) and extension to the term of the title to allow sufficient time to lodge an application for a GHG holding lease or GHG injection licence. The application for a suspension of the permit condition(s) and extension of permit term must be supported by evidence of the titleholder's intentions to apply for a lease or licence, and timeframes for submission of the application within the additional six month period.
- 3.23. For the purposes of the work program conditions of a permit, a **suspension** will defer the end date of a current permit year for the purposes of meeting work program commitment(s)

but will not alter the end dates of subsequent permit years. By comparison, a **suspension, together with an extension of the permit term**, will extend the end date of the current permit year and all subsequent permit years.

- 3.24. In the case of a suspension and extension application, the period of extension applied for **should not exceed** the period of suspension sought, but may be less than that period.
- 3.25. A suspension of condition(s) of the permit under [section 436 or 439A of the OPGGS Act](#) does not suspend the rights conferred on the permittee by [section 290 of the OPGGS Act](#) to undertake work activities, subject to the conditions of the permit, the Act and regulations.
- 3.26. Applications for suspension of the permit condition(s), or suspension with an extension of the permit term, should be submitted during the following timeframes:
 - a) before the permit expires; and
 - b) no later than two months before the conclusion of the permit year to which the application relates.
- 3.27. If an application for suspension of permit condition(s), or suspension and extension of the permit term, is lodged in conjunction with an application to vary the work program to include substantial above-commitment work, the timeframes applicable to a variation application apply (see paragraphs 3.29-3.33 of this guideline).
- 3.28. Titles that have a 'prior usage right' for the purposes of section 359 of the *Environment Protection and Biodiversity Conservation Act 1999* will require consent from the Minister for the Environment before an extension to the permit term can be granted by the responsible Commonwealth Minister or Cross-boundary Authority.

Force majeure circumstances

- 3.29. In making a decision to either suspend a permit condition, or suspend a condition with an extension of the permit term, the responsible Commonwealth Minister or Cross-boundary Authority (as applicable) may consider whether the ability of the permittee to meet a work program commitment has been adversely impacted by an event that cannot reasonably be anticipated or controlled (force majeure circumstances).
- 3.30. Commercial circumstances and common risks to industry are **not considered** to constitute force majeure for suspension of the permit conditions, or suspension and extension of the permit term, although the responsible Commonwealth Minister or Cross-boundary Authority (as applicable) will consider applications on a case-by-case basis. Such circumstances and risks may include, but are not limited to:
 - a) changes in carbon prices
 - b) difficulty attracting a farm-in partner
 - c) difficulty in raising capital
 - d) avoidable delays in contracting a drilling rig/seismic vessel
 - e) disappointing GHG storage potential assessment results
 - f) the need to wait for the results of work activities undertaken outside the permit area
 - g) poor quality seismic data.
- 3.31. Applications for suspension of permit condition(s), or suspension and extension of the permit term, on *force majeure* grounds must include substantial and compelling documentary evidence that demonstrates the *force majeure* circumstances that have adversely impacted the permittee's ability to complete the work program.

Variation of work program conditions

- 3.32. The responsible Commonwealth Minister or the Cross-boundary Authority (as applicable) may decide to vary the permit conditions, upon application by the permittee: [ss 436, 439A of](#)

[the OPGGS Act](#). Applications for variation of the work program conditions may be made where the permittee seeks to:

- a) replace a work activity in any permit year with an alternative equivalent or superior work activity
- b) undertake above-commitment work in any permit year which has critical implications for the assessment of the GHG storage potential of the permit area
- c) vary the work program conditions in a permit year subject to the provision of substantial and compelling technical evidence.

3.33. A more detailed outline of the responsible Commonwealth Minister's or Cross-boundary Authority's expectations on these matters is provided below.

Work equivalent variations to the work program conditions

3.34. Permittees may apply via NOPTA, at any time, to replace a work requirement with an alternative equivalent or superior work activity.

3.35. In deciding whether to vary the work program, the responsible Commonwealth Minister or the Cross-boundary Authority (as applicable) will consider if the alternative work activity proposed is similar or superior to the original work program commitment, and meets or exceeds the objective of the original work commitment, amongst other things.

3.36. It is the responsibility of the permittee to ensure that the responsible Commonwealth Minister or the Cross-boundary Authority has agreed to the variation prior to the permittee undertaking the alternative work activity.

Above-commitment variations to the work program conditions

3.37. The permittee may, at any time within a permit year, apply via NOPTA to include significant above-commitment seismic surveying or drilling work into the work program with a view to identifying a potential GHG storage formation or GHG injection site.

3.38. In deciding whether to vary the work program the responsible Commonwealth Minister or Cross-boundary Authority will consider whether the permittee has demonstrated a significant effort to identify a potential GHG storage formation or GHG injection site prospect.

3.39. In such circumstances, the responsible Commonwealth Minister or Cross-boundary Authority may also agree to grant a suspension with a period of 12 months or more along with a corresponding extension of the permit term to provide sufficient time for the permittee to undertake the above-commitment surveying or drilling work. An application for a suspension, or suspension with an extension of the permit term, must be submitted with the variation application.

3.40. The permittee may also, at any time within the current permit year, apply for a variation of the specified work requirements to include other significant above-commitment work into the work program for that year, where that work is assessed to have critical implications for the permittee's proposed work strategy for the permit area.

Variation to the work program subject to substantial and compelling technical evidence

3.41. Applications under [section 436 or 439A of the OPGGS Act](#) to vary the minimum work requirement commitments for a permit year, subject to substantial and compelling technical evidence, should be supported by a revised work program and proposed work strategy that covers any or all of the remaining years of the permit term.

3.42. Applications to vary work requirements should be made no later than two months before commencement of the permit year for which the variation is sought.

3.43. Applicants should provide substantial and compelling documentary evidence to support the variation of the work program on technical grounds.

- 3.44. If agreement cannot be reached on a mutually acceptable work program, the permittee may decide to either apply to the responsible Commonwealth Minister for consent to a surrender of the permit under [section 441 of the OPGGS Act](#), or continue to hold the permit subject to the original work requirements.
- 3.45. Where an operational activity is sought to be varied out of an assessment permit, resulting in no substantial activity in the permit term, the responsible Commonwealth Minister or Cross-boundary Authority may agree to the variation on the basis that the permittee proposes substantial operational activities during the three year term of any renewal application for that title.

Exemption from compliance with conditions

- 3.46. The permittee may apply to the responsible Commonwealth Minister or the Cross-boundary Authority (as applicable) via NOPTA for exemption from compliance with any condition to which the permit is subject: [ss 436, 439A of the OPGGS Act](#).
- 3.47. With respect to work program requirements, it is the responsible Commonwealth Minister's or Cross-boundary Authority's policy to only approve an exemption in exceptional circumstances. However, applications will be assessed on a case-by-case basis.
- 3.48. Substantial and compelling documentary evidence, demonstrating the circumstances and that the objectives of the assessment work program has been met, should be provided with the application.

Permit surrender

- 3.49. Permittees may apply in writing (via NOPTA) for the responsible Commonwealth Minister's consent to surrender a permit: [s 441 of the OPGGS Act](#).
- 3.50. Generally, the responsible Commonwealth Minister may consent to the surrender only if the permittee has:
- a) paid any fees and amounts payable under the OPGGS Act and the *Offshore Petroleum and GHG Storage (Regulatory Levies) Act 2003*, or has made arrangements that are satisfactory to the responsible Commonwealth Minister for the payment of those fees and amounts: [s 442\(3\)\(a\) of the OPGGS Act](#).
 - b) complied with all conditions to which the permit was subject ([s 442\(3\)\(b\) of the OPGGS Act](#)), including if:
 - i. work program commitments have been met
 - ii. all reports (including reports required by any directions given to the permittee) have been submitted (for example, reports on specified activities, quarterly reports, annual reports)
 - iii. all required data has been submitted.
 - c) Complied with the relevant provisions of the OPGGS Act and regulations: [s 442\(3\)\(b\) of the OPGGS Act](#)
 - d) satisfied the responsible Commonwealth Minister or made arrangements that are satisfactory for the protection and preservation of the marine environment: [ss 442\(3\)\(c\)-\(f\) of the OPGGS Act](#).
- 3.51. In undertaking its assessment, in accordance with the OPGGS Act, NOPTA consults with the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) in respect of the protection and preservation of the marine environment.
- 3.52. The responsible Commonwealth Minister may give consent to surrender, notwithstanding that the requirements mentioned in [section 442\(3\) of the OPGGS Act](#) have not been complied with, if satisfied there are sufficient grounds to warrant the giving of consent to the surrender: [s 442\(7\) of the OPGGS Act](#).

- 3.53. Substantial and compelling documentary evidence that demonstrates that the objective(s) of the assessment permit work program has been met should be provided as part of establishing the sufficient grounds.
- 3.54. In the case of a cross-boundary GHG assessment permit, before consenting or refusing to consent to the surrender of the permit, under [section 442\(7A\) of the OPGGS Act](#) the responsible Commonwealth Minister must consult with the responsible State/Northern Territory Minister.
- 3.55. Following the responsible Commonwealth Minister's consent to surrender, the permittee may surrender the permit by written notice to the responsible Commonwealth Minister (via NOPTA): [s 443\(2\) of the OPGGS Act](#).
- 3.56. The surrender takes effect on the day on which notice of such is published in the Commonwealth Gazette: [s 443\(3\) of the OPGGS Act](#).
- 3.57. NOPTA will publish notice of the surrender of the permit in the Commonwealth Gazette: [s 734 item 5 of the OPGGS Act](#).

Permit cancellation

- 3.58. Permittees are expected to ensure that all obligations under the OPGGS Act and the associated regulations, including any directions and permit conditions, are complied with.
- 3.59. Failure to comply with any such obligations, directions or permit conditions is a ground for the responsible Commonwealth Minister to cancel the permit: [s 446 of the OPGGS Act](#).
- 3.60. Before making a decision to cancel a cross-boundary GHG assessment permit under [section 447\(1\) of the OPGGS Act](#), wholly or partly on the basis of non-compliance with a permit condition, the responsible Commonwealth Minister must consult with the responsible State/Northern Territory Minister: [s 447\(4\) of the OPGGS Act](#).
- 3.61. Where the responsible Commonwealth Minister determines that cancellation of the permit is appropriate, the permittee will be served a Notice of Intention to cancel the permit: [s 448 of the OPGGS Act](#).
- 3.62. Permittees will be given at least 30 days to make a submission via NOPTA regarding the proposed cancellation, and to provide any information or raise any issues that the permittee wishes the responsible Commonwealth Minister to consider in reaching a decision in respect of the cancellation: [ss 448\(1\)-\(2\) of the OPGGS Act](#).
- 3.63. The permittee will be advised in writing via NOPTA regarding the responsible Commonwealth Minister's decision in respect of the cancellation.
- 3.64. The cancellation takes effect on the day on which notice of such is published in the Commonwealth Gazette: [s 447\(3\) of the OPGGS Act](#).
- 3.65. NOPTA will publish notice of the cancellation of the permit in the Commonwealth Gazette: [s 734 item 7 of the OPGGS Act](#).

Permit expiry

- 3.66. The expiry date of a permit is the day on which the permit ceases to be in force: [s 10\(2\) item 3 of the OPGGS Act](#). This will usually be the day following the last day of the permit term, or the day following the last day of Permit Year 3 for renewed permit terms, noting that the expiry date may be extended from time to time by the grant of an extension of the permit term by the responsible Commonwealth Minister or Cross-boundary Authority (see paragraph 3.16 of this guideline). The permit may also be extended where an application has been lodged for:
 - a) renewal of the permit: [ss 308\(6\) or 311A\(9\) of the OPGGS Act](#)
 - b) declaration of an identified GHG storage formation: [s 294 of the OPGGS Act](#)
 - c) a GHG holding lease or GHG injection licence: [ss 295 or 295A of the OPGGS Act](#).

- 3.67. If the permit is eligible for renewal, the permittee may apply to renew the permit under [section 308 or 311A of the OPGGS Act](#), prior to the expiry date, and within the prescribed timeframe (see section 4 of this guideline).
- 3.68. An application to renew a consolidated work-bid GHG assessment permit must not be made if each of the existing work-bid GHG assessment permits that were unified to form the consolidated permit were granted by way of a second renewal.
- 3.69. An application to renew a cross-boundary GHG assessment permit must not be made if the existing Commonwealth and State/Territory GHG assessment titles were each granted by way of a second renewal.
- 3.70. If the permittee intends to allow the permit to expire, the permittee should:
- ensure that they are compliant and that all work commitments have been met
 - submit any outstanding reports and data to NOPTA
 - pay all outstanding fees and amounts, or make arrangements that are satisfactory to NOPTA for the payment of those fees and amounts.
- 3.71. When a permit has expired or has been cancelled, NOPSEMA or the responsible Commonwealth Minister may give remedial directions to former permittees for the protection and preservation of the marine environment: [ss 594A and 595 of the OPGGS Act](#).
- 3.72. NOPTA must give notice of the permit expiry in the Commonwealth Gazette: [s 734 item 8 of the OPGGS Act](#).

4. Renewal of permits

Overview

- A titleholder may apply to renew a GHG assessment permit. Renewal applications must be lodged in accordance with [section 308 of the OPGGS Act](#) (consolidated work-bid GHG assessment permit) or [section 311A of the OPGGS Act](#) (cross-boundary GHG assessment permit).
- An application must be made at least 180 days before the expiry date of the permit, but not more than 12 months before the expiry date. NOPTA may accept applications later than 180 days before the expiry date, but no later than the expiry date.
- It is the responsible Commonwealth Minister's or the Cross-boundary Authority's expectation that the proposed work program for the renewal will be supported by a proposed work strategy that has the capability to significantly advance the understanding of potential GHG storage formations or potential GHG injection sites within the consolidated or cross-boundary permit area.
- The proposed work strategy underpinning the work program should deliver an increased understanding of the 'fundamental suitability determinants' (see paragraph 1.8 of this guideline) of potential GHG storage formations within the consolidated or cross-boundary permit area.
- An application to renew a consolidated GHG work-bid assessment permit and cross-boundary GHG assessment permit must be submitted to NOPTA in the approved manner: [s 426 of the OPGGS Act](#).
- Titles that have a 'prior usage right' for the purposes of section 359 of the *Environment Protection and Biodiversity Conservation Act 1999* will require consent from the Minister for the Environment before a renewal can be granted by the responsible Commonwealth Minister or the Cross-boundary Authority.

How to apply

- 4.1. An application form is available on NOPTA's website. Refer to the application form for submission details.

- 4.2. An application must be accompanied by the relevant fee prescribed in schedule 6 of the RMA Regulations. Detailed information on payment options is provided on NOPTA's website.
- 4.3. A renewal application may be submitted by a titleholder and should include a work program and an overview of compliance with the permit conditions, the provisions of [Chapters 3, 5, 6 and Part 8.1 of the OPGGS Act](#) and the associated regulations.
- 4.4. Applications are assessed by NOPTA and advice is provided to the responsible Commonwealth Minister or the relevant Cross-boundary Authority as applicable.
- 4.5. NOPTA may clarify any aspect of the renewal application through a written request for further information to the applicant.

Work program

- 4.6. The proposed work program for the three-year renewal term must be consistent with the proposed work strategy and underpinned by the technical evaluation of the area incorporating results and findings of the previous permit term.
- 4.7. The proposed work program should contain:
 - a) new operational activities, such as data acquisition and/or exploration well/s; and/or
 - b) reprocessing and/or geophysical and geological studies;
 to enable enhanced understanding of a potential storage formation and potential injection sites to enable an injection site prospect to be identified.
- 4.8. The description of the proposed work program for the renewal term should include information in accordance with the elements outlined in section 1.16 of this Guideline.
- 4.9. Evaluation of the applicant's proposed work strategy and assessment of the applicant's work program will also be undertaken in accordance with the principles outlined in section 2 of this Guideline.

Refusal to renew a permit

Cross-boundary greenhouse gas assessment permit

- 4.10. The Cross-boundary Authority must refuse to renew a permit if there has been non-compliance with permit conditions¹, the provisions of [Chapters 3, 5 and 6 and Part 8.1 of the OPGGS Act](#) and/or the provisions of the regulations, **and** the Cross-boundary Authority is not satisfied that sufficient grounds exist to warrant the renewal. This may include whether the titleholder has taken any reasonable actions to resolve or mitigate the non-compliance.
- 4.11. Where the Cross-boundary Authority intends to refuse to renew a cross-boundary GHG assessment permit consultation procedures apply under [section 434A of the OPGGS Act](#).

Consolidated work-bid greenhouse gas assessment permit

- 4.12. The responsible Commonwealth Minister must refuse to renew the permit in the following circumstances:
 - a) if there has been non-compliance with permit conditions,² the provisions of [Chapters 3, 5 and 6 and Part 8.1 of the OPGGS Act](#) and/or the provisions of the regulations

¹ Under paragraph [311C\(2\)\(b\) of the OPGGS Act](#) the Cross-boundary Authority is not satisfied that the non-compliance is attributable to unavoidable delays caused by the unavailability of essential services or essential equipment, or both.

² Under paragraph [310\(2\)\(b\) of the OPGGS Act](#) the responsible Commonwealth Minister is not satisfied that the non-compliance is attributable to unavoidable delays caused by the unavailability of essential services or essential equipment, or both.

- b) if there has been compliance with permit conditions, the provisions of [Chapters 3, 5 and 6 and Part 8.1 of the OPGGS Act](#) and/or the provisions of the regulations but during the period when the permit was in force no notice was given under [section 451 of the OPGGS Act](#) about a part of a geological formation wholly situated within the permit area³

unless the responsible Commonwealth Minister is satisfied that sufficient grounds exist to warrant the renewal. This may include whether the titleholder has taken any reasonable actions to resolve or mitigate the non-compliance.

- 4.13. Where the responsible Commonwealth Minister intends to refuse to renew a consolidated work-bid GHG assessment permit, consultation procedures apply under [section 434 of the OPGGS Act](#).

³ Note: Given that a notice about a part of a geological formation wholly situated within the permit area is required to be given to the responsible Commonwealth Minister under [section 451B of the OPGGS Act](#) in advance of the grant of a consolidated work-bid greenhouse gas assessment permit, this is likely to constitute sufficient grounds to warrant the grant of the renewal.