

GUIDELINES FOR OFFSHORE PETROLEUM JOINT AUTHORITY DECISION-MAKING PROCEDURES

A Guideline in relation to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*

Prepared by the Commonwealth Department of Industry, Science, Energy and Resources

Effective 1 January 2012

PLEASE NOTE: as of 1 January 2012 the National Offshore Petroleum Titles Administrator (NOPTA) will be the first point of contact on all issues relating to offshore petroleum and greenhouse gas storage titles administration and data management.

PURPOSE

This Guideline sets out arrangements which have been adopted to ensure a uniform and consistent approach to Joint Authority (JA) decision-making under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (OPGGSA).

It is anticipated the Guideline will be amended from time to time. A current version of this Guideline is available on the Internet at www.nopta.gov.au.

1. KEY FUNCTIONS AND POWERS OF THE JOINT AUTHORITY

- 1.1. Part 1.3 of the OPGGSA creates a JA for the purpose of the Act for each offshore area.
- 1.2. The JA for an offshore area of a state/Northern Territory (NT) is constituted by:
 - 1.2.1. The responsible state/NT Minister; and
 - 1.2.2. The responsible Commonwealth Minister.
- 1.3. The JA for the offshore areas of each external Territory (e.g. the external Territory of Ashmore and Cartier Islands) is the responsible Commonwealth Minister. The responsible Commonwealth Minister is also the JA for the Eastern Greater Sunrise offshore area.
- 1.4. The JAs are responsible for key petroleum title decisions in Commonwealth waters. Key functions and powers of the JAs include:
 - 1.4.1. the release of offshore petroleum exploration areas;
 - 1.4.2. assessment of bids for these areas;
 - 1.4.3. granting (or refusal) and renewal of offshore petroleum titles;
 - 1.4.4. variation of title conditions;
 - 1.4.5. suspension and extension to title terms; and
 - 1.4.6. cancellation of titles.

2. MATTERS FOR JOINT AUTHORITY DECISION

Assessment of Applications

- 2.1. All applications relating to offshore titles are to be received by NOPTA on behalf of the JAs.
- 2.2. NOPTA will be responsible for assessing applications in relation to offshore petroleum titles and providing reports with recommendations to the JA for decisions through the relevant Commonwealth and state/NT Departments. The reports will address titles administration and resource management issues and comply with any relevant legislative requirements.
- 2.3. Commonwealth and state/NT Departments will be responsible for considering the NOPTA reports and input any relevant policy, local or other advice to their Minister or delegate.
- 2.4. The JAs will seek to make decisions on a consensus basis within a reasonable timeframe. The members of the JA will have the opportunity to seek clarification or additional information from NOPTA or their Departments.

Consultation/Additional Information

- 2.5. In preparing reports to the JAs about applications relating to petroleum titles, NOPTA will need to consult with relevant stakeholders, which may include petroleum companies, Commonwealth/state/NT government agencies, other users of offshore areas, environmental groups, etc. Consultation by NOPTA may be undertaken jointly with state/NT Departments.
- 2.6. Departments will have the opportunity to seek clarification or additional information from NOPTA. It is intended that NOPTA would be the first point of contact with industry regarding title applications. Should Commonwealth, state and NT departments require clarification or additional information from industry regarding title applications, the requests should be routed through NOPTA.

Consideration of NOPTA Report

- 2.7. Where there is more than one member of a JA, NOPTA will submit its reports to both members of the JA at the same time via the relevant Commonwealth and state/NT Departments. Where the JA comprises only the responsible Commonwealth Minister, NOPTA will submit its report to the JA via the Commonwealth Department.
- 2.8. Commonwealth, state and NT Departments are to be provided a reasonable opportunity to consider NOPTA advice. It is envisaged that consideration by Departments of NOPTA reports should take no more than two weeks for complex decisions and one week for simple decisions. These periods may need to be extended if clarification or additional information is requested from NOPTA or industry.

Decision

- 2.9. Departments will submit the NOPTA report and any Departmental advice to their respective member of the JA or their delegate for decision.
- 2.10. In accordance with section 66(6) of the OPGGSA, if delegates are unable to agree on a matter requiring decision, they must refer the matter to the JA.
- 2.11. In the event of a dispute between the Commonwealth member and the state/NT member of the JA, the Commonwealth member's view will prevail. It is envisaged that consultation between the members of the JA and NOPTA would occur prior to the Commonwealth member's decision over-riding a state/NT member's decision.

2.12. The state/NT member of the JA or their delegate will advise their written decision via NOPTA to the Commonwealth member of the JA or their delegate, prior to the Commonwealth member or their delegate making their written decision to the state/NT member or their delegate (via NOPTA). Where the JA comprises only the responsible Commonwealth Minister, the Commonwealth Minister or delegate will provide the written decision to NOPTA.

2.13. NOPTA will advise applicants of the JA decisions.

3. PRESS RELEASES ON JOINT AUTHORITY MATTERS

3.1. From time to time, the JA will deal with matters on which it will be appropriate to issue a press release. Such matters will include:

3.1.1. the invitation of applications for exploration permits;

3.1.2. the award of new exploration permits and renewals of existing permits;

3.1.3. the award of production licences.

3.2. Where a JA press release is considered appropriate, Commonwealth and State/NT officers will consult on the preparation and co-ordination of a draft press release to be submitted to the Commonwealth and State/NT Ministers for approval.

TABLE OF REVISIONS

Date	Version	Purpose	Jurisdiction
February 2020	4	Update departments name	Cth
May 2012	3	Updated to reflect changes to OPGGSA—transfer to NOPTA	Cth