



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

Guideline: Retention leases

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

Effective 2 March 2022

This document has been developed as a general guide only. It is subject to, and does not replace or amend the requirements of, the [Offshore Petroleum and Greenhouse Gas Storage Act 2006](#) and associated regulations, which should be read in conjunction with this guideline.

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This document has been prepared by the [Department of Industry, Science and Resources](#). It will be reviewed and updated as required.

This document is available online at www.nopta.gov.au.

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Table of revisions

Date	Version	Purpose	Jurisdiction
July 2022	4	Update the department name.	Commonwealth
February 2022	3	Update to reflect amendments from the <i>Offshore Petroleum and Greenhouse Gas Storage Amendment (Titles Administration and Other Measures) Act 2021</i> . Guideline will come into effect on 2 March 2022.	Commonwealth
May 2019	2	Clarification on application process.	Commonwealth
October 2016	1	Rewrite to streamline the information and guidance provided, and clarify the application and reporting process.	Commonwealth
May 2012	Interim	Updated to reflect changes to OPGGS Act—transfer to NOPTA.	Commonwealth

1. Purpose

- 1.1. The purpose of this guideline is to provide an overview of the requirements, indicative timing and processes in applying for, or related to, a retention lease under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (OPGGs Act). This includes providing an overview of the requirements for all relevant applications including:
 - the grant of a retention lease
 - renewal of a retention lease
 - refusal of a retention lease
 - variation to retention lease title conditions
 - revocation of a retention lease
 - surrender, expiry or cancellation of a retention lease.
- 1.2. This guideline also assists applicants and titleholders to understand the expectations of the Joint Authority when making decisions on applications. This guideline also provides information on how third-party submissions can be made in relation to the commercialisation of petroleum resources which are or may be the subject of a retention lease application or renewal.

Note: All legislation references in this guidelines are from the OPGGS Act, unless stated otherwise.

2. Overview of a retention lease

- 2.1. A retention lease provides security of title for those resources that are not currently commercially viable but are likely to become so within 15 years.
- 2.2. The objective of a retention lease is to ensure that a lessee actively seeks to address barriers to the commercial development of petroleum resources and, where it is commercially viable to do so, brings those resources to production at the earliest opportunity. The Joint Authority can also require a lessee to undertake a re-evaluation of commercial viability during the lease term.
- 2.3. Retention leases provide titleholders the time to improve the commercial viability of the resource and explore a range of development concepts. The term of a retention lease (initial grant or renewal) is five years. Retention leases can be renewed for further five year periods if the criteria in s 154 are met.
- 2.4. Common activities under a retention lease include:
 - reducing uncertainty of the size and accessibility of the resource
 - refining project economics
 - appraisal activities
 - farming-in additional joint venture partners
 - negotiating commercial agreements
 - preparing a field development plan.

- 2.5. If the titleholder does not apply for a production licence or retention lease within two years of declaring a location (or up to four years if the National Offshore Petroleum Titles Administrator (NOPTA) allows), the blocks covered by the location will be automatically revoked from the exploration permit. Once the discovery becomes commercial under a retention lease, the titleholder progresses to a production licence.
- 2.6. A retention lease comes into force on the date on which it is granted, or a later date as specified in the lease instrument. When a retention lease comes into force, the block(s) included in the lease cease to be part of the underlying exploration permit or production licence. In the case of an exploration permit, the minimum work requirements (condition of title) of the underlying permit are not reduced after the excision of the block(s) unless the entire permit ceases to be in force (i.e. the retention lease is granted over the entire permit area).
- 2.7. NOPTA monitors compliance with work programs and additional conditions through mechanisms such as the annual titles assessment report. NOPTA will advise the Joint Authority on any non-compliance issues as appropriate.

3. Legislative framework

- 3.1. The OPGGS Act governs Australia's offshore petroleum regulatory framework. It articulates the framework of rights, entitlements and responsibilities of governments and industry. The object of the Act is to provide an effective framework for petroleum exploration and recovery.
- 3.2. The legislative framework creates a regime that enables progression from exploration through to production and decommissioning.

4. Application and assessment process

- 4.1. To be validly made the application must be accompanied by a correctly completed and executed application form, including any information or documents required by the application form (s 141, s 147, s 153).
- 4.2. For further information on submission requirements refer to the Section 14 below and the [NOPTA Forms Guidance–Petroleum](#).

Additional information requirements

- 4.3. An application should provide detailed information on the existing knowledge of the field and support an assessment of the presence of petroleum in all blocks.
- 4.4. Applications should also adequately cover all reasonable development concepts including domestic gas, liquefied natural gas and gas to liquids, as appropriate, and not just a preferred development option.
- 4.5. This should include sufficient information across all development options to support an assessment of the technical viability of the concepts. The information provided should be consistent across development concepts.
- 4.6. The application must include cash flows for each concept and state the economic assumptions used.

- 4.7. A proposed work program of activities to be undertaken during the lease term must also be provided. The work program should address the primary constraints to development of the petroleum resource that have been identified by the applicant.
- 4.8. Where a resource is located across two or more adjacent titles, held by the same applicant, there should be a standalone work program for each lease area with work program activities and indicative expenditure specific to each lease.
- 4.9. Refer to the [Factsheet: Retention lease application content](#) for further detail on the information that should be provided in an application.

Assessment process

- 4.10. On receipt of the application, NOPTA will review the application and may require an applicant to provide further information by written notice under ss 258(2). NOPTA may also request a meeting with the applicant to discuss any outstanding issues. The Joint Authority may also request that NOPTA seek additional information from the applicant.
- 4.11. NOPTA may seek and/or receive submissions from third parties on a retention lease application. Further information on third party submissions is provided in section 5 below.
- 4.12. Once sufficient information has been provided by the applicant (and/or third parties where relevant), NOPTA will provide advice to the Joint Authority recommending whether the application should be granted or refused. The advice may also recommend any conditions to be placed on the lease and the reasons for those conditions. The Joint Authority takes NOPTA's advice into account in making a decision – but is not obligated to follow NOPTA's recommendation. The Joint Authority may apply any condition(s) to the offer of the grant or renewal of a retention lease as it deems appropriate (s 136).
- 4.13. NOPTA will consult with applicants before it recommends that the Joint Authority apply significant changes to an applicant's proposed work program or significant additional conditions to the grant of the retention lease.
- 4.14. If the Joint Authority agrees to grant the retention lease, NOPTA will communicate the offer of grant or renewal to the applicant, including the work program and any additional conditions. If the offer is accepted by the applicant within the time period specified in s 260, NOPTA will grant the lease.
- 4.15. If the Joint Authority is satisfied that an application does not meet the conditions for grant or renewal of a retention lease it must refuse to grant or renew the lease. See section 12 of this guideline for further details.
- 4.16. An outline of this process is provided in [Attachment 1](#).

5. Third party submissions

- 5.1. NOPTA may seek and/or receive third party submissions relating to the commercialisation of petroleum resources which are or may be the subject of a retention lease application or renewal.
- 5.2. NOPTA and the Joint Authority will consider such submissions where appropriate through the lease application or renewal assessment process, or as part of a review of commerciality, and may take submissions into account at any time over the life of a title.

- 5.3. Where pertaining to an application for a retention lease, a third-party submission should ideally be made within 45 days of the application being received by NOPTA to ensure NOPTA and the Joint Authority have sufficient time to consider the information provided.
- 5.4. NOPTA may choose to consult with the applicant upon receiving third party submissions, but the submission will not be made available to the applicant. Submissions will be treated as commercial in confidence.
- 5.5. No commercially sensitive information from the application will be disclosed to third parties.
- 5.6. The assumptions used by third parties will be tested in the same manner in which the claims of the applicant are tested. NOPTA will not take into account claims by either the applicant or third parties where those claims are deemed to be unreasonable.
- 5.7. All third party submissions should be sent to titles@nopta.gov.au.
- 5.8. Information on retention leases and other titles can found on NOPTA's [National Electronic Approvals Tracking System](#) (NEATS) website..
- 5.9. The [approvals tracking page](#) on NEATS can be accessed to view current applications.

6. Application submission timeframes

Exploration permit holders

- 6.1. An application for a retention lease by the holder of an exploration permit (s 141) may be made within the application period specified in ss 141(3) which is the period of two years after the day on which the block(s) was declared a location (the declaration day). This may be extended by up to a further two years at NOPTA's discretion if a written application for an extension is made by the permittee within two years from the declaration day.
- 6.2. The exploration permit holder should consider the potential legal consequences of the provisions in s 188 of not making an application within the application period.

Production licence holders

- 6.3. Where there is petroleum in a block or blocks held by a production licensee but no petroleum recovery operations are taking place in the block or blocks ('the unused area'), an application for a retention lease over the unused area by the holder of the production licence may be made within five years of:
 - the day on which the production licence was granted; or
 - if petroleum recovery operations have been carried on under the licence in the unused area, five years from the last day on which such operations occurred (ss 147(3)).
- 6.4. The production licensee should consider the potential legal consequences of the provisions in s 166 of not making an application within the application period, which includes grounds for cancellation of the licence.

Retention lease holders

- 6.5. An application for the renewal of a retention lease (s 153) may be made not less than 180 days and not more than 12 months before the day on which the retention lease is due to expire (ss 153(2)). NOPTA has discretion to accept the lodgement of a renewal application less than 180 days before the expiry date, but no later than the expiry date (ss 153(3)). Once an application is lodged, the retention lease will continue in force until the renewal is granted, refused or the application lapses (ss 153(5)).

7. Offer to grant or renew a retention lease

Exploration permit holder

- 7.1. The Joint Authority must offer the applicant a petroleum retention lease if the Joint Authority is satisfied (s 142):
- that the area comprised in the block, or any one or more of the blocks, specified in the application contains petroleum; and
 - that the recovery of petroleum from that area is not, at the time of the application, commercially viable; and
 - that recovery of petroleum from that area is likely to become commercially viable within 15 years after that time; and
 - that the technical advice and financial resources available to the applicant are sufficient to carry out the operations and works that will be authorised by the lease, and discharge obligations that will be imposed under the OPGGS Act, or a legislative instrument under the OPGGS Act, in relation to the lease; and
 - of any other matters prescribed by the regulations.

Production licence holder

- 7.2. The Joint Authority must offer the applicant a petroleum retention lease if the Joint Authority is satisfied (s 148):
- that recovery of petroleum from the unused area:
 - is not, at the time of the application, commercially viable; and
 - is likely to become commercially viable within the period of 15 years after that time; and
 - that the technical advice and financial resources available to the applicant are sufficient to carry out the operations and works that will be authorised by the lease, and discharge obligations that will be imposed under the OPGGS Act, or a legislative instrument under the OPGGS Act, in relation to the lease; and
 - of any other matters prescribed by the regulations.

Retention lease holder

- 7.3. In deciding whether to offer the applicant the renewal of a retention lease, the Joint Authority must be satisfied as to the following(s 154):
- that the recovery of petroleum from the lease area:
 - is not, at the time of the application, commercially viable; and
 - is likely to become commercially viable within 15 years after that time;
 - compliance with the conditions on the lease, Chapter 2, Chapter 4, Chapter 5A, Chapter 6 and Part 7.1 of the OPGGS Act and the regulations;
 - the technical advice and financial resources available to the applicant; and
 - any other matters prescribed by the regulations.
- 7.4. If all of the criteria are met, the Joint Authority must offer to renew the lease (ss 154(2)). If there has been non-compliance with lease conditions, Chapter 2, Chapter 4, Chapter 5A, Chapter 6 and/or Part 7.1 of the OPGGS Act, and/or the regulations, the Joint Authority may offer to renew the lease if satisfied there are sufficient grounds to warrant doing so (ss 154(3)).

8. Refusal to grant or renew a retention lease

Exploration permit holder

- 8.1. The Joint Authority must refuse to grant a retention lease if it is not satisfied with the technical advice and financial resources available to the applicant (ss 143(4)).
- 8.2. If the Joint Authority is not satisfied that the criteria specified in s 142 have been met for any of the blocks within the application, the Joint Authority must refuse to grant a petroleum retention lease in respect of those block(s) for which the criteria is not met (ss 143(2)).
- 8.3. If the Joint Authority is not satisfied of the matters (if any) prescribed by the regulations, the Joint Authority may also, by written notice given to the applicant, refuse to grant a petroleum retention lease to the applicant (ss 143(5)).
- 8.4. If the Joint Authority refuses to grant an application for a retention lease for a block(s) constituting a location because it is not satisfied that (a) the block(s) contains petroleum; or (b) that recovery of petroleum from the block(s) is likely to become commercially viable within 15 years, the declaration of a location over that block(s) must be revoked by the Joint Authority, by a notice published in the Gazette: ss 132(7) or ss 132(7A). If the applicant then wants to apply for a petroleum production licence in relation to the block(s), it must re-nominate the block(s) for declaration as a location before it applies for the petroleum production licence.
- 8.5. If the Joint Authority refuses to grant an application for a retention lease for a block(s) the permittee may wish to consider what continuing rights it may be entitled to in relation to that block(s) under the exploration permit.

- 8.6. If the Joint Authority refuses to grant a retention lease for block(s) included in the application on the basis that the block(s) is commercially viable at the time of application, the applicant has 12 months from the day on which notice of refusal to grant of the retention lease is given, or until the end of the application period specified in ss 169(1) (whichever ends last), to apply for a production licence: ss 169(3).
- 8.7. The exploration permit holder should consider the potential legal consequences of the provisions in section 188 of not making an application, under s 168, within the application period.

Production licence holder

- 8.8. Where an application under s 147 has been made, s 149 of the OPGGS Act provides that the Joint Authority must refuse to grant a retention lease if:
- The Joint Authority is not satisfied as to the sufficiency of the technical advice and financial resources available to the applicant, or
 - The Joint Authority is satisfied that the criteria specified in s 148 have not been met in the application (i.e. if the block(s) does not contain petroleum; or the recovery of petroleum is currently commercially viable, or the recovery of petroleum is not likely to be commercially viable within 15 years).
- 8.9. If the Joint Authority is not satisfied of the matters (if any) prescribed by the regulations for the purposes of paragraph 148(d), the Joint Authority may also, by written notice given to the applicant, refuse to grant a petroleum retention lease to the applicant.
- 8.10. A decision to refuse to grant a retention lease from a production licence is subject to the consultation procedures in s 262. NOPTA will give at least 30 days written notice to the lessee (and other persons it deems appropriate) of the Joint Authority's intention to refuse the grant of the retention lease (ss 262(2)). The notice will include the reasons for the intended refusal and a date by which the lessee or other notified persons may make a written submission on the matter (ss 262(3)). If a written submission is made, the Joint Authority will take it into account when making the decision (ss 262(4)).
- 8.11. If the Joint Authority decides to refuse the application, NOPTA will advise the applicant in writing of this decision in accordance with s 149.
- 8.12. If the Joint Authority refuses to grant an application for a production licence for a block(s), the licensee should consider what continuing rights it may be entitled to in relation to that block(s) under the production licence.

Retention lease holder

- 8.13. For renewal applications made under s 153, s 155 of the OPGGS Act provides that the Joint Authority must refuse to renew a retention lease if:
- The Joint Authority is not satisfied as to the sufficiency of the technical advice and financial resources available to the applicant, or
 - There has been non-compliance with lease conditions, the provisions of Chapter 2, 4, 5A or 6 or Part 7.1 of the OPGGS Act and/or the provisions of the regulations and if the Joint Authority is not satisfied that sufficient grounds exist to warrant the renewal; or

- The Joint Authority is satisfied that the criteria in s 155 have not been met in the application (i.e. the recovery of petroleum is currently commercially viable, or the recovery of petroleum is not likely to be commercially viable within 15 years).
- 8.14. The Joint Authority may also, by written notice given to the applicant, refuse to renew the lease if the Joint Authority is not satisfied of the matters (if any) prescribed by the regulations
- 8.15. A decision to refuse renewal of a retention lease is subject to the consultation procedures in s 262. NOPTA will give at least 30 days written notice to the lessee (and other persons it deems appropriate) of the Joint Authority's intention to refuse the lease's renewal (ss 262(2)). The notice will include the reasons for the intended refusal and a date by which the lessee or other notified persons may make a written submission on the matter (ss 262(3)) which will be taken into account by the Joint Authority in its decision (ss 262(4)). If the Joint Authority decides to refuse the renewal application, NOPTA will advise the applicant in writing of this decision in accordance with s 155.
- 8.16. If the expiry date of the retention lease has passed, and the titleholder applies for a production licence within the 12 month period specified in the notice, the lease continues in force until the production licence application is granted, refused or lapses (ss 155(6)).
- 8.17. If the expiry date of the retention lease has passed, and an application for a production licence is not made within the 12 month period specified in the notice, the retention lease will cease and the block(s) covered by the retention lease will revert to vacant acreage at the end of the 12 month period (ss 155(7)).

9. Assessment

- 9.1. Each application will be assessed on its merits consistent with the objectives of the OPGGS Act and this guideline.

Applicant's technical and financial capacity and other matters

- 9.2. A decision to offer or renew a retention lease must have regard to:
- whether the technical advice and financial resources available to the applicant are sufficient to:
 - carry out the operations and works that will be or are authorised by the lease; and
 - discharge the obligations that will be imposed under the OPGGS Act, or a legislative instrument under the OPGGS Act, in relation to the lease.
 - any other matters prescribed by the regulations.
- 9.3. Applicants should include with their application any relevant information to demonstrate sufficient technical advice and financial resources available. Refer to the [Factsheet: Declarations of experience and disclosures](#) and the [Guideline: Applicant suitability](#).

Commerciality

- 9.4. NOPTA and the Joint Authority will rigorously apply the commerciality criteria to all applications for the grant or renewal of a retention lease.
- 9.5. The Joint Authority must be satisfied that the application meets the criteria in the applicable section of the OPGGS Act. This includes applications by holders of exploration permits (s 142) and life-of-field production licences (s 148), and lease renewal applications (s 154). In all instances, it requires that the recovery of petroleum from the block(s) in the lease area:
- is not commercially viable at the time of the application; and
 - is likely to become commercially viable within 15 years from when the application is submitted.
- 9.6. For the purposes of s 142, s 148 and s 154:
- ‘likely’ conveys the sense of a ‘substantial or real chance’ as distinct from what is a mere possibility; and
 - commercially viable reflects a position that the petroleum could be developed based on:
 - existing knowledge of the field (including field extent and initial in-place and recoverable resource estimates at proved, possible and probable levels);
 - prevailing market conditions;
 - technology readily available within the industry; and
 - an internal rate of return that is considered acceptable for the type of project under consideration by a reasonable petroleum developer and by investors or lenders to the industry.
- 9.7. The likelihood of a resource becoming commercially viable within 15 years will depend, among other things, on the titleholder undertaking activities to address any barriers that are impeding the commercial recovery of petroleum from the block(s) in a timely manner.

Commerciality test

- 9.8. In assessing commerciality NOPTA and the Joint Authority may consider the following factors:
- internal rate of return (IRR) for the project based on the most recent current 2C (P50) estimates of contingent resources.
 - the degree of certainty that exists in relation to the key drivers of commercial viability.
 - the justification of minimum (or hurdle) rates for IRR or other criteria used by a applicant to assess commerciality, including whether they reflect the level of risk for such a project and the degree of confidence associated with the other assumptions.
 - the proposed work program and its potential to address barriers to commercialisation.

- 9.9. Generally, a mid-case nominal after tax IRR of 12% or greater will be considered commercially viable. Consideration may also be given to the range of potential Net Present Values (NPV) for the project. NPV calculations should use the applicant's weighted average cost of capital, or the Long Term Bond Rate plus 5% as the discount rate and should be presented for a low, mid and high case scenarios.
- 9.10. The work program will be assessed in terms of its adequacy addressing identified barriers to current commercialisation and goes towards the likelihood of a resource becoming commercially viable within 15 years.
- 9.11. An applicant's inability or unwillingness to acquire or apply proven and available technology will not be considered sufficient reasons to offer to grant a retention lease over a commercially viable resource.

10. Variation of retention lease conditions (s 264))

- 10.1. Failure to meet a condition (including a work program requirement) within the agreed timeframe will result in the lessee being in breach of its obligations under the OPGGS Act.
- 10.2. If a lessee considers there are valid reasons to request a change to any conditions of a retention lease, the lessee may request that the Joint Authority vary those conditions (s 264).
- 10.3. The time taken to consider the application will depend primarily on the complexity of the variation proposed and the information provided by the applicant in support of the application.
- 10.4. The OPGGS Act s 264(2AA) provides that the Joint Authority may take into account an applicant's technical advice and financial resources and any other matters the Joint Authority considers relevant when making a decision under ss 264(2) to vary lease conditions (For example when requesting a variation relating to an operational activity). In practice, this requires the Joint Authority to consider any matters that are relevant to the decision.
- 10.5. Applicants should include with their application any relevant information to demonstrate sufficient technical advice and financial resources are available. Refer to the [Factsheet: Financial Resources](#) and the [Guideline: Applicant Suitability](#) for further details on application submissions requirements, assessments and decision making against these criteria. Further information on application requirements is at section 0 below.
- 10.6. Following review of the initial information provided, the Titles Administrator and/or the Joint Authority may request further information from an applicant.
- 10.7. When determining whether an applicant has sufficient financial resources and technical advice for the purpose of making a decision on their application, the Joint Authority may consider:
 - whether there has been any material change in the financial resources and technical advice available to the applicant since the title was granted or last renewed;
 - the impact of the application on the overall work program commitments.

11. Re-evaluation of commercial viability (ss 136(5))

- 11.1. During the term of a retention lease, the Joint Authority may have reason to believe that the commercial status of the retention lease has changed since the grant or renewal of the title, such that the development of petroleum resources in the lease area may have become commercially viable or is unlikely to become commercially viable within 15 years.
- 11.2. All retention leases are subject to a statutory condition that if NOPTA gives the lessee a written notice requesting the lessee to re-evaluate the commercial viability of petroleum production in the lease area and report the results to NOPTA, the lessee must comply with the request within 90 days (ss 136(5)); or a longer period allowed by NOPTA, if the lessee requests a longer period in writing within the 90 day period (ss 136(6)).
- 11.3. NOPTA may also seek and/or receive third party submissions relating to the commercialisation of petroleum resources which are or may be the subject of a retention lease application or renewal. See section 5 above for further detail.
- 11.4. Only one re-evaluation under s 136 can be requested per lease term.
- 11.5. A request for re-evaluation under ss 136(5) may require the lessee to carry out additional work to that required by the lease conditions. This additional work may include seismic surveying, re-interpretation of existing data, cost or marketing analyses or simulations, but will not include the drilling of a well.
- 11.6. If activities to be undertaken as part of a re-evaluation (such as seismic surveying) cannot be undertaken and evaluated within 90 days, the lessee should discuss this with NOPTA and request a longer period in writing, which may be granted at NOPTA's discretion (ss 136(6)).
- 11.7. Following an assessment, NOPTA will advise the Joint Authority of the results of the applicant's re-evaluation.
- 11.8. On the basis of the results of the re-evaluation, the Joint Authority may form the opinion that the recovery of petroleum is commercially viable. If so, the Joint Authority may seek to revoke the retention lease (section 12 below).

12. Revocation of a retention lease (s 158)

- 12.1. If, after re-evaluation under ss 136(5), the Joint Authority forms the opinion that the recovery of petroleum is commercially viable (ss 157(1)), it may:
 - notify the lessee in writing, and any other parties that it thinks appropriate, of its intention to revoke the lease; and
 - give the lessee, and other notified interested parties, at least 30 days to make a submission on the proposed revocation (ss 157(2), ss 157(3)).
- 12.2. After considering any submissions, if the Joint Authority still decides to revoke the retention lease, it must do so by written notice to the lessee (ss 158(1)).

- 12.3. If the lessee is given a notice to revoke the lease under ss 158(1) the lessee has 12 months from the day of the notice of revocation to apply for a production licence over the block(s) that were the subject of the retention lease. If an application for a production licence is not made within this period, the revocation of the lease takes effect 12 months after the date of service of the notice. If an application for a production licence is made within the 12 month period, the revocation will take effect on:
- the date of grant of a production licence;
 - the date of refusal of a production licence; or
 - the date when the application lapses (ss 158(2)).
- 12.4. If the revocation takes effect and no production licence has been granted, the block(s) making up the retention lease revert to vacant acreage.

13. Surrender, cancellation, expiry

- 13.1. A lessee may apply at any time for consent to surrender the lease, refer to part 2.12 of the OPGGS Act and the [Factsheet: Surrender of offshore petroleum titles](#) on the NOPTA website.
- 13.2. A retention lease may be cancelled if any of the grounds for cancellation in s 274 arise. Consultation procedures in s 276 apply. Refer to part 2.13 of the OPGGS Act and the [Factsheet: Cancellation of offshore petroleum titles](#) on the NOPTA website.
- 13.3. A retention lease will expire on the day it ceases to be in force, refer sections 10 and 11 of the OPGGS Act and the [Factsheet: Expiry of offshore petroleum titles](#) on the NOPTA website.
- 13.4. Lessee's should consider the [Guideline: Offshore petroleum decommissioning](#) on the NOPTA website.

14. General information about applications

Decision-making

- 14.1. The OPGGS Act provides that the decision maker must (or in some cases, may) have regard to certain suitability matters when making decisions in respect of certain applications for or in respect of petroleum titles. These include:
- the technical advice and financial resources available to the applicant;
 - any other matters prescribed by the regulations.
- 14.2. The decision maker may also have regard to any other relevant matter.
- 14.3. Where the decision maker, is not satisfied that the applicant has access to sufficient technical advice and financial resources or does not meet the suitability criteria (where relevant), the application must (or in some cases may) be refused.
- 14.4. Matters relating to the assessment of the suitability of an applicant can be found in the [Guideline: Applicant suitability](#).

Decision-maker

- 14.5. The relevant Offshore Petroleum Joint Authority (the Joint Authority) is the decision-maker on applications for the grant, renewal and surrender of petroleum exploration permits; as well as variation and suspension of, and exemption from permit conditions and the extension of permit terms.
- 14.6. Applications are assessed by NOPTA and technical advice is provided to the relevant Joint Authority.

Related guidance, factsheets and information

- 14.7. When preparing an application the applicant should review the associated documents relevant to that application, including:
- provisions within the OPGGS Act
 - [regulations](#)
 - subject matter [guidelines and fact sheets](#), in particular:
 - the [Factsheet: Declaration of experience and disclosures](#)
 - the [Guideline: Applicant suitability](#)
 - the [Factsheet: Retention leases application content](#)
 - the [Factsheet: Financial resources](#).
 - [NOPTA Forms Guidance–Petroleum](#). This consolidated application guidance document covers: submission requirements and details, forms execution (signatures), notification requirements and other government considerations such as foreign investment and prior usage rights.
 - [application forms](#).
- 14.8. Titleholders carrying out activities in an offshore area must not interfere with any activities of another person being lawfully carried on, and must also ensure that the activities do not interfere with navigation, fishing, conservation of the resources of the sea and seabed or the enjoyment of native title rights and interests (within the meaning of the *Native Title Act 1993*), to a greater extent than is necessary for the reasonable exercise of the rights and performance of the duties of the titleholder (s 280).

Submission requirements

- 14.9. To be validly made all applications must:
- be in the approved form
 - be accompanied by any information or documents required by the form
 - be submitted in the approved manner; and
 - be accompanied by the application fee.
- 14.10. Applicants should also familiarise themselves with the [Factsheet: Declaration of experience and disclosures](#) and determine if a declaration or change of circumstances form is required to be submitted with an application.

- 14.11. For further information on submission requirements refer to the [NOPTA Forms Guidance–Petroleum](#).
- 14.12. For assessment timeframes see the Joint Authority Operating Protocols available on [NOPTA’s website](#).

Information gathering powers

- 14.13. The Titles Administrator has powers to require applicants to provide further information about an application (s 258). Where further information is required, applicants will be notified in writing. The notice will specify the time within which the information is to be provided.
- 14.14. Failure to provide the required information may result in the Joint Authority deciding to refuse to consider the application or take any action (or further action) in relation to the application (ss 258(3)).

Attachment 1: Application and assessment process

