



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

# Offshore Petroleum: Special Prospecting Authority, Access Authority & Scientific Investigation Consents Guideline

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

Effective May 2019

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 [Australian Government Department of Industry, Innovation and Science](#). It will be reviewed and updated as required.

This document is available online at [www.nopta.gov.au](http://www.nopta.gov.au).

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## 1 OVERVIEW

This document provides guidance on the circumstances when a Special Prospecting Authority (SPA), Access Authority (AA) or Scientific Investigation Consent (SIC) to conduct petroleum-related operations in Commonwealth offshore areas may be issued. Parts 2.7, 2.8 and 2.9 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (the Act) refer.

- Under sections 235 and 243 of the Act, the [National Offshore Petroleum Titles Administrator](#) (NOPTA) may grant a SPA and an AA respectively.
- Under section 254 of the Act, the relevant Joint Authority may grant a SIC. NOPTA will facilitate the SIC process with the Joint Authority and notify the applicant of the outcome in a timeframe consistent with section 3 of this guideline.
- A **SPA** authorises the holder to undertake petroleum exploration operations, other than drilling a well. A SPA can be granted over blocks that are not subject to an existing Exploration Permit, Retention Lease or Production Licence; or a Greenhouse Gas Assessment Permit, Holding Lease or Injection Licence (Greenhouse Gas titles).
- An **AA** authorises an existing petroleum titleholder, including a SPA holder, to carry out petroleum exploration operations or operations related to the recovery of petroleum, other than drilling a well, outside the boundary of their existing titles. An AA may be granted over any part of an offshore area, including an area subject to an existing petroleum or Greenhouse Gas title.
- A **SIC** authorises the holder to carry on petroleum exploration operations, as specified in the consent, during the course of a scientific investigation. Specific operations to be authorised by a SIC will be considered on a case-by-case basis. Approval will generally only be given for drilling stratigraphic holes, not exploration wells. The SIC is consistent with Australia's obligations under the United Nations Convention on the Law of the Sea in relation to marine scientific research on its continental shelf.
- Petroleum exploration operations may include, but are not limited to, seismic surveys, aerogravity surveys, other geophysical and geological surveys, as well as seabed sampling, conducted for the purpose of discovering petroleum.
- The grant of a SPA, AA or SIC over an area does not give the holder an exclusive right over that area. Therefore, multiple SPAs, AAs or SICs may exist over an area at the same time.
- The holder of a SPA, AA or SIC must comply with the submission requirements of part 7 of the [Offshore Petroleum and Greenhouse Gas Storage \(Resource Management and Administration\) Regulations 2011](#) (RMA Regulations).

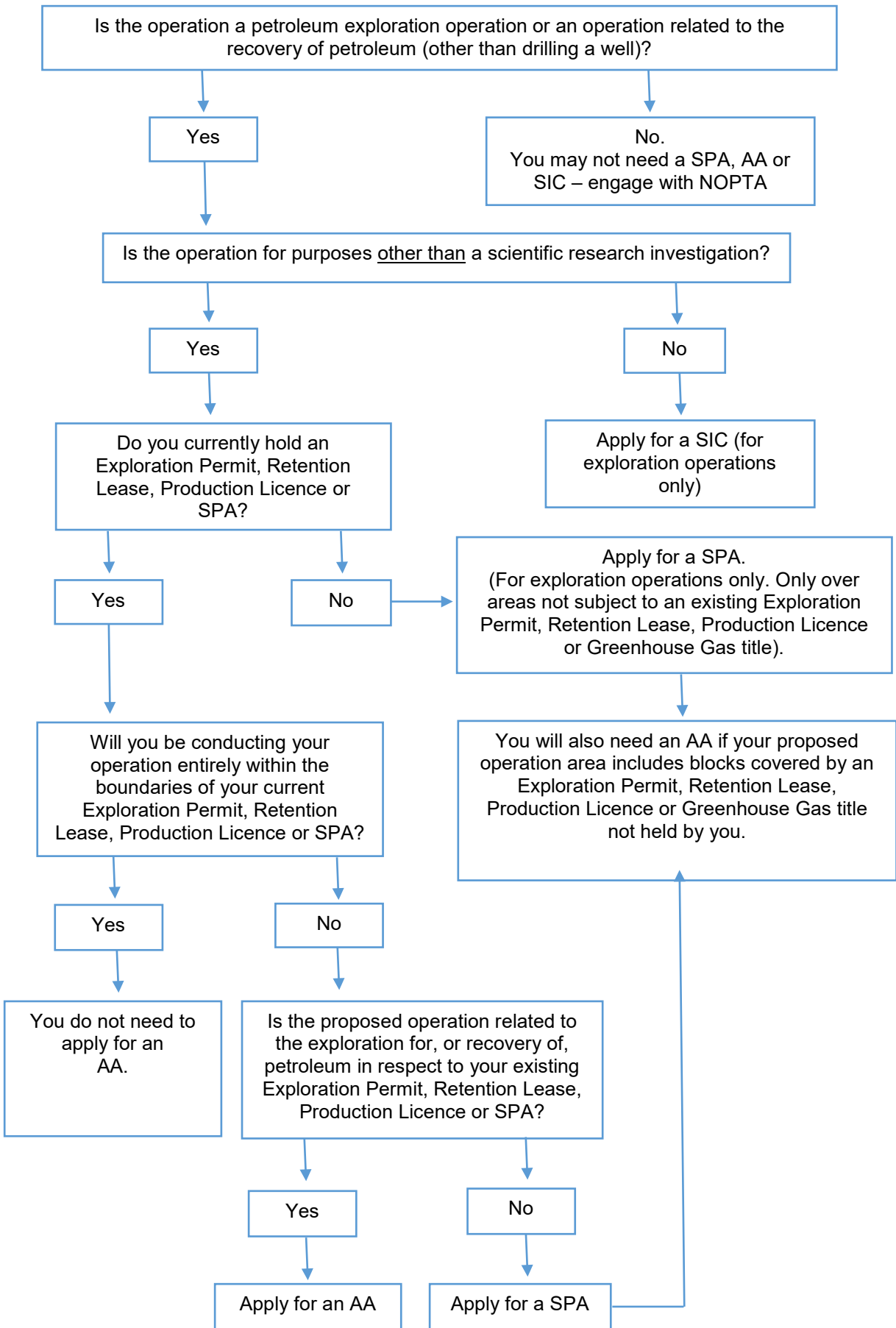
## WHICH AUTHORITY DO I NEED?

1.1 The following table and flow diagram sets out who can apply for a SPA, AA or SIC:

Authority type	Who can apply?	Permitted operation(s)
SPA	<ul style="list-style-type: none"><li>• Any person or company</li></ul>	<ul style="list-style-type: none"><li>• Petroleum exploration operations (excluding the drilling of a well)</li></ul>
AA	<ul style="list-style-type: none"><li>• The holder of an Exploration Permit, Retention Lease, Production Licence or SPA</li><li>• The holder of an equivalent state or Northern Territory title.</li></ul>	<ul style="list-style-type: none"><li>• Petroleum exploration operations; and/or</li><li>• Operations related to the recovery of petroleum in or from an existing title held by the applicant (excluding the drilling of a well)</li><li>• Excludes the drilling of a well</li></ul>
SIC	<ul style="list-style-type: none"><li>• Any person or company</li></ul>	<ul style="list-style-type: none"><li>• Petroleum exploration operations in the course of a scientific investigation.</li></ul>

1.2 You do not need a SPA or AA to conduct petroleum exploration operations if:

- You currently hold an Exploration Permit, Retention Lease or Production Licence, and
- The petroleum exploration operations will be conducted entirely within the area of your existing title.



## **Examples of common applications**

- 1.3 A SPA is most commonly sought by companies that do not hold a petroleum title, but who want to acquire data for non-exclusive sales to petroleum explorers (e.g. a speculative seismic survey). Such a company may apply for a SPA.
- 1.4 A company that holds an existing Exploration Permit, Retention Lease, Production Licence or SPA may apply for an AA to conduct petroleum exploration operations, or operations related to the recovery of petroleum in or from its title area, in an area that is outside of its existing title, including in vacant acreage<sup>1</sup> (e.g. to gain a better understanding of the regional geological or structural settings of its title area).
- 1.5 In some circumstances, the holder of an Exploration Permit, Retention Lease or Production Licence may still decide to apply for an SPA to conduct a survey for the purpose of assessing the petroleum potential of an area beyond the boundaries of its existing titles, if the operations are not related to the exploration of its title.
- 1.6 The specific operations to be authorised by a SIC will be considered on a case-by-case basis by the Joint Authority. If the operation is conducted with the intention that the person (or another) could use the survey data, or information derived from the samples, as the case may be, for the purpose of discovering petroleum, then the activity will amount to “exploration” for petroleum under the Act ( see section 19(1) of the Act). In this case, an SIC will generally be required under the Act for the activity to be conducted.

## **2 DURATION OF A SPA, AA OR SIC**

- 2.1 A SPA may be granted for a period of up to 180 days and comes into force on the day specified in the authority (section 232 of the Act) (unless surrendered or cancelled - see section 8 of this guideline).
- 2.2 An AA may be granted for any length of time, but will not be granted for a period longer than the duration of the originating Exploration Permit, Retention Lease, Production Licence or SPA. An AA remains in force for the period specified in the authority (unless surrendered or revoked - see section 8 of this guideline).
- 2.3 Where written third party consent for the grant of an AA specifies a timeframe for the consent, NOPTA may take that into consideration when granting the AA - see section 5 of this guideline.
- 2.4 The duration of an AA may be extended – see section 7 of this guideline.
- 2.5 A SIC may be granted for any length of time and will remain in force for the period specified.
- 2.6 A SPA, AA and SIC cannot be renewed. However, a new authority or consent may be applied for if further petroleum exploration operations are to be conducted.

## **3 TIMING OF APPLICATIONS**

- 3.1 An application for a SPA, AA or SIC should be submitted at least three months prior to the commencement of the operation to allow sufficient time for assessment/approval of the application.
- 3.2 Where the applicant is not a petroleum titleholder and has submitted a SPA application early for the purpose of submitting an environment plan to the [National Offshore Petroleum Safety](#)

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<sup>1</sup> ‘Vacant acreage’ is the term generally used to refer to an area not subject to an existing petroleum exploration permit, retention lease or production licence.

[and Environmental Management Authority](#) (NOPSEMA)<sup>2</sup>, NOPTA will generally not commence processing the application until the applicant has confirmed that it wishes to proceed with that application (e.g. the application specifies the final blocks for the SPA).

- 3.3 NOPTA expects that a decision on these applications (SPA, AA) would be finalised within three months of acceptance of the environment plan by NOPSEMA. It is the applicant's responsibility to inform NOPTA when the environment plan has been accepted.
- 3.4 NOPTA requires at least 10 business days to finalise its assessment of a SIC once all relevant material is submitted. The applicant should then allow 2 months for the relevant Joint Authority to make a decision on the SIC application, once NOPTA's advice has been provided to the Joint Authority.
- 3.5 Applicants should note where an application includes blocks located in the area established by the *Treaty between the Government of Australia and the Government of the Republic of Indonesia establishing an Exclusive Economic Zone Boundary and Certain Seabed Boundaries* (the 1997 Perth Treaty), this may require an additional three months to process – refer to section 5.10 of this guideline.

#### **4 APPLICATION REQUIREMENTS**

- 4.1 Application forms are available on <http://www.nopta.gov.au/forms/forms.html>.
- 4.2 The applicant should be the legal entity that is going to carry on the operations specified in the authority or consent.
- 4.3 The fee for SPA or AA applications can be found at <http://www.nopta.gov.au/documents/schedule-of-fees.pdf>. There is no application fee for a SIC.
- 4.4 The following information should be provided with the application for a SPA, AA or SIC:
  - A description of the petroleum exploration operations and/or operations related to the recovery of petroleum (if applicable) proposed and the objectives of each operation.
  - The duration of the operation.
  - The blocks the operations will be undertaken in.
    - Only include blocks the data (full or partial fold) or samples will be recorded or acquired over.
    - It is not necessary to include broader 'operational areas', such as where vessels will be manoeuvred but data/samples not acquired.
    - A link to spatial data for graticular blocks is available on NOPTA's website at <http://www.nopta.gov.au/spatial-data/spatial-data.html>.
  - A map showing the 1:1,000,000 mapsheet and graticular block numbers.
  - ESRI Shapefile, Geodatabase file or a spreadsheet with the coordinate listings (and datum) of the area.

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<sup>2</sup> Regulation 9 of the [Environment Regulations](#) provides that an environment plan must be submitted to NOPSEMA before commencing a petroleum operation. It is an offence to carry on a petroleum operation without an environment plan in force for the operation. Only an existing titleholder, or an applicant for a SPA, AA, equivalent greenhouse gas authority or a pipeline licence, can apply for acceptance of an environment plan. (Only a holder of an SIC – not an applicant for an SIC – can apply for acceptance of an environment plan.)

- Where relevant, evidence of consultation with parties affected by the proposed SPA, AA or SIC – refer to section 6 of this guideline.
- For an AA application, identification of the existing title the AA relates to and a description of how the proposed operations will enable the more effective exercise of the applicant's rights, or the proper performance of the applicant's duties, within the existing title.
- For a SIC application, details of the applicant's objectives and plan of the scientific investigation and the applicant's technical capacity and competence to undertake the investigation.

## 5 CONSULTATION

### *General*

- 5.1 Applicants for a SPA, AA or SIC over areas not subject to an Exploration Permit, Retention Lease, Production Licence or an existing SPA should provide evidence of consultation undertaken with relevant Commonwealth agencies and stakeholders.
- 5.2 If the applicant has completed consultation as part of the Environment Plan process under the [Offshore Petroleum and Greenhouse Gas Storage \(Environment\) Regulations 2009](#) (the Environment Regulations), applicants should provide a copy of the consultation and a response table with the application.
- 5.3 Consultation responses may be used to determine if conditions are required to be placed on the authority or consent at the time of grant – see section 6 of this guideline.

### *Access Authority*

- 5.4 If an application for an AA is over an area that is subject to an Exploration Permit, Retention Lease, Production Licence or SPA that is held by a third party, and data will be acquired over this area (refer to section 4.4. of this guideline), written third party consent should be sought prior to lodging the application (paragraph 244(1)(d) of the Act).
- 5.5 To reduce the assessment timeframe of the application, written third party consent should be submitted with the AA application.
- 5.6 In the event the applicant cannot obtain written third party consent, NOPTA must consult with the third party, prior to granting the AA (subsection 244(2) of the Act).
  - NOPTA does not consult on behalf of, or at the request of, the applicant and will not engage in commercial negotiations to secure third party consent.
  - NOPTA must provide the third party with at least 30 days' notice of its intent to grant the AA.
  - NOPTA may then require 30 days to consider any submissions received, or longer depending on the complexity of the submissions, before deciding whether or not to grant the AA.
- 5.7 NOPTA will not grant an AA without written consent from, or the completion of the consultation process with, the third party.
- 5.8 NOPTA may refuse the application on the basis of consultation submissions – e.g. where the proposed AA operations conflict with operational activities occurring, or scheduled to occur, in the third party's title area (subsection 244(4) of the Act).



## ***International Treaty Areas***

- 5.9 Australia has entered into maritime boundaries treaties with Indonesia, Papua New Guinea, Solomon Islands, New Zealand and France (New Caledonia and Kerguelen). Australia and Timor-Leste have not delimited their maritime boundaries, but have entered into treaties which establish provisional arrangements to provide a framework for the joint management and development of the hydrocarbon resources in the Timor Sea.
- Further information regarding relevant Treaties and Memoranda of Understanding is available on the [Australian Government's acreage release website](#).
  - A map of Australia's maritime boundaries can be found on [Geoscience Australia's website](#). A link to spatial data for treaty areas is available on NOPTA's website at <http://www.nopta.gov.au/spatial-data/spatial-data.html>.
- 5.10 Applicants should be aware that, in some instances, applications for a SPA, AA or SIC over offshore areas subject to an international treaty may require an additional three month notification period. For instance, while the 1997 Perth Treaty is not yet in force, the Australian Government acts in accordance with its provisions, including in relation to notification (Article 7).
- 5.11 Where a proposed SPA, AA or SIC overlaps with an international treaty area NOPTA will notify the applicant and will seek confirmation that the applicant wishes to proceed with the application over that area.

## **6 GRANT OF TITLE & TITLE CONDITIONS**

- 6.1 Generally a SPA, AA or SIC will only be granted over whole blocks. If an applicant applies for an area that includes only part of a block, the Titles Administrator may treat it as an application for the full block.
- 6.2 If the application is for an area that abuts a boundary between an offshore area and state/Northern Territory coastal waters, or a boundary between offshore areas, so that only part of a graticular section<sup>3</sup> is within an offshore area, the area of that part constitutes a block.
- 6.3 NOPTA will notify the applicant in writing of the outcome of the application. If an SPA is granted over a block that is subject to an existing SPA, NOPTA must notify both the holder of the new SPA and the holder of the existing SPA of the exploration operations authorised by both SPAs – section 236 of the Act.
- There are no similar requirements for the grant of an AA or SIC.
  - If NOPTA is aware that a new AA or SIC overlaps with an existing SPA, AA or SIC, NOPTA will generally inform the new grantee of the overlapping authority or consent.
  - This information is publically available on the [National Electronic Approvals Tracking System](#) (except information relating to SICs).

### ***Conditions & administration***

- 6.4 A SPA, AA or SIC may be granted subject to any conditions that NOPTA or the relevant Joint Authority considers appropriate - sections 231, 240 and 253 of the Act.
- 6.5 A SPA and AA holder must carry out all petroleum exploration operations in a proper and workmanlike manner and in accordance with good oilfield practice - section 569 of the Act.

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<sup>3</sup> Section 33 of the Act defines 'graticular section' and 'blocks'.

- 6.6 A SPA, AA and SIC holder must not interfere with the rights of other users of the marine environment to a greater extent than is necessary for the purpose of conducting the authorised operations - section 280 of the Act.
- 6.7 Non-compliance with the conditions of an authority or consent will be addressed in accordance with the Act and NOPTA's [Compliance and Enforcement Policy](#) – see section 8 of this guideline.

## **7 VARIATIONS, SUSPENSIONS, EXEMPTIONS AND EXTENSIONS**

### ***Varying the area of an AA - section 246 of the OPGGS Act***

- 7.1 The area of an AA may be varied and an application form is available on [NOPTA's website](#).
- 7.2 An application should include the following details:
- The block or blocks to be varied into the AA.
  - Where applicable, written consent from the third party.
  - The operations proposed to be carried on in the additional area.
  - A description of how the variation will meet the objectives of the original survey.
  - A map showing the 1:1,000,000 map sheet and graticular block numbers for the additional blocks.
  - ESRI Shapefile, Geodatabase file or a spreadsheet with the coordinate listings (and datum) of the additional area.
- 7.3 An application to vary an AA will be considered on its merits. NOPTA will generally only agree to vary the area of an AA where the original AA was intended to include the proposed area, but the applicant was still negotiating to secure written third party consent at the commencement of the operation; i.e. NOPTA is already aware of the possible need to vary the AA in the future, at the time of granting the AA.
- 7.4 NOPTA will generally not approve multiple variations to an AA on this basis.
- 7.5 Note: the area of a SPA or SIC cannot be varied.

### ***Varying the conditions of a SPA or AA<sup>4</sup> - section 268 of the OPGGS Act***

- 7.6 The conditions of a SPA or AA can be varied or suspended by written application to NOPTA. An authority holder can also be exempted from compliance with any of the conditions of an SPA or AA.
- 7.7 Application forms are available on [NOPTA's website](#). Applications must include reasons for the application and any relevant information or documentary evidence to support the application.
- 7.8 Note: The Act does not provide for the variation, suspension or exemption of or from conditions of a SIC

### ***Extending the duration of an AA – section 241 of the OPGGS Act***

- 7.9 The duration of an AA may be extended on written application to NOPTA. Applications for extension are generally made if the authority holder needs additional time to complete the operation. An application form is available on [NOPTA's website](#).

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<sup>4</sup> The Act does not provide for the variation, suspension or exemption of or from conditions of a SIC.

- 7.10 An application to extend the duration of an AA must include reasons for the application and any relevant information or documentary evidence to support the application.
- 7.11 The applicant should consider if the existing written third party consent covers the period of extension. If not, the applicant will need to secure the written consent for the period of extension and provide a copy to NOPTA – see section 6 of this guideline.
- 7.12 Where the originating title for an AA is a SPA, the duration of the AA will not be extended for a period longer than the duration of the originating SPA.
- 7.13 Note: the duration of a SPA or SIC cannot be extended. If additional time is needed to complete the operation a new SPA or SIC is required.

## **8 SURRENDER, CANCELLATION, REVOCATION OR EXPIRY**

- 8.1 A SPA or AA<sup>5</sup> may be surrendered by written notice<sup>5</sup> from the holder to NOPTA – section 272 and 273 of the Act.
- 8.2 NOPTA may, by written notice, cancel a SPA if the holder has breached a condition of the SPA - section 278 of the Act.
- 8.3 NOPTA may revoke an AA by written notice - section 250 of the Act.
- 8.4 NOPTA will advise the titleholder in writing of its intention to cancel or revoke an authority. NOPTA will generally give titleholders at least 14 days to submit any matters they wish to have considered by NOPTA before a final decision is made.
- 8.5 Where NOPTA revokes an AA, it will notify in writing the holder(s) of all Exploration Permits, Retention Leases or Production Licences covered by the authority area of the revocation - section 250 of the Act.
- 8.6 On the expiry of a SPA or AA, NOPTA will record the expiry on the titles register and provide a copy to the authority holder - section 471 of the Act.
- 8.7 Note: the Act does not provide for the surrender, cancellation or revocation of an SIC.

## **9 TRANSFER OF TITLES**

- 9.1 An AA may be the subject of a transfer or dealing but these will have no force until approved and registered by NOPTA - section 472 and 487 of the Act.
- 9.2 A SPA or SIC cannot be transferred.
- 9.3 See the [Transfers and Dealings Related to Petroleum Titles Guideline](#) for further information.

## **10 REPORTING**

- 10.1 Regulation 12.07 of the [RMA regulations](#) requires a titleholder (including the holder of a SPA, AA or SIC) to notify NOPTA, at least 48 hours before the proposed start of the survey and include the:
- proposed date and time that the survey will start
  - duration of the survey
  - survey area coordinates

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<sup>5</sup> The Act does not provide for the surrender, cancellation or revocation of an SIC.

- in the case of a seismic survey, the length of the streamers to be towed by the survey vessel
- 10.2 Regulations 7.15-7.18 of the [RMA regulations](#) set out the reporting and data submission requirements for geophysical and geological surveys. Items requiring submission include, but are not limited to, weekly reports and data relating to acquisition, processing and interpretation activities.
- 10.3 See the [Guidelines for Reporting and Submission of Offshore Petroleum Data](#) for further information.
- 10.4 Where the grant of an AA authorises operations over the area of an existing Exploration Permit, Retention Lease, or Production Licence held by a third party, the AA holder must provide the third party with a written report on the operations conducted within the title area and a summary of the facts ascertained; i.e. details on the type of data acquired or other requirements specified in the AA.
- The report must be given within 30 days of the conclusion of a month in which the operation is conducted. Failure to provide the information required is an offence under section 249 of the Act.
- 10.5 NOTE: For SICs only, an additional condition will be that the organisation undertaking the scientific investigation must openly publish the details and results of the petroleum exploration activities completed as part of the investigation.

#### TABLE OF REVISIONS

Date	Version	Purpose	Jurisdiction
May 2019	<b>6</b>	<b>Clarrification on application process</b>	
February 2017	5	Wholesale re-write to provide better guidance to applicants and improve clarity of expectations for applications.	Commonwealth
November 2011	4	Updated to reflect changes to OPGGSA – transfer to NOPTA	Commonwealth
November 2010	3	Re-write to improve clarity of Joint Authority expectations and to reflect amendments to the OPGGSA	Commonwealth
October 2009	2	Update to reflect: - OPGGSA numbering - Grammatical errors - Formatting	Commonwealth