

Provision of title related compliance information and advice to NOPTA

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1. Purpose

This policy describes the National Offshore Petroleum Safety and Environment Management Authority (NOPSEMA's) systematic and consistent approach to the provision of title related compliance information and advice to the National Offshore Petroleum Titles Authority (NOPTA).

2. Scope

Under sub-section 646(gr) of the Offshore Petroleum and Greenhouse Gas Storage Act 2006 (the Act) NOPSEMA is to cooperate with the Titles Administrator (NOPTA) in matters relating to the administration and enforcement of this Act and associated regulations.

This policy applies to title related compliance information and advice on active titles, requested by NOPTA for the purpose of NOPTA's decision making functions and discharging its functions to provide information, assessments, analysis, reports, advice and recommendations to the responsible Commonwealth, State or Northern Territory Minister in accordance with sub-section 695B(1)(a), (b), (c) or (d) of the Act.

3. Approach to providing advice

NOPSEMA shall provide title compliance information and advice relating to safety, integrity or environment regulatory matters, including any known outstanding compliance, enforcement, and prosecution matters or any amounts still payable to NOPSEMA, to support the decision making of NOPTA and the joint authority for titles transactions under the Act.

The provision of title related compliance information and advice to NOPTA will utilise existing NOPSEMA processes and the titleholders' information that is provided by NOPTA.

3.1. Title compliance advice

NOPSEMA will provide title related compliance advice to NOPTA based on the following information:

- Records available in NOPSEMA's record keeping systems
- Titleholder(s) information provided to NOPTA as part of the NOPTA title application
- Records available in other government information sharing systems e.g. National Offshore Petroleum Information Management System (NOPIIMS), National Electronic Approvals Tracking System (NEATS) and Geoscience Australia Database.

NOPSEMA will advise NOPTA on:

1. any directions and briefs of evidence that are currently issued or in the process of being prepared with respect to non-compliances associated with the title and titleholder(s)
2. the status of permissioning documents and obligations applicable to the relevant title area being met
3. titleholder compliance with decommissioning obligations against sections 270 and 572 of the Act.

Where NOPSEMA identifies outstanding obligations or compliance-related matters, NOPSEMA will advise NOPTA accordingly, and where appropriate, NOPSEMA will initiate compliance activity with the titleholder/s through NOPSEMA's processes. NOPSEMA will not make broad statements regarding compliance with the Act.

3.2. Petroleum activities regulated under a previous designated authority

For petroleum activities completed under a previous designated authority regulated process; NOPSEMA cannot assess, provide advice, review decisions or make judgements about the adequacy of the regulated processes administered by the previous designated authorities. Accordingly, NOPSEMA will advise NOPTA if the petroleum activity has been subject to a designated authority regulated process.

3.3. Advice shall be timely

NOPSEMA shall provide NOPTA with title related compliance advice within a mutually agreed timeframe. NOPSEMA may meet with NOPTA on a regular basis to review the title related compliance advice process to ensure its effectiveness and efficiency.

3.4. Policy review

NOPSEMA will review and update this policy regularly. Reviews may be prompted by changes to legislation, or from lessons learned as a result of consultation with NOPTA.

4. Relevant legislation

- Commonwealth Offshore Petroleum and Greenhouse Gas Storage Act 2006 [the Act]
- Commonwealth Offshore Petroleum and Greenhouse Gas (Environment) Regulations 2009 [the Environment Regulations]
- Commonwealth Offshore Petroleum and Greenhouse Gas (Resources Management and Administration) Regulations 2011 [the RMA Regulations]

5. Related information

Information on NOPTA title application processes and requirements can be found at:

<https://www.nopta.gov.au/forms/index.html>