

Sharing and using information under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*

1 Purpose

The *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (the OPGGS Act) provides for sharing and using offshore information or things for particular purposes where previously there were legal impediments.

2 Relevant legislation and definitions

Offshore Petroleum and Greenhouse Gas Storage Act 2006, Part 6.11 – Using and sharing offshore information and things.

'*Offshore information*' is defined as documents, copies or extracts of documents obtained in the course of the exercise of a power, or the performance of a function under the OPGGS Act; or in the course of the administration of the OPGGS Act.

Section 695T of the OPGGS Act provides that a 'thing' includes a sample.

3 NOPSEMA's use of information or things – section 695V

If NOPSEMA obtains offshore information or a thing in the course of the exercise of a power or the performance of a function under the OPGGS Act, NOPSEMA may use the information or thing for the purpose of exercising any power or performing any function.

4 Sharing offshore information or things – section 695W

For persons with functions under the OPGGS Act, information or things may be shared between persons for the purposes of exercising their regulatory functions and administration of the OPGGS Act.

These persons are:

- (i) The responsible Commonwealth Minister;
- (ii) The Secretary;
- (iii) NOPSEMA;
- (iv) The Titles Administrator;
- (v) Each member of a Joint Authority.

5 CEO of NOPSEMA may make information available – section 695X

The CEO of NOPSEMA may make available information or things to other Commonwealth and State and Territory agencies where the information or things will assist those agencies to exercise their powers or perform their functions under or for the purposes of a law.



These agencies are:

- (i) The Australian Maritime Safety Authority;
- (ii) The Civil Aviation Safety Authority;
- (iii) The Australian Defence Force;
- (iv) The Australian Federal Police;
- (v) Customs;
- (vi) The police force of a State or Territory;
- (vii) The Director of Public Prosecutions of the Commonwealth;
- (viii) The Coroner of a State or the Northern Territory;
- (ix) An agency of the Commonwealth, or of a State or Territory, that is responsible for administering or implementing laws relating to occupational health and safety;
- (x) An agency of the Commonwealth, or of a State or Territory, that is responsible for administering or implementing laws relating to the protection of the environment; and
- (xi) Any other agency of the Commonwealth, or of a State or Territory, responsible for investigating contraventions of laws, or administering or ensuring compliance with laws.

The CEO has the discretion to make information or things available to these agencies. Therefore, the CEO has the ability to determine the appropriateness of sharing particular information or things on a case by case basis. There are specific exclusions (set out in s 695U of the OPGGS Act) which are:

- release of technical information (Part 7.3 of the OPGGS Act)
- inquiries into significant offshore incidents (Part 9.10A of the OPGSS Act)
- certain offshore greenhouse gas operations within the meaning of Part 6.9 of the OPGGS Act.

The CEO by written notice can impose conditions on agencies use of the information or thing or whether, and the extent to which, the information or thing can be made available to any other agency or person.

6 Agency requests

A request for offshore information or things from NOPSEMA should be directed to:
information@nopsema.gov.au

If an agency makes a request to NOPSEMA for the sharing of information or things, it will be required to demonstrate the powers, functions and/or purposes of the law related to their request. The agency must also explain the manner in which the information or thing is to be used.

7 Personal Information – section 695Y

NOPSEMA will take reasonable steps in the circumstances to ensure that all personal information is de-identified before it is made available, shared or used under these provisions.