

Sharing Information with Australian & International Agencies

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1. Purpose

The *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (the OPGGS Act) provides for sharing offshore information or things with Australian agencies to use for particular purposes. This policy sets out how NOPSEMA will generally exercise that power.

This policy also provides an additional mechanism for sharing NOPSEMA's internal information with international agencies. For the purposes of this policy, 'international agencies' includes international organisations with similar responsibilities or functions to NOPSEMA.

For NOPSEMA's policy on sharing offshore information for the purposes of managing or responding to significant offshore petroleum incidents or declared oil pollution emergencies, refer to [N-00500-PL1922 - Regulatory compliance monitoring, enforcement and intervention for offshore oil pollution incidents](#).

2. Relevant legislation and definitions

The OPGGS Act allows the NOPSEMA CEO and delegates to share offshore information and things with Commonwealth, State and Territory agencies (Australian 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 law¹.

The OPGGS Act defines '*offshore information*' to be 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 Act². This includes inspection and investigation reports.

The OPGGS Act provides that a '*thing*' includes a sample.

For the purposes of this policy, '*internal information*' means documents created by NOPSEMA for the purposes of supporting internal processes and procedures. Internal information may include NOPSEMA's internal policies, guidelines, and documents.

¹ See subsection 695X(1) of Part 6.11 of the OPGGS Act. Subsection 695X(2) lists those Australian agencies

² See section 695U of the OPGGS Act

3. NOPSEMA's use of offshore information or things

If NOPSEMA obtains offshore information or things in the course of the exercise of a power or the performance of a function under the OPGGS Act, NOPSEMA may use that information or thing for the purpose of exercising any power or performing any function under the OPGGS Act³.

4. Sharing offshore information or things

Under the OPGGS Act, offshore information or things may be shared between persons with functions under the OPGGS Act for the purposes of exercising their regulatory powers and administering their functions under the OPGGS Act. Sharing offshore information or things for this purpose only extends to those persons and agencies specified⁴.

Those persons are:

- The responsible Commonwealth Minister
- The Secretary
- NOPSEMA
- The Titles Administrator
- each member of a Joint Authority
- each member of a Cross-boundary Authority.

5. CEO of NOPSEMA may make offshore information available

The CEO of NOPSEMA may make available offshore information or things to other Australian agencies where the information or things will assist those agencies exercise their powers or perform their functions under or for the purposes of a law⁵.

These agencies are:

- The Australian Maritime Safety Authority
- The Civil Aviation Safety Authority
- The Australian Defence Force
- The Australian Federal Police

³ See section 695V of the OPGGS Act

⁴ See section 695W of the OPGGS Act

⁵ See section 695X of the OPGGS Act

- The Department administered by the Minister administering *Part XII of the Customs Act 1901*
- The police force of a State or Territory
- The Director of Public Prosecutions of the Commonwealth
- The coroner of a State or the Northern Territory
- 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
- 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
- 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; and
- any other agency of the Commonwealth.

The CEO and delegates have a discretion to make offshore information or things available to these Australian agencies and will determine the appropriateness of sharing particular information or things on a case-by-case basis. Certain offshore information cannot be shared⁶, including:

- technical information provided in certain applications to the Titles Administrator⁷
- information obtained in relation to inquiries into significant offshore incidents⁸;
- information relating to certain offshore greenhouse gas operations⁹.

The CEO has delegated the exercise of this power to NOPSEMA's Deputy CEOs, Executive Directors in Regulatory Operations and the General Counsel to make offshore information available to the above listed Australian agencies.

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

⁶ See section 695U of the OPGGS Act

⁷ See Parts 7.3 and 8.3 of the OPGGS Act

⁸ See Part 9.10A of the OPGGS Act

⁹ Within the meaning of Part 6.9 of the OPGGS Act

6. Agency requests

A request by agencies for offshore information or things, or internal information should be directed to information@nopsema.gov.au.

As a part of a request to NOPSEMA for offshore information or things, an Australian agency will be required to demonstrate the powers it exercises or functions it administers under or for the purpose of a law related to their request, including the manner in which the offshore information or thing is proposed to be used.

If an international agency makes a request to NOPSEMA for internal information, it will be required to outline the purpose for which the information will be used. A case-by-case assessment will be made as to whether the information sought can be classified as a NOPSEMA internal document and therefore shared.

7. Personal information

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 this policy.