



GHG Search Authority, Special Authority, and Research Consent

Parts 3.5, 3.6 and 3.7 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (the Act) sets out the circumstances in which a greenhouse gas (GHG) Search Authority, Special Authority, or Research Consent may be applied for.

The following information is provided as a general reference and must be read in conjunction with the Act.

Overview

Part 3.5 of the Act

A **Search Authority** authorises the holder of the authority to undertake operations to explore for potential GHG storage formations and injection sites within the authority area. This may include, for example, seismic surveys and seabed sampling. A Search Authority does not authorise the holder to make a well.

A Search Authority may be applied for over a block(s), provided that none of the following are in force over the block(s) subject of the application: a GHG assessment permit, a GHG holding lease, a GHG injection licence, a petroleum exploration permit, a petroleum retention lease or a petroleum production licence.

Part 3.6 of the Act

A **Special Authority** authorises the holder of the authority to undertake operations which relate to GHG exploration, injection, storage or monitoring within the authority area. This may include carrying out operations in an area which is either part of that offshore area but outside the existing GHG assessment permit, GHG holding lease, or GHG injection licence area; or part of an adjoining offshore area. A Special Authority does not authorise the holder to make a well.

Only a person who holds a GHG assessment permit, GHG holding lease, GHG injection licence or Search Authority may apply for a Special Authority. The operations authorised by a Special Authority must be related to the operations that are being carried on in the authority holder's assessment permit area, holding lease area, injection licence or search area.

Part 3.7 of the Act

A **Research Consent** authorises the holder of the consent to carry out operations relating to the exploration for potential GHG storage formation and injection sites, in the course of a scientific investigation. This recognises Australia's obligations under the United Nations Convention on the Law of the Sea (UNCLOS) to allow marine scientific research on its continental shelf (see in particular Article 246 of the UNCLOS).

Grant and duration of the authority or consent

The Responsible Commonwealth Minister (RCM) has the power to grant search authorities, special authorities, and research consents. Currently, the power to grant a special or search authority has been delegated to the Titles Administrator.

A **Search Authority** comes into force on the day specified in the authority, and remains in force for the period specified in the authority, but not longer than 180 days. There is no provision to extend the duration of a search authority, although a new application for subsequent search authority is permitted.

A **Special Authority** comes into force on the day specified in the authority, and remains in force for the period specified in the authority. If the entitlement to a Special Authority derives from a Search Authority, then the term of the Special Authority will be aligned with the Search Authority.

A **Research Consent** comes into force on the day specified in the consent and remains in force for the period specified in the consent. There is no provision to extend the duration of the consent.

Timing of applications

To allow for timely approval, it is recommended that applications be submitted three months prior to the intended commencement date. Any requests for further information by NOPTA may impact the timeliness of NOPTA approvals. For Research Consents, please allow up to an additional four weeks for the RCM to make a decision following provision of NOPTA's assessment advice.



Application requirements

Applications are to be submitted to NOPTA via titles@nopta.gov.au.

The following information should be provided with your authority or consent application:

- a description and overview of the objectives, relating to the proposed GHG operations
- the duration of the activity
- the block or blocks in which the applicant proposes to carry on those operations
- a map showing the 1:1,000,000 maps sheet and graticular block numbers to which the application applies
- ESRI Shapefile, Geodatabase file or a spreadsheet with the coordinate listings (and datum) of the area
- where relevant, evidence of consultation with parties affected by the proposed authority or consent (see 'Consultation' section)
- for Special Authority applications, a description of how the proposed operations in the Special Authority relate to the exploration of a potential GHG storage formations or injection sites, injection of GHG, storage of GHG or baseline investigation and monitoring of a GHG substance, within an existing GHG title
- for Research Consent applications, the objectives and plan of the investigation, and details of the applicant's technical capacity and competence to undertake the scientific investigation.

Reporting

Regulation 12.07 of the *Offshore Petroleum Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011* (RMA Regulations) requires a titleholder to notify NOPTA, at least 48 hours before the proposed start of a geophysical or geological survey, of the proposed date and time that the survey will start; the duration of the survey; the survey area coordinates; and—in the case of a seismic survey—the length of the streamers to be towed by the survey vessel.

Regulations 9.15 to 9.18 of the RMA Regulations set out the reporting and data submission requirements for geophysical and geological surveys by greenhouse gas titleholders.

Regulation 9.23 sets out the requirement to provide core, cuttings or samples collected by a greenhouse gas titleholder.

Where the grant of a Special Authority authorises activities over a GHG assessment permit, GHG holding lease, or GHG injection licence held by a third party, the authority holder must comply with s.420(1) of the Act relating to reporting obligations to third parties.

Consultation

Applicants for a Search Authority, Special Authority, or Research Consent over areas not subject to an existing GHG assessment permit, GHG holding lease, GHG injection licence or GHG search authority should provide evidence of consultation undertaken with relevant Commonwealth agencies and stakeholders (including petroleum titleholders).

If the applicant has completed consultation as part of the Environment Plan process under the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* (<https://www.comlaw.gov.au/Details/F2015C00069>), applicants should provide a copy of the consultation and a response table with the application.

Consultation responses may be used to determine if conditions are required to be placed on the authority or consent at the time of grant.

If you are applying for a Special Authority over an area that is subject to a GHG assessment permit, GHG holding lease, GHG injection licence or GHG search authority held by a third party, you should seek the written consent of that party for the grant of the Special Authority over its title area. If such consent is provided with your application this can significantly reduce assessment timeframes.

Application fees

There are currently no application fees payable for GHG Search Authority, Special Authority or Research Consent applications.

More information

If you have any questions regarding GHG Search Authority, Special Authority, or Research Consent, please contact titles@nopta.gov.au.

Please note: this document is intended as a guide only and should not be relied on as legal advice or regarded as a substitute for legal advice in individual cases.