



Eligible voluntary action— two or more registered holders

Part 9.6A of the *Offshore Petroleum and Greenhouse Gas 2006* (OPGGSA) sets out the requirements in relation to how two or more titleholders can take eligible voluntary action. This part has been amended as of 20 March 2015, and now provides as follows.

What is eligible voluntary action?

An 'eligible voluntary action' is defined under section 775A of the OPGGSA as:

- making an application
- giving a nomination (other than nominations given under section 775B or regulation 11A.04¹)
- making a request
- giving a notice
- giving a plan
- giving an objection,

to the Joint Authority, Titles Administrator, the responsible Commonwealth Minister or NOPSEMA where the making of an application, request etc., is permitted but not required under the OPGGSA or associated regulation ie 'voluntary'. For example, applying for renewal of an exploration permit is an 'eligible voluntary action'.

Do I need an eligible voluntary action nomination?

If there are two or more registered holders of a petroleum title, titleholders can take eligible voluntary action in two ways:

1. jointly, signed by all titleholders; or
2. if a nomination is in place under s775B(2), the nominee can then sign an action on behalf of the registered holders for the title.

It is no longer compulsory to make a nomination. Also, titleholders may now elect to take actions jointly, even when a nomination is in place.

An eligible voluntary action nomination is given by written notice to the Titles Administrator: s 775B(2). The OPGGSA does not provide for conditional nominations to be made, ie with reference to a timeframe or activity. The nomination must be made in the approved manner only: s 775(3), Form 6.

If the registered holders for the title change it is suggested a new nomination signed by all the current registered holders is submitted.

Can I revoke a nomination?

An eligible voluntary action nomination will remain in place until it is revoked. Any registered holder for the title may revoke the nomination: s 775B(6), Form 7.

If a titleholder revokes a nomination they must give written notice of the revocation to the other titleholders as soon as practicable: s 775B(6A).

Any eligible voluntary actions taken by a nominee before the nomination is revoked will remain valid: s 775B(7A). For example, an application submitted prior to a revocation of nomination will be considered a valid application even if the nomination is revoked prior to a decision by the Joint Authority.

More information

More information can be found at [Forms and submission addresses](#).

If you have any specific questions for NOPTA regarding the notification requirements 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.

¹ *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011.*