



# Surrender of offshore petroleum titles

This factsheet provides general information about the process for surrendering offshore petroleum titles. This information should be read in conjunction with the [Offshore Petroleum and Greenhouse Gas Storage Act 2006 \(OPGGSA\)](#), associated regulations and relevant guidelines which are available on [NOPTA's website](#).

Part 2.12 of the OPGGSA sets out the criteria and process for an application for a consent to surrender.

*Note: for information about the surrender of special prospecting authorities or access authorities, please contact NOPTA.*

## Consent to surrender

Titleholders who wish to surrender a permit, lease or licence must make an application to NOPTA (section 269).

Holders of exploration permits, production licences or pipeline licences can apply to surrender the permit or licence in whole or part.

Retention leases and infrastructure licences can only be surrendered in their entirety (section 269).

NOPTA assesses applications and the Joint Authority (JA) decides whether to consent to the surrender (section 270).

If consent is granted, the title may be surrendered by written notice to NOPTA (section 271, see below).

## Timing of applications

Applications for consent to surrender can be lodged at any time.

### Retention Lease/Production Licence

Titleholders who wish to surrender a retention lease or production licence should contact NOPTA in the first instance as issues relevant to the timing of these applications need to be considered on a case-by-case basis.

## Exploration permits

Titleholders who wish to surrender an exploration permit should be aware that the JA will generally refuse to consent to the surrender of an exploration permit prior to completion of the guaranteed primary term (permit years 1 to 3).

Once a permit has entered a year in the secondary permit term (permit years 4 to 6), the work commitment for that year becomes guaranteed and, in most cases, must be completed to ensure compliance with permit conditions (subsection 270(6)). See the [Offshore Petroleum Exploration Guideline: Work-bid](#) for further information.

Applicants should allow up to three months for a decision to be made on a surrender application.

*Note: where an application to surrender a title is submitted, but a decision to consent to the surrender is not made until the following permit/lease year, the title is deemed not to have entered that year. Therefore the titleholders will not be penalised for not completing work program commitments or complying with title conditions in respect of that year.*

See also the [Annual Titles Administration Levy—remittals and refunds policy](#) (in relation to the annual levy).

## Application requirements

Applications must be submitted in writing to NOPTA. An application form is available on [NOPTA's website](#).

To assist with the assessment of the application, exploration permittees should provide details of the activities completed during the current permit year and, where relevant, how those activities have fulfilled work program commitments or title conditions for that permit year. Where relevant or convenient, applicants may choose to submit their Annual Titles Assessment Report early.



The JA may consent to the surrender of a title if the titleholder has (subsection 270(3)):

- paid all applicable fees, royalties and the annual titles administration levy, or made arrangements satisfactory to the Titles Administrator;
- fully complied with all conditions of the title, including any work program commitments;
- complied with all relevant provisions of chapters 2, 4, 6 and part 7.1 of the OPGGSA and the regulations (including submitted all reports and data that are due); and
- to the satisfaction of NOPSEMA<sup>1</sup>:
  - removed all property (or made other arrangements that are satisfactory to NOPSEMA) from the area
  - plugged or closed off any wells
  - provided for the conservation and protection of the natural resources in the area; and
  - made good any damage to the seabed or subsoil.

## ‘Sufficient grounds’

If one or more of the criteria in subsection 270(3) of the OPGGSA have not been met, the JA may still consent to the surrender of the title if it is satisfied that there are sufficient grounds to warrant consent (subsection 270(5)).

To assist the JA in determining if sufficient grounds exist the applicant should provide any relevant supporting information with the application.

## Consent to surrender given

If the JA consents to the surrender, the titleholder may surrender the title by written notice to NOPTA (section 271). Once this occurs the surrender takes effect on the day the surrender notice is published in the [Australian Government Gazette](#).

## Consent to surrender refused

The JA may decline to consent to the surrender of the title where one or more of the criteria have not

been met, or sufficient grounds to warrant consent have not been demonstrated.

If the JA refuses the application to surrender, the titleholder has a continuing responsibility to ensure that the title conditions (including work program commitments) are fulfilled.

If the titleholder is in default of a title condition (or other provision of the OPGGSA or the regulations), the JA may decide to initiate cancellation proceedings for the title under section 274. (A factsheet about [Cancellation of Offshore Petroleum Titles](#) is available on NOPTA’s website).

## More information

If you have any questions regarding the surrender of an offshore petroleum title, please contact [titles@nopta.gov.au](mailto: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.*

<sup>1</sup> NOPTA will consult with NOPSEMA with regard to the satisfaction of these criteria.