



## Cancellation of Offshore Greenhouse Gas Titles

All fact sheets should be read in conjunction with the [Offshore Petroleum and Greenhouse Gas Storage Act 2006 \(the OPGGS Act\)](#), associated regulations, relevant guidelines and policies (available on [NOPTA's website](#)).

This fact sheet provides general information about the process followed by NOPTA and the responsible Commonwealth Minister (RCM) when there are grounds for cancelling an offshore greenhouse gas (GHG) title.

**Note:** for information about the cancellation of special prospecting authorities or revocation of access authorities or cross-boundary titles please contact NOPTA.

### Overview

Part 3.11 of the OPGGS Act sets out the grounds and process for cancelling a GHG title.

Under s 447(1) of the OPGGS Act the following may be cancelled:

- a GHG assessment permit;
- a GHG holding lease;
- a GHG injection licence.

### Holding Lease tied<sup>1</sup> to a petroleum retention lease

- If a GHG holding lease has been granted to holders of a petroleum retention lease (titles are tied): if the petroleum retention lease is cancelled, or wholly revoked (s354(1)(b) the RCM must cancel the GHG holding lease (s354(2)).

It is the titleholder's responsibility to ensure that all obligations in respect of the title are met.

Titleholders who are at risk of defaulting on a condition of their title should consider their options to apply to vary, suspend (and extend) or be exempted from a condition of the title (Part 3.9 of the OPGGS Act).

### Grounds for cancellation

A title may be cancelled if the titleholders have not:

- complied with a condition of the permit, lease or licence;

- complied with a direction given by the RCM, the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA), (see also s449A) or the Titles Administrator;
- complied with any other provision of chapters 3, 5, 6 and or 8.1 of the OPGGS Act or regulations (including submitting all reports and data due);
- paid a fee, royalty or the annual titles administration levy within 90 days after the amount became payable;
- if all of the identified GHG formation in a holding lease or injection licence is revoked under s314.

### Title obligations – title 'in force'

The title will remain in force during the cancellation process, with all title obligations still being applicable (for example payment of levies and submission of reports). If a title is subsequently cancelled any levies are not refundable – see [Annual Titles Administration Levy – remittals and refunds policy](#).

### Cancellation of title

#### Consultation

The titleholders will be given at least 30 days' written notice of the RCM's intention to cancel. This notification may also be provided to other persons as the RCM sees fit. The notice will set out the reasons for the proposed cancellation and invite the recipient to make a written submission to the RCM (through NOPTA) (time limit applies) regarding the proposed cancellation.

#### Decision

Before deciding to cancel a title, the RCM must take into account any action taken by the titleholders to:

- remove the ground(s) for cancellation (e.g., by completion of a guaranteed work commitment or rectification of non-compliance with the OPGGS Act, title conditions and regulations);
- prevent the recurrence of similar grounds.

<sup>1</sup> See s13 of the OPGGS Act



The RCM must also consider :

- any submissions made by the titleholders or other relevant persons;
- any other relevant matters

### **Notification and effective date of decision (s 447(3))**

The titleholders will be notified in writing if the RCM cancels the title. Cancellation takes effect on the day the cancellation notice is published in the Australian Government Gazette. The published gazette notice will be entered in the Titles Register, and made available on the [NEATS website](#).

### **Injection Licence tied to a petroleum retention lease or production licence**

If the retention lease or production licence ceases to be in force as a result of being cancelled the licensee of the GHG injection licence must, within the application period, make an application for a site closing certificate (s386(13)).

### **More information?**

If you have any specific questions, please contact NOPTA via [ghg@nopta.gov.au](mailto:ghg@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.*

## **Version history**

Version	Date	Comment
2.0	18/03/2024	Update fact sheet
1.0	04/07/2022	New fact sheet