



## Surrender 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 for surrendering offshore greenhouse gas (GHG) titles.

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

### Overview

Part 3.10 of the OPGGS Act sets out the criteria and process to apply for consent to surrender a title.

Under s 441(1) of the OPGGS Act the following may be surrendered:

- the whole of an assessment permit or a holding lease;
- some or all of the blocks in relation to an injection licence.

NOPTA assesses the applications and provides advice to the decision maker, the responsible Commonwealth Minister (RCM), who decides whether to consent to the surrender.

### Prior to surrender application

#### GHG Assessment Permits

Titleholders who wish to surrender a GHG assessment permit should be aware that the RCM will generally refuse to consent to the surrender prior to completion of the guaranteed primary term (Permit Years 1 to 3) of the work program.

#### 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 (title are tied):

If the petroleum retention lease is surrendered (s354(1)(b) of the OPGGS Act) the RCM must cancel the GHG holding lease (S354(2) of the OPGGS Act). It is the titleholder's responsibility to ensure that all obligations in respect of the title are met.

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

Titleholders who wish to surrender a tied petroleum retention lease or production licence should contact NOPTA in the first instance as if they cease to be in force as a result of a surrender the licensee of the GHG injection licence must, within the application period, make an application for a site closing certificate (s386(13) of the OPGGS Act).

#### Timing of decision

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

*Note: Where an application to surrender a GHG assessment permit or holding lease 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 won't be penalised for not completing work program commitments in respect of that year.*

#### Timing of applications

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

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

#### Submitting an application for consent to surrender (s 442(2))

Applications must be submitted in writing to NOPTA. An application form is available on [NOPTA's website](#) and includes a checklist of information that should be provided with an application.

#### Consent – Criteria (s 442(3))

The RCM may consent to the surrender of a title if the titleholders have:

- paid all applicable fees, royalties and the annual titles administration levy, or made arrangements satisfactory to the RCM;

<sup>1</sup> See section 13 of the OPGGS Act



- fully complied with all conditions of the title, including any work program commitments;
- complied with all relevant provisions of chapter 3, 5, 6 and 8.1 of the OPGGS Act and regulations; (including submission of all reports and data that are due); and
- to the satisfaction of the RCM<sup>2</sup>:
  - removed all property (or made other arrangements) from the area;
  - plugged or closed off any wells;
  - provided for the conservation and protection of the natural resources in the area;
  - made good any damage to the seabed or subsoil;
  - for an application to surrender all of the blocks within an injection licence that a site closing certificate is in force in relation to each identified GHG storage formation that is specified in the licence; and
  - for an application to surrender some of the blocks within an injection licence that a site closing certificate is in force in relation to each GHG storage formation that is specified in the licence and extends to those blocks.

### **Consent on sufficient grounds**

If any of the criteria in s 442(3) of the OPGGS Act have not been met, the RCM may consent to the surrender of the title if the RCM is satisfied that there are sufficient grounds to warrant consent.

*Note: Before consenting to surrender a cross-boundary permit the RCM must consult with the State or Territory Minister. Please refer to s442(7A) of the OPGGS Act*

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

For GHG work-bid assessment permits - see the [Guideline: Offshore Greenhouse Gas Assessment Permits – Work-bid](#).

### **Consent to surrender refused**

The RCM may refuse 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 RCM refuses the application to surrender, the titleholders have a continuing responsibility to ensure that the title conditions (including work program commitments) are fulfilled.

If the titleholders are in default of a title condition (or other provision of the OPGGS Act or regulations), the RCM may decide to initiate cancellation proceedings for the title under s446. A fact sheet about Cancellation of Offshore GHG Titles is available on [NOPTA’s website](#).

### **Surrender of title**

If the RCM consents to the surrender, the titleholders may then elect to surrender the title by providing written notice to the RCM via NOPTA.

### **Communication of surrender**

The surrender takes effect on the day the surrender notice is published in the Australian Government Gazette. The published gazette notice will be recorded on the Titles Register and available on the [NEATS website](#).

### **More information**

If you have any specific questions, please contact NOPTA [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 – administrative amendments
1.0	04/07/2022	New surrender Fact sheet

<sup>2</sup> NOPSEMA has an advisory function to the RCM in s 646 (gp)