



## Surrender of offshore petroleum 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 petroleum titles.

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

### Overview

Part 2.12 of the Act sets out the criteria and process to apply for consent to surrender a title.

Under s 269(1) of the Act the following may be surrendered:

- some or all of the blocks in relation to an exploration permit and a production licence;
- the whole, or a part of, a pipeline licence;
- the whole of a retention lease or infrastructure licence.

NOPTA assesses the applications and provides advice to the decision maker, the Joint Authority (JA), who decides whether to consent to the surrender.

### Timing of applications

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

### Prior to surrender application

#### 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) with all title obligations still be applicable (for example payment of

levies and submission of reports) to ensure compliance with permit conditions (s 270(6)). See the [Offshore Petroleum Exploration Guideline: Work-bid \(the Guideline\)](#) for further information.

### 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 permit or 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.

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 269)

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 – considerations (s 270)

The JA may consent to the surrender of a title if the titleholders have (s 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 chapter 2, 4, 6 and part 7.1 of the Act and regulations (including submission of 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

### **Consent on Sufficient grounds (s 270(5))**

If any of the criteria in s 270(3) of the Act 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.

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

For work-bid exploration permits - see the **Guideline**.

### **Consent to surrender refused (s 270(2)(b))**

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 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 Act or regulations), the JA may decide to initiate cancellation proceedings for the title under s 274. A fact sheet about [Cancellation of Offshore Petroleum Titles](#) is available on NOPTA's website.

### **Surrender of title (s 271)**

If the JA consents to the surrender, written notice will be given to the applicant. The titleholders may then elect to surrender the title by providing [written notice](#) to 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 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*

### **Version history**

Version	Date	Comment
4.3	17/02/2023	Update hyperlinks
3.0	06/04/2021	Update hyperlinks
2.0	1/11/2019	Update to layout, links, reviewed text to emphasise when surrender comes into effect.

<sup>1</sup> NOPTA will consult with NOPSEMA regarding satisfying these criteria.