



Key Offshore Petroleum Regulation Terms



Commonwealth and State/NT jurisdiction

State/NT coastal waters:	These are the waters to which the state/NT Petroleum (Submerged Lands) Acts apply. They are waters of the sea lying between the territorial sea baseline (generally situated at the lowest astronomical tide line along the coast) and the line that is three nautical miles seaward of that baseline. In the case of WA, where some stretches of the baseline are drawn at some distance away from the coast, there are some 'historic' petroleum title areas that are landward of the baseline (but outside the limits of the State) that are included in state coastal waters by operation of the WA PSLA.
Internal Waters:	The internal waters of an Australian state or territory are those waters that fall within the constitutional boundaries of that state or territory, which may include bays, gulfs, estuaries, rivers, creeks, inlets, ports or harbours. WA officials use the term 'internal waters' to refer to waters landward of the territorial sea baseline but external to the State of WA. WA have some petroleum title areas in these so-called 'internal waters' that are regulated under the WA PSLA.
Territorial Sea:	The area between the territorial sea baseline and the line that is 12 nautical miles seaward of the territorial sea baseline. Note: The offshore jurisdictional boundaries established by the OPGGSA and state/NT PSLAs are based on the former 3 nautical mile territorial sea.
Territorial Sea Baseline:	Generally is the line of lowest astronomical tide along the coast, but it also encompasses straight lines across bays (bay closing lines), rivers (river closing lines) and between islands, as well as along heavily indented areas of coastline (straight baselines) under certain circumstances.
Commonwealth waters:	The area between the outer limit of State/NT coastal waters (i.e. a line three nautical miles from the territorial sea baseline) and the outer limit of the continental shelf.
Continental Shelf:	The area extending from the outer limit of the territorial sea (12 nautical miles from the territorial sea baseline) for up to 200 nautical miles from the territorial sea baseline (subject to boundary delimitations with other countries). It can extend further if the physical continental shelf continues beyond 200 nautical miles in accordance with the United Nations Convention on the Law of the Sea.
Exclusive Economic Zone (EEZ):	The area extending from the outer limit of the territorial sea (12 nautical miles from the territorial sea baseline) for up to 200 nautical miles from the territorial sea baseline (subject to boundary delimitations with other countries).

AREAS OF COMMONWEALTH, AND STATE AND NORTHERN TERRITORY MARINE PETROLEUM JURISDICTION



-  Area of Commonwealth Marine Petroleum Jurisdiction - includes the territorial sea beyond the outer limit of coastal waters; and continental shelf within and beyond the 200 nautical mile limit. The limit to the northwest of Australia, in part, is based upon the provisions of the 1997 Maritime Boundary Treaty with Indonesia which has been signed but is yet to enter into force; and an area of continental shelf beyond the 200 nautical mile limit that remains to be resolved.
-  Area of State and Northern Territory Petroleum Jurisdiction - includes waters that are within the constitutional limits of the State and Northern Territory; and Coastal Waters defined under the Coastal Waters (State Powers) Act 1980 and Coastal Waters (Northern Territory Powers) Act 1980.

-  The Joint Petroleum Development Area between Australia and Timor-Leste.
-  Scheduled Areas in relation to a State or the Northern Territory.

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**Key Terms
Roles:**

Resource Management	Regulation of the efficient and effective exploitation of petroleum and mining resources. E.g.: consideration of field development plans.
Titles	Make recommendations to the Joint Authorities on titles, administering the register of titles and collecting data in relation to petroleum and mining activities; and to the Commonwealth Minister on greenhouse gas storage activities in Commonwealth offshore areas under the <i>Offshore Petroleum and Greenhouse Gas Storage Act 2006</i> (OPGGSA) and the <i>Offshore Minerals Act 1994</i> (OMA); and these same functions in state and NT waters conferred upon it by state and NT legislation.
Safety	Regulation of occupational health and safety of the workforce and offshore petroleum and greenhouse gas injection/storage facilities.
Operations & Integrity	Approval of day-to-day operations and the regulation of the integrity of facilities (including pipelines) and wells.
Environment	Regulation of the environment approvals under the OPGGSA, including environmental plans and oil spill contingency plans.

Entities:

Existing Entities	
Joint Authority (JA)	The JA of an offshore area of a state or territory is constituted by the responsible state or territory minister and the responsible Commonwealth Minister. Responsible for all major title decisions such as the granting, imposition of conditions or termination of titles. In the event of a disagreement between the Commonwealth and state/NT member of the JA, the Commonwealth view prevails. For greenhouse gas titles, the responsible Commonwealth Minister replaces the JA.
Delegates of the JA	The JA can jointly delegate their functions and powers to officials in their Departments.
Designated Authority (DA)	The DA for an offshore area of a state or territory is constituted by the responsible state or territory minister. Responsible for environment plans and day to day operational approvals such as consents for well operations.
Delegate of the DA	The DA can delegate their functions and powers to officials in their Department.
National Offshore Petroleum Safety Authority (NOPSA)	NOPSA is an incorporated Statutory Agency regulating Commonwealth waters and state and NT coastal waters. The role of NOPSA is to administer offshore petroleum occupational health and safety legislation under the OPGGSA and mirror state/NT legislation. NOPSA's role includes acceptance of facility safety cases, monitoring of compliance, investigation and enforcement. Under its governance arrangements, NOPSA reports to the Commonwealth Minister and to state/NT Ministers in relation to state/NT waters. NOPSA has a CEO appointed by the Commonwealth Minister on the recommendation of the MCMPR. NOPSA also has an advisory (not governance) Board appointed by the Commonwealth Minister on the recommendation of the MCMPR.
Department of Resources, Energy and Tourism (RET)	The Commonwealth Department of RET provides advice and policy support to the Australian Government regarding Australia's resources, energy and tourism sectors.
Geoscience Australia (GA)	GA is a prescribed Agency within the RET Department that provides geoscientific and technical advice. Offshore activities focus on providing pre-competitive data and information to assist in identifying new prospective basins for petroleum exploration, and the geological storage of carbon dioxide, in Australia's offshore jurisdiction.
States/NT Mines Departments	Responsible for assisting the JA and DA in titles administration, regulation of operations, integrity and the environment for Commonwealth and State waters under the OPGGSA and its equivalent state/NT legislation.
Proposed Entities	
Joint Authority (JA)	As above – this will continue to function as at present
Delegates of the JA	As above – this will continue to function as at present
National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA)	NOPSEMA will have responsibility for the regulation of safety, integrity, environment and day-to-day operations related to petroleum, mining and greenhouse gas storage activities in Commonwealth waters under the OPGGSA and OMA. States and the NT will have an option to confer their equivalent regulatory powers and functions on NOPSEMA in state and NT waters. NOPSEMA will be a continuation of NOPSA with expanded functions.
National Offshore Petroleum Titles Administrator (NOPTA)	NOPTA will have responsibility for making recommendations to the JAs on titles, administering the register of titles and collecting data in relation to petroleum, mining and greenhouse gas storage activities in Commonwealth offshore areas under the OPGGSA and OMA; and these same functions in state and NT waters conferred upon it by state and NT legislation (under which the decision-maker is the state/NT minister only). NOPTA will be established within RET but be located in Perth with branch offices in Melbourne and Darwin.
Department of Resources, Energy and Tourism (RET)	As above – this will continue to function as at present
Geoscience Australia (GA)	As above – this will continue to function as at present. Technical advice functions will be performed by NOPTA.
States and the NT Mines Departments	Responsible for providing policy advice to the state/NT member of the JA in titles administration for Commonwealth and state/NT waters under the OPGGSA.
Entities whose roles remain the same under current and proposed	
'Industry'	The entities seeking decisions from regulators in relation to an offshore petroleum, mining or greenhouse gas storage title or consent.