



2020 Review of Activities of the National Offshore Petroleum Titles Administrator

Terms of Reference

NOPTA

The National Offshore Petroleum Titles Administrator (NOPTA) was established as a branch of the Resources Division, of the now Department of Industry, Science, Energy and Resources on 1 January 2012 and is responsible for the day-to-day administration of offshore petroleum and greenhouse gas titles in Commonwealth waters. Prior to 2012, each state and Northern Territory undertook this administrative function on behalf of the Commonwealth, resulting in multiple and often inconsistent approaches to titles administration.

This was one driver for the Productivity Commission's Review of Regulatory Burden on the Upstream Petroleum (Oil and Gas) Sector, which made a number of recommendations to improve the regulation of Australia's offshore petroleum sector. Among the recommendations, the establishment of a 'single national offshore' body featured. The Australian Government accepted many of these recommendations in full or in part resulting in the establishment of NOPTA.

Outcomes

The review is being undertaken eight years on from the establishment of NOPTA and five years on from the last review. This review is considered to be important because it comes at a time of considerable change in Australia's oil and gas industry and is an opportunity to consider whether key institutions in the regulation and oversight of Australia's offshore oil and gas industry are operating effectively and are equipped to deal with future challenges.

Terms of Reference

In accordance with section 695P(1) of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (the Act), the 2020 review of activities of the National Offshore Petroleum Titles Administrator (NOPTA) will:

1. Make an assessment of the effectiveness of the Titles Administrator in contributing to the efficiency of decision-making by a Joint Authority for a state or the Northern Territory.

In the context of the Act and regulations, including the legislated functions of the Titles Administrator, this review will consider, assess and provide recommendations in relation to:

2. The arrangements for data and information management, including the National Offshore Petroleum Data and Core Repository (NOPDCR).

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3. The provision of information, assessments, analysis, reports, advice and recommendations to Joint Authorities and the Responsible Commonwealth Minister on titles, compliance and other related matters.
4. NOPTA's level of engagement with risk and the appropriateness of current risk mitigation strategies.
5. The effectiveness of the compliance, monitoring and enforcement activities of the Titles Administrator.
 - a. This should consider the process for reporting of related matters to the Responsible Commonwealth Minister (where relevant) and the Joint Authorities (where relevant).
 - b. The appropriateness and effectiveness of NOPTA's internal arrangements concerning compliance.
6. The effectiveness of NOPTA in co-operating with NOPSEMA in matters relating to the administration and enforcement of the Act and its associated regulations.
7. The effectiveness of the Australian Government's accepted and implemented recommendations from the 2015 review of NOPTA's activities.
8. The effectiveness, management and performance of NOPTA in:
 - a. making information publicly available on the register of petroleum and greenhouse gas titles to meet community expectations and the ease of use and access to the information
 - b. meeting its obligations under section 469 of the Act to keep a register for each offshore area
 - c. contributing to and maintaining community confidence that appropriate administrative oversight is in place through transparent assessment and compliance activities
 - d. providing timely information and advice to the Minister in responding to community concerns and other matters as they arise.
9. NOPTA's engagement and relationships with external parties, including federal, state and territory governments, industry, Geoscience Australia and other stakeholders in contributing to the efficiency of the Titles Administrator in performing its functions.
 - a. This should also consider the level of international engagement by NOPTA, including the appropriateness and its effectiveness.
10. The current cost recovery arrangements, commensurate with the functions of NOPTA and the size of industry.
11. An assessment of the capacity and capability of NOPTA, including current staffing arrangements and its structure, commensurate with its functions, to respond to varying levels of industry activity and to new technologies and other emerging issues.
12. Identify potential opportunities where NOPTA can reduce operating costs and streamline corporate functions, to reduce the financial and regulatory burden on industry.
 - a. This should consider a greater alignment with the Department of Industry, Science, Energy and Resources corporate functions.

Out of scope

- Any responsibilities of the Joint Authorities, including their effectiveness and procedures.

Related reviews

This review should have regard to the findings of related reviews including the:

- Annual NOPTA stakeholder surveys.
- Annual NOPTA report of activities.
- Regulators Performance Framework Annual Report
- Joint Authority Operating Protocol.
- The 2015 NOPTA review and government response.
- Other relevant reviews, including reviews currently underway but not complete.