

s22

From: Schofield, Lisa
Sent: Thursday, 11 April 2019 4:33 PM
To: s47F
Cc: s47F

Subject: Australian election - Caretaker period [DLM=For-Official-Use-Only]
Categories: Saved to DocHub

Dear s47F

As you may be aware, today the Australian House of Representatives was dissolved with a federal election to take place on 18 May 2019. This means that the Australian Government is now in caretaker until the election result is clear, or if there is a change of government, until the new government is appointed.

I am pleased to confirm that the ongoing negotiations on transitional arrangements with Timor-Leste and NOGA will not be affected during the caretaker period. Australia's Prime Minister, the Hon Scott Morrison MP and Minister for Resources and Northern Australia, Senator the Hon Matthew Canavan have written to their Timorese counterparts advising them in similar terms.

I look forward to continuing to work with you to finalise the transitional arrangements. If you would like to discuss this matter please do not hesitate to contact me.

Cheers
Lisa

Lisa Schofield
Lead Negotiator, Timor Treaty Implementation
Department of Industry, Innovation and Science
Industry House
10 Binara St, Canberra City ACT 2601
GPO Box 2013, Canberra ACT 2601

s22
Email: lisa.schofield@industry.gov.au
Internet: <http://www.industry.gov.au>
ABN 74 599 608 295



@resourcesGovAu

The department acknowledges the traditional owners of the country throughout Australia and their continuing connection to land, sea and community. We pay our respect to them and their cultures and to the elders past and present.

For Official Use Only

s22

s22

UNCLASSIFIED

From: s47F @northernoil.com.au]
Sent: Tuesday, March 27, 2018 1:17 PM
To: Schofield, Lisa
Cc: s47F
Subject: Re: Update and notification of Australia-Timor-Leste Conciliation Commission Press Release
 [SEC=UNCLASSIFIED]

Hi Lisa,

Thanks for the reply to my email of 9 March 2018. Whilst your email gives me some comfort that "*should NOGA request such a PSC, Australia will support that decision to ensure security of title continues for NOGA's current title area*" the fact that there is no mention of Laminaria and Corallina Fields in Article 4, Annexure D: Transitional Provisions of the Treaty means the uncertainty for our business (particularly our financiers) will continue until such time as this is actioned.

I am writing to request the Australian Government:

- (i) to give us written confirmation that the portion of the Laminaria and Corallina Fields will be given the same treatment as the portion of Australian exploration permit WA-523-P, including the Buffalo Oil Field, that now falls within the continental shelf of Timor Leste pursuant to Article 2 of the Treaty , including in relation to security of title and any other rights held by us as titleholder, that these shall be preserved through conditions equivalent to those in place under Australian domestic law; and
- (ii) that it will work with the Timorese Government to action this change in the same manner, and in the same time frame, as that for other impacted permits, including the Buffalo Oil field.

We have approached the Timor Leste Government through ANPM regarding the issuance for a Production Sharing Contract to replace the 71.5% of WA-18-L and the 5.6% of AC-L5 that now lies in the continental shelf of Timor Leste. We seek your seek your advice on the issuance of these new PSC's. We understand this is a process that may take some time, and the continued uncertainty is having a significant impact on our ability to conduct "business as usual". Our 2018 development plans including a subsea campaign and well intervention to increase our production and extend our field life are being impacted by uncertainty regarding application of laws, particularly in relation to migration, customs and labour. s45

s45

I have attached a map showing the Laminaria and Corallina petroleum deposits extend across the new continental shelf boundary. Please can you advise the expected timing for resolving the question of the application of laws in relation to these now "straddling deposits", as per Article 8 of the Treaty.

Regards,

s47F

On 19 Mar 2018, at 6:55 PM, Schofield, Lisa <Lisa.Schofield@industry.gov.au> wrote:

Hi s47F,

Apologies again for my delayed response.

The maritime boundary treaty does not contain an explicit obligation on Timor-Leste to issue an equivalent production sharing contract (PSC) for the portions of WA-18-L and AC/L5. This does not, however, preclude a PSC being issued for those portions which will lie on Timorese seabed once the Treaty enters into force should NOGA wish to enter a PSC for these areas. Should NOGA request such a PSC, Australia will support that decision to ensure security of title continues for NOGA's current title area.

With regards to the point you raise about the Laminaria reserves falling to the east of the new maritime boundary, I note that based on current data held by the National Offshore Petroleum Titles Administrator (NOPTA) on the Laminaria field, it was the Australian Government's understanding that the field did not extend across the maritime boundary. As such, I therefore request that any new data you do have be provided to NOPTA (or to me and I will pass it on to NOPTA) as soon as possible. I would note that it will ultimately be a matter for the two Governments to determine whether a deposit extends across the continental shelf boundary. As always, happy to discuss.

Regards

Lisa

UNCLASSIFIED

From: s47F <@northernoil.com.au>

Sent: Monday, 19 March 2018 1:38 PM

To: Schofield, Lisa <Lisa.Schofield@industry.gov.au>

Cc: s47F <@northernoil.com.au>; s47F <@industry.gov.au>; s47F <@dfat.gov.au>

Subject: Re: Update and notification of Australia-Timor-Leste Conciliation Commission Press Release [SEC=UNCLASSIFIED]

Hi Lisa,

When do you anticipate being in a position to respond on s47F request below? He is currently in Timor and is available on his mobile or by email.

Regards,

s47F

On 12 Mar 2018, at 12:55 pm, Schofield, Lisa <Lisa.Schofield@industry.gov.au> wrote:

UNCLASSIFIED

Hi s47F ,

I've been travelling so apologies for the delay.

Today is also a public holiday in Canberra. We'll have a response to you in the next day or so.

Cheers

Lisa

Sent from Email+ secured by MobileIron

UNCLASSIFIED

From: "s47F" <s47F@northernoil.com.au>
Date: Monday, 12 March 2018 at 12:51:35 pm
To: s47F <s47F@industry.gov.au>
Cc: " <s47F@dfat.gov.au>" <s47F@dfat.gov.au>, "Schofield, Lisa" <Lisa.Schofield@industry.gov.au>, "s47F s47F" <s47F@northernoil.com.au>
Subject: Fwd: Update and notification of Australia-Timor-Leste Conciliation Commission Press Release [SEC=UNCLASSIFIED]

Hi s47F

In Lisa's absence can you please help us with the below query to Lisa on the maritime boundary

Regards

s47F

Begin forwarded message:

From: s47F <s47F@northernoil.com.au>
Subject: Re: Update and notification of Australia-Timor-Leste Conciliation Commission Press Release [SEC=UNCLASSIFIED]
Date: 9 March 2018 at 2:45:00 PM AEDT
To: "Schofield, Lisa" <Lisa.Schofield@industry.gov.au>
Cc: s47F <s47F@northernoil.com.au>

Hi Lisa

Can you please give me a call at your convenience.

I cant seem to locate in the agreement the obligation of the East Timorese to issue us an equivalent PSC for the 72% of WA 18 L and the 5.6% of AC/L5 as has been done for Buffalo.

Noting that 20% of our Laminaria reserves are going to fall east of the new Maritime Boundary in WA 18L.

Thanks

s47F

On 2 Mar 2018, at 7:03 PM, Schofield, Lisa <Lisa.Schofield@industry.gov.au> wrote:

Colleagues,

I would like to draw your attention to the latest press release from the PCA Conciliation Commission published on 25 February 2018 regarding the progress of the Conciliation between Timor-Leste and Australia

(<https://pcacases.com/web/sendAttach/2295>).

You will see that Australia and Timor-Leste have agreed to sign their new Maritime Boundaries Treaty at 5pm (New York time) on 6 March 2018 in New York (6am Perth, Australia time and 9am Australian Eastern Standard Time on 7 March 2018).

The Secretary-General of the United Nations, H.E. Antonio Guterres, will host the signing ceremony at United Nations Headquarters. He will witness the signature of the Treaty along with the Chairman of the Conciliation Commission, H.E. Ambassador Peter Taksoe-Jensen.

Once Treaty signature is concluded, Australia and Timor-Leste will be in contact with details of how the Treaty can be viewed.

As the press releases indicates, this was the final set of Conciliation Commission meetings to be held as part of the Conciliation process. The Commission has provided its conclusions to Australia and Timor-Leste with a view to providing them an informed basis to take a decision on the development of the Greater Sunrise gas fields as a shared resource. It is expected that the Commission will make its report on the conciliation proceedings public in mid-April 2018.

In parallel, both governments are progressing matters relating to transitional arrangements for companies and will continue to engage with all the affected parties. It is important to note that the **signing of the Treaty will have no immediate impact on your operations**, with business as usual in the Joint Petroleum Development Area and Australia's offshore area. After Treaty signature, both Australia and Timor-Leste will undertake their respective domestic processes to ratify the Treaty in order for it to come into effect.

We will provide more information on timeframes in future updates.

Please don't hesitate to contact me should you have any queries.

Regards

Lisa

Lisa Schofield

A/g Head of Division

Resources Division

Department of Industry, Innovation and Science

Industry House

10 Binara St, Canberra City ACT 2601

GPO Box 2013, Canberra ACT 2601

s22

Email: lisa.schofield@industry.gov.au

Internet: <http://www.industry.gov.au>

ABN 74 599 608 295

[@resourcesGovAu](#)

The department acknowledges the traditional owners of the country throughout Australia and their continuing connection to land, sea and community. We pay our respect to them and their cultures and to the elders past and present.

UNCLASSIFIED

s22

From: Schofield, Lisa
Sent: Wednesday, 10 April 2019 4:05 PM
To: 's47F'
Cc: s47F

Subject: RE: Actions Arising: Laminaria and Corallina - Darwin Transitional Arrangements Meeting - 29 March 2019 [DLM=For-Official-Use-Only]

Dear s47F

Thank you for your email concerning whether NOGA can share the advice you have in relation to the cross jurisdictional application of laws impacting NOGA operations pre and post the delineation of the maritime boundary.

I note that NOGA has not yet taken a decision as to whether to share the advice with Australia and Timor-Leste.

Should NOGA agree to provide a copy, Australia notes that NOGA claims legal privilege and agrees to keep the advice confidential.

Regards
 Lisa

For Official Use Only

From: s47F @northernoil.com.au]
Sent: Monday, 8 April 2019 3:16 PM
To: s47F ; Schofield, Lisa
Cc: s47F

Subject: Re: Actions Arising: Laminaria and Corallina - Darwin Transitional Arrangements Meeting - 29 March 2019 [SEC=UNCLASSIFIED]

Dear Lisa and President Dino,

As requested we have sought advice from our legal advisors on whether we can share the memorandum of advice which we have procured in relation to the cross jurisdictional application of laws impacting NOGA operations pre and post the delineation of the maritime boundary. Whilst we have been recommended not to do so, should we agree to provide a copy to you, please could both States confirm your agreement that, in receiving a copy of the memorandum, NOGA does not waive legal professional privilege over the document and that both States agree to treat the document as strictly confidential.

In the meantime, we look forward to receiving the draft confirmation of the scenarios to be considered as per Esther's list of action items below.

Regards,

s47F

On 4 Apr 2019, at 12:25 pm, s47F

@industry.gov.au> wrote:

Dear s47F,

On behalf of Dino and Lisa, I would like to take this opportunity to thank you and your team for meeting with us in Darwin last week.

Please find below a list of the agreed actions from these discussions. I welcome any comments and/or amendments you may have to these.

- Timor-Leste and Australia to write to NOGA seeking confirmation of scenarios – this week.
 - NOGA to confirm above – as soon as practicable.
- Timor-Leste and Australia to consider scenarios – n.b. that this will require separate, and joint, consideration by Australia and Timor-Leste following consultation with our respective leadership. We will be in touch in due course to advise of timeframes.
- Timor-Leste to provide PSC coordinates template to Australia, Australia to complete and remake map without the coordinates – this week.
- NOGA to provide its legal advice in relation to the application of the OPGGSA – as soon as practicable (if and when confirmed its possible).
- NOGA to provide questions to Timor-Leste in relation to application of Timorese corporations/company law – as soon as practicable.
- Timor-Leste to revert with next version of the DL and PSC – as soon as practicable.
 - Timor-Leste to provide Portuguese translations – Timor-Leste to advice timeframes in due course.

I will be in touch in the near future with regards to future discussions and/or meetings once Dino and Lisa have finalised details.

In the meantime, if you have any questions regarding the above please let me know.

Kind regards,
s47F

Manager | Timor Sea Section
Offshore Resources Branch | Resources Division
Department of Industry, Innovation and Science
s47F

[@industry.gov.au](mailto:s47F@industry.gov.au)

UNCLASSIFIED