



Department of **Mines,**
Petroleum and Exploration

**Response to
submissions**

Consultation on guidance
supporting the commencement
of the *Petroleum Legislation
Amendment Act 2024*

June 2026

Stakeholder comments

Three draft guides were released on the www.wa.gov.au website for public comment from 11 February 2026 to 8 March 2026, with two stakeholders providing feedback being the Natural Hydrogen Association of Australia (NH2A) and Woodside Energy Group Ltd (Woodside Energy). The draft guides for which comments were invited are listed below:

- Applying to add regulated substance rights to a petroleum title;
- Criteria for assessment: petroleum, geothermal energy and greenhouse gas exploration permits; and
- Application for declaration of identified greenhouse gas storage formation.

The review process notified respondents that their submissions would be made publicly available on the www.wa.gov.au website. For the purposes of grouping and responding to feedback from stakeholders more efficiently, the submissions have been arranged by guide and by theme. Each individual comment is reproduced verbatim against DMPE's response.

Key themes of feedback received

The key themes of this feedback for each guide related to:

1. General comments relating to the regulatory reforms and recent other consultation processes.
2. Applying to add regulated substance rights to a petroleum title:
 - Amendments to an existing petroleum permit work program to include activities relating to exploration for regulated substances.
3. Criteria for assessment: petroleum, geothermal energy and greenhouse gas exploration permits:
 - Utilising legacy wells to undertake GHG operations.
4. Application for declaration of identified greenhouse gas storage formation:
 - Clarification of terms used in the guide
 - DMPE's assessment timing and Gazette publication
 - Variations to an approved Site Plan

DMPE thanks the stakeholders for their considered input into the process.

Table 1: General comments

Ref #	Stakeholder	Comment	DMPE response
1.	NH2A	<p>Submission dated 8 March 2026</p> <p>The Natural Hydrogen Association of Australia (NH2A) has served as the representative body for the Australian natural hydrogen industry since its establishment in 2021. NH2A has previously responded to requests from the Department of Mines, Petroleum and Exploration (DMPE) for input and acknowledges that several of its earlier comments appear to have been incorporated into the proposed regulatory framework. NH2A's previous submissions are attached for reference.</p> <p>NH2A further wishes to commend the DMPE for its efforts to incorporate natural hydrogen within the existing petroleum legislative framework and for enabling Western Australia to be opened for the dedicated exploration of naturally occurring hydrogen. The natural hydrogen industry continues to expand its understanding of natural hydrogen systems and the geological conditions required for the successful discovery and production of this resource. The development of the proposed regulatory framework will provide industry participants with greater clarity regarding the requirements for the exploration and production of naturally occurring hydrogen.</p> <p>NH2A remains fully committed to providing ongoing support to the DMPE in relation to the exploration and development of natural hydrogen resources in Western Australia. The Association would welcome the opportunity for continued engagement and informal dialogue as this emerging industry develops.</p>	<p>DMPE thanks NH2A for providing the submission and the ongoing support for the development of the regulatory framework.</p> <p>DMPE acknowledges that the comments raised and the attached submissions in response to earlier public consultations predominantly don't relate directly to the three draft guides released for the current consultation process; however, any comments relating to the guides have been addressed in the relevant table below.</p>
2.	NH2A	<p>Submission dated 30 January 2026:</p> <p>In response to the Department of Mines, Petroleum and Exploration (DMPE) request for comments on the draft Petroleum Regulations Amendments, NH2A wishes to provide general feedback and to formally acknowledge the Department's commendable efforts to incorporate natural hydrogen within the Petroleum Legislation of Western Australia.</p> <p>The exploration and potential development of naturally occurring hydrogen have progressed steadily over recent years. It has long been recognised within the natural hydrogen exploration community that Western Australia hosts several geological domains conducive to the generation and retention of natural hydrogen. On behalf of its members, NH2A has therefore consistently advocated for the inclusion of natural hydrogen within Western Australia's petroleum legislative.</p>	<p>DMPE notes the re-submission of this feedback that was provided previously in relation to the suite of supporting Regulations that were released for comment. Responses to the submission will be provided as part of that separate consultation process.</p>

Table 1: General comments

Ref #	Stakeholder	Comment	DMPE response
		<p>Natural hydrogen prospectivity is not typically spatially aligned with hydrocarbon prospectivity. Consequently, areas of interest for natural hydrogen exploration in Western Australia do not necessarily overlap with areas designated for hydrocarbon exploration permits (Restricted Areas). As such, applications for natural hydrogen-specific exploration permits are expected, and it is preferable that they continue to utilise the established Special Prospecting Authority with an Acreage Option (SPA-AO) mechanism.</p> <p>Under the current SPA-AO framework, multiple applications may be lodged over the same area. The proposed regulations do not provide sufficient clarity regarding the process by which exclusive acreage options would be exercised where overlapping claims exist. This lack of certainty may deter investment and constrain the scope of data acquisition and knowledge-gathering programs proposed under SPA-AO applications. NH2A therefore encourages the DMPE to issue clear guidance on the resolution of overlapping SPA-AO claims, thereby enabling exploration activities to focus effectively on the acquisition of relevant subsurface data.</p> <p>NH2A acknowledges its role in contributing to the development of a clear definition of a natural hydrogen discovery and in establishing industry best-practice guidelines for natural hydrogen exploration workflows. The Association remains committed to providing ongoing support to the DMPE in relation to the exploration and development of natural hydrogen resources in Western Australia.</p>	
3.	Woodside Energy	<p>Woodside understands this first package of guidelines released for public consultation will assist proponents with applying to add regulated substance rights to an existing petroleum title, understanding the criteria for assessment of applications for greenhouse gas (GHG) exploration permits, and lodging an application for the declaration of an identified GHG storage formation.</p> <p>Given the extensive and positive industry engagement to date by the Department, which supported a fit for purpose and robust outcome, Woodside's comments primarily address technical matters contained within the public consultation. Woodside also appreciates the effort of the Department to align State and Commonwealth regulatory frameworks as much as possible.</p> <p>Woodside welcomed the WA Government's release of the State's first CCUS Action Plan¹. We share your vision of CCUS opportunities diversifying our economy as part of the energy transition, and we agree that WA is well placed to become a world leader in CCUS by leveraging our existing infrastructure, expertise and geological formations.</p> <p>As stated in our previous consultation response [dated 29 January 2026], Woodside recommends the Department should:</p> <ul style="list-style-type: none"> - Finalise the GHG Storage and Pipeline Regulations as a priority as key enabler of CCS. - Ensure adequate resources are dedicated, and invest in systems and processes, to streamline implementation and the processing of regulatory approvals 	DMPE thanks Woodside Energy for providing the submission and the ongoing support for the development of the regulatory framework.

Table 2: Guideline – Applying to add regulated substance rights to a petroleum title

Ref #	Stakeholder	Comment	DMPE response
1.	NH2A	In parallel, there has been significant progress in the understanding and testing of hydrogen generated in the subsurface through the injection of water into suitable lithologies (commonly referred to as geological hydrogen). NH2A respectfully requests that the DMPE provide further clarification regarding how, under the current legislative framework, exploration companies seeking to test such processes would be able to undertake these activities. Although this technology remains at an early stage of development, the geology of Western Australia contains several domains where such approaches may be tested and potentially applied.	Once regulated substance rights have been added to a petroleum title, any proposed activities must have the appropriate secondary approvals in place before undertaking the activity and the activity must be in accordance with the approved work program for the title. DMPE would expect a holder looking to undertake exploration operations targeting regulated substances to apply to vary the existing work program to include the proposed activities for regulated substances.
2.	NH2A	The NH2A seeks further clarification regarding the requirements for an additional work program where a holder of a petroleum title wishes to add rights for regulated substances to an existing petroleum title. Guidance from DMPE on the expected scope and level of detail for such work programs at different stages in the lifecycle of a petroleum title would be beneficial. Providing illustrative examples would assist industry in understanding the department's expectations and ensuring consistent and appropriate submissions	DMPE recommends holders consider the work program amendments that may be needed after the approved addition of Regulated Substance Rights that would enable exploration activities for regulated substances. DMPE is in the process of reviewing and updating the published guidance material on the expected scope and level of detail for a work program that includes exploration for regulated substances. Applications to amend a work program will be assessed on a case-by-case basis. DMPE would expect the existing work program would be varied to include the proposed activities for regulated substances where the registered holder has applied to add these rights to an existing petroleum title. The current approved work commitments for petroleum activities on an existing petroleum title will be expected to be completed and carried out in parallel with those for a regulated substance.
3.	Woodside Energy	Page 4: the Minister (or delegate) The document mentions 'the Minister (or delegate)' only once, whilst other parts of the document refer to 'the Minister'. Consistency is needed throughout the document(s).	A power or function delegated by the Minister and exercised or performed by the delegate has the same effect as a decision or function exercised or performed by the Minister. Minor clarifying amendments made in the guide.

Table 3: Guideline – Criteria for assessment: petroleum, geothermal energy and greenhouse gas exploration permits

Ref #	Stakeholder	Comment	DMPE response
1.	NH2A	<p>Submission comments dated 23 June 2025 in response to previous consultation:</p> <p>The proposed assessment criteria do not include any reference to regulated substances, under which naturally occurring hydrogen is classified. This omission is notable given that regulated substances, including natural hydrogen, are encompassed within the amended Petroleum and Geothermal Energy Resources Act 1967, Petroleum Pipelines Act 1969, and Petroleum (Submerged Lands) Act 1982. We consider this lack of reference to be a substantive gap in the criteria that warrants rectification.</p> <ul style="list-style-type: none"> – The aforementioned legislation introduces the exploration and development of regulated substances as an optional right within petroleum exploration licenses. However, the proposed assessment criteria do not clarify how this optionality is to be incorporated into either the minimum eligibility criteria or the ranking framework. This creates ambiguity regarding the treatment of applications that intend to exercise this right versus those that do not wish to exercise this right. – Specifically, the draft criteria do not provide guidance on how applications for petroleum exploration licenses that are solely focused on the exploration of natural hydrogen—pursued under the additional rights to regulated substances—will be evaluated under the Minimum Criterion MC3. Section 3.3.2 of the Criteria for Assessment: Petroleum and Geothermal Energy Exploration Permits outlines work program requirements for petroleum and geothermal energy resources, but omits any mention of regulated substances broadly, or natural hydrogen specifically. The exploration methodologies, financial commitments, and technical competencies required to effectively explore for natural hydrogen differ significantly from those applicable to hydrocarbon exploration and are likely to be more variable in nature. – Furthermore, the proposed criteria do not provide a framework for ranking applications focused exclusively on the exploration of natural hydrogen against those directed toward hydrocarbon resources. Optimal work programs for natural hydrogen exploration differ in scope, methodology, and cost structure from those designed for hydrocarbons. Section 4.1.4 presents an example of a suitable work program for petroleum exploration, but this example may not be technically or economically suitable for natural hydrogen discovery. In instances where both types of applications are otherwise equally meritorious based on the ranking criteria, further clarity is needed on how differing work program strategies will be comparatively evaluated. 	<p>DMPE notes the re-submission of this feedback in relation to an earlier amended version of the guide. The purpose of that previous consultation was to combine the separate guidance for petroleum and geothermal energy titles into one guide. The comments raised were addressed in the response to submissions at the time.</p>

Table 3: Guideline – Criteria for assessment: petroleum, geothermal energy and greenhouse gas exploration permits

Ref #	Stakeholder	Comment	DMPE response
2.	Woodside Energy	<p>Page 7: Work expenditure</p> <p>For GHG Exploration Permit(s) - Any assessment of the impact of legacy wells on any potential GHG storage formation(s) and injection site(s).</p> <p>It should be noted that such an assessment is typically conducted during the work program phase rather than beforehand.</p>	<p>Clause 3.3.1 (Rationale) requests GHG applicants to provide details of any prior assessment of legacy wells where applicable but does not prescribe any minimum level of detail for such assessment.</p> <p>DMPE considers it good practice for applicants to conduct a basic assessment of the presence and properties of legacy wells to inform a proposed work program in which a more detailed assessment would be undertaken. Any legacy well assessment provided would be used to rank competing bids where, pursuant to clause 4.1.1, preference would be given to applicants that demonstrate a better technical evaluation.</p>
3.	Woodside Energy	<p>Page 8: Work program</p> <p>Reason for excluding legacy well re-entry from the work bid is unclear.</p> <p>Could this be conducted outside the agreed work program?</p>	<p>Under the current legislative framework, infrastructure cannot be shared or transitioned between title types (petroleum, geothermal energy, greenhouse gas) and this includes re-entry and repurposing legacy wells for exploration.</p>

Table 4: : Guideline - Application for declaration of a storage formation

Ref #	Stakeholder	Comment	DMPE response
1.	Woodside Energy	<p>'Geological timeframes'</p> <p>According to the declaration requirements, permanent storage is defined as storage lasting over 'geological timeframes.' However, it's important to clarify what this means in practice, since it suggests proving containment for possibly millions of years—a standard that is not physically achievable.</p>	<p>The WA Acts refer to storage formations as being suitable for the permanent storage of a GHG substance. An application for a declaration of storage formation should contain sufficient information that permanent storage will be achieved using the fundamental suitability determinants. The requirement for meeting this standard will vary on a case-by-case basis. DMPE has adopted the reference to 'geological timeframes' for consistency with the equivalent Commonwealth guideline.</p>
2.	Woodside Energy	<p>Page 4: "A small degree of uncertainty may be ascribed to the location [...]".</p> <p>This can create uncertainty about the definition of 'a small degree'.</p>	<p>As stated in the guideline, the assessment criteria are based on whether they have a material impact on the other fundamental suitability determinants. This would be assessed on a case-by-case basis.</p>
3.	Woodside Energy	<p>Page 5: Assessment timing</p> <p>Could you please clarify this section: does the timeframe refer to "at least 120 days" for a decision following the assessment, or is it 120 business days encompassing both the assessment and the Ministerial decision?</p>	<p>DMPE has an internal KPI for complex assessments under the PEGGSA of 120 business days to process and determine an application; however, DMPE will progress a determination as soon as practicable after all pre-grant requirements have been satisfied. The 120-day target does not include days an application is on hold, pending external information from the applicant or an external party.</p>

Table 4: : Guideline - Application for declaration of a storage formation

Ref #	Stakeholder	Comment	DMPE response
4.	Woodside Energy	<p>Page 6: “a copy of a variation must be published”</p> <p>Please specify whether this is a copy of the application for a variation, or a copy of the approved variation.</p>	DMPE will publish the approved variation instrument in the Gazette, in accordance with requirements of the Act.
5.	Woodside Energy	<p>Page 7: Other matters</p> <p>“The information in an application for a declaration of identified GHG storage formation will form the basis [...]. This information may need to be revised for the purposes of the Site Plan if, for example, it is necessary to vary the declaration of identified GHG storage formation”.</p> <p>Please consider revising this section for greater clarity. Currently, it suggests that any required variation of the declaration would necessitate altering the information provided in the application for the declaration, which does not appear to be correct. It is suggested that, whenever the declaration is modified, those changes must also be updated in the Site plan.</p>	Comment noted, this section of the guideline has been revised for greater clarity.
6.	Woodside Energy	<p>Page 10: ‘effectively stabilised’</p> <p>Woodside engaged in extensive consultations with NOPTA concerning the interpretation of ‘effectively stabilised’ in relation to plume behaviour. The term is reiterated in this document. Clarification and a more explicit definition of this term would be beneficial.</p>	<p>The approach taken during drafting PLAA2024 GHG regulations and implementation guidelines has been to establish a consistent framework across the State and Commonwealth offshore regime where practicable.</p> <p>DMPE supports the requirement for the applicant to provide modelling predictions for at least five years post-injection, and a longer-term forecast to inform matters such as the suitability for permanent storage and the State’s long-term liability.</p> <p>The duration of the longer-term forecast will vary between projects on a case-by-case basis (for example, a depleted field versus a saline aquifer with migration assisted trapping). Whereas there is a requirement to demonstrate permanent storage, it is recognised that there is a practical limit to forecasting that would take into consideration factors such as the incremental, time step changes (i.e. stabilised).</p> <p>In the absence of a prescribed timeframe, it is DMPE’s preference to remain consistent with Commonwealth’s terminology. DMPE encourages potential applicants to engage early with the department to help clarify such details as they relate to their project.</p>
7.	Woodside Energy	<p>Appendix 1 (and throughout the document)</p> <p>Consistency is needed between the terms “declaration of a part of a geological formation as an identified GHG storage formation” and “declaration of identified GHG storage formation.” The interchangeable use of these terms throughout the document creates confusion.</p>	Clarifying amendments made to replace occurrences of “declaration of a part of geological formation as an identified GHG storage formation” with “declaration of an identified GHG storage formation”.

Government of Western Australia

**Department of Mines,
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8.30am – 4.30pm

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