



Department of **Mines,
Petroleum and Exploration**

Guideline

Management of subsisting titles

**Petroleum and regulated substances,
geothermal energy and greenhouse gas**

August 2026

Consultation version

Table of contents

1. Purpose	1
2. Legislative framework	1
3. Obtaining titles.....	3
3.1 Overview	3
3.1.1 Acreage release	3
3.1.2 Special Prospecting Authorities (SPAs)	3
3.1.3 Other title types	4
3.2 Assessing applications	4
3.2.1 Criteria for assessment	4
3.2.2 Assessment considerations for subsisting titles	4
3.2.3 GHG direct access applications	5
3.2.4 Subsisting assessment principles.....	5
3.2.5 Assessing impacts.....	5
Figure 1 – Assessment process	7
3.3 Requirements of sections 69A of the PGEGGSA and 74AA of the PGGS(SL)A	8
3.3.1 Notifying underlying registered holders	8
3.4 Title conditions and endorsements	8
3.4.1 Conditions	8
3.4.2 Endorsements	9
4. Management of operations post grant of title	9
4.1 General considerations	9
4.1.1 Approval of operations	9
4.1.2 Assessment of interference	9
4.1.3 Penalties	9
4.2 Land access.....	10
4.3 Variations, exemptions, extensions of conditions	10
4.4 Renewal of title	10
4.4.1 Renewal application considerations for subsisting titles.....	10
4.4.2 No title holds priority	11
4.5 Resource Management and Administration Regulations	11

4.5.1 Significant events	11
4.5.2 Release of technical information	11
4.5.3 Well management plans	11
4.5.4 Field management plans for petroleum and regulated substance recovery	12
4.5.5 Geothermal energy recovery development plans	14
4.6 Greenhouse Gas Injection and Storage Regulations	14
4.6.1 Declaration of identified GHG storage formation	15
4.6.2 Site plans	15
4.6.3 Serious situations	17
4.6.4 Information that may be made publicly available	17
4.7 Environment Regulations	17
4.7.1 Environment plans	17

1. Purpose

This document aims to:

- 1.1 Guide the Minister for Mines, Petroleum and Exploration (the Minister) and officers of the Department of Mines, Petroleum and Exploration (the department) in the management of petroleum, geothermal energy and greenhouse gas titles that subsist in respect of the same blocks; and
- 1.2 Assist applicants to identify the information the department considers relevant to the assessment of an application for subsisting petroleum, geothermal energy and greenhouse gas tenure.

2. Legislative framework

- 2.1 The *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967* (PGEAGSA) governs Western Australia's onshore regulatory framework for:

- the exploration and recovery of petroleum, including the rights to explore for or recover a regulated substance authorised under a petroleum title;
- the exploration and recovery of geothermal energy resources; and
- the exploration for potential greenhouse gas (GHG) storage formations and injection of GHG substances for permanent storage.

The *Petroleum and Greenhouse Gas Storage (Submerged Lands) Act 1982* (PGGS(SL)A) governs Western Australia's coastal waters regulatory framework for:

- the exploration and recovery of petroleum, including the rights to explore for or recover a regulated substance authorised under a petroleum title; and
- the exploration for potential GHG storage formations and injection of GHG substances for permanent storage.

For the purpose of this guideline, the PGEAGSA and the PGGS(SL)A are collectively referred to as "the Acts" unless otherwise specified.

- 2.2 In accordance with section 69A of the PGEAGSA and section 74AA of the PGGS(SL)A titles with different resource rights can subsist in respect of the same blocks. Under the PGEAGSA, titles may subsist in any combination of the three different resource title types.
- 2.3 Penalties apply under the Acts for any person who explores for or recovers petroleum, a regulated substance or geothermal energy except in accordance with a granted title. Penalties also apply for any person who explores for a potential GHG storage formation or carries on an injection operation, except in accordance with a granted GHG title.

- 2.4 Petroleum, geothermal energy and GHG operations are authorised in accordance with the rights conferred by the relevant individual title. An operation cannot be authorised as an operation across titles with different resource rights. For instance, a petroleum operation cannot also authorise a geothermal energy operation and/or a GHG operation.
- 2.5 Other than Access Authorities and Special Prospecting Authorities:
- no petroleum title can subsist with another petroleum title;
 - no geothermal energy title can subsist with another geothermal energy title; and
 - no GHG title can subsist with another GHG title.
- 2.6 The Minister must be informed of any discovery, within a permit area or a drilling reservation, of petroleum or geothermal energy resources, or a potential GHG storage formation or potential GHG injection site without delay. The Minister must subsequently be provided with the particulars in writing within three days of the discovery, and fines apply for non-compliance.
- This requirement extends to notification within three days of a discovery of a resource which is outside the resource rights under which the operation is being conducted. Further information on the Energy Resource Discovery Policy can be found on the [Western Australian Government](#) website.
- 2.7 There is no legislative requirement to disclose the discovery to the holder of a subsisting title.
- 2.8 All petroleum, geothermal energy and GHG operations, including surveys and wells, are managed in accordance with the requirements of the:
- Petroleum, Geothermal Energy and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2015 or the Petroleum and Greenhouse Gas Storage (Submerged Lands) (Resource Management and Administration) Regulations 2015;
 - Petroleum, Geothermal Energy and Greenhouse Gas Storage (Environment) Regulations 2012 or Petroleum and Greenhouse Gas Storage (Submerged Lands) (Environment) Regulations 2012; and
 - Petroleum, Geothermal Energy and Greenhouse Gas Storage (Greenhouse Gas Injection and Storage) Regulations 2026 or the Petroleum and Greenhouse Gas Storage (Submerged Lands) (Greenhouse Gas Injection and Storage) Regulations 2026 (collectively, “the GHG Regulations”).
- 2.9 The legislative framework does not provide for joint or integrated operations for petroleum, or geothermal energy or GHG in any combination, nor does it allow for infrastructure to be transferred from one title type to the other.

- 2.10 References in this guide to petroleum titles include petroleum titles under which the Minister has approved the extension of the exploration/recovery rights to include a regulated substance, unless otherwise specified.

3. Obtaining titles

3.1 Overview

The Acts establish two initial pathways to accessing acreage within Western Australia: Acreage Release and Special Prospecting Authorities.

3.1.1 Acreage release

Western Australia's resources are responsibly managed through periodic release of discrete areas for which applications can be made for exploration permits (section 30, PEGGSA or section 20, PGGS(SL)A). This involves a competitive work-program bid assessment process.

- Acreage releases are published in the *Government Gazette* and on the [Western Australian Government](#) website.
- Discrete areas are selected based on a combination of nominations from proponents and an assessment of the prospectivity and/or proximity to relevant infrastructure.
- Prior to releasing a GHG area in respect of a block or blocks that intersect with a petroleum or geothermal lease or licence, the Minister must give the lessee or licensee at least 60 days' notice in which to apply for a GHG retention lease or a GHG injection licence. If an application is made, that block or blocks cannot be released until the application process has been completed (section 30A, PEGGSA or section 20A, PGGS(SL)A).
- From time to time, the department will publish information on the [Western Australian Government](#) website, and depict in Tengraph Web, Prime Areas which are suitable to be set aside for future acreage releases (section 28, PEGGSA or section 18, PGGS(SL)A).

3.1.2 Special Prospecting Authorities (SPAs)

Acreage can also be accessed by applying for an SPA which specifies one of petroleum, geothermal energy or a potential GHG storage formation/injection site as the target (section 105, PEGGSA or section 111, PGGS(SL)A).

At time of application made under the PEGGSA, a proponent can request authority to apply for the grant of an exploration permit or a drilling reservation, known as the acreage option. The Minister may refuse a request for an acreage option. The acreage option is not available under the PGGS(SL)A.

- Areas subject to a declaration of reservation of blocks under section 28 of the PEGGSA or section 18 of the PGG(SL)A are not available for SPAs.
- Consideration of a request to apply for an exploration permit or a drilling reservation at the time of SPA application is a discretionary decision. Authority to apply for a permit or a drilling reservation may be withheld even if the SPA is granted.
- An SPA can only be granted for a six-month term and cannot be extended.
- An SPA cannot authorise the drilling of a well (section 105(5), PEGGSA or section 111(5), PGG(SL)A).

3.1.3 Other title types

Retention leases and production licences derive from exploration permits, and access authorities are issued in conjunction with operations approved to take place outside of a title area. These titles, along with exploration permits, drilling reservations and Special Prospecting Authorities may also subsist with a title of a different resource type.

GHG injection licences and GHG retention leases may also be obtained by application from the holder of a petroleum retention lease, petroleum production licence, geothermal retention lease or geothermal production licence after an identified GHG storage formation has been declared by the Minister. A GHG lease or licence will subsist with the originating petroleum or geothermal lease or licence.

3.2 Assessing applications

3.2.1 Criteria for assessment

The criteria for assessing applications for exploration permits is separately addressed in the following guideline:

- [Criteria for Assessment – Petroleum, Geothermal Energy and Greenhouse Gas Exploration Permits](#)

3.2.2 Assessment considerations for subsisting titles

Prior to making an application, whether as part of an acreage release for an exploration permit, an SPA, or by direct access, applicants are encouraged to undertake the following:

- make themselves aware of any existing titles of any type intersecting with the application area; and
- be aware that proposals for work may be restricted due to potential impacts to existing operations. If the application is for a permit, it is recommended that applicants identify potential impacts and demonstrate how these might be

mitigated or managed (section 31(1)(e), PGEGGSA or section 21(1)(e), PGGS(SL)A).

It is recommended that applicants demonstrate that the proposed work program and expenditure do not interfere with subsisting titles or rights to a greater extent than necessary (section 117(c), PGEGGSA or section 124(1)(d) of PGGS(SL)A), or potential excluded areas (section 91B, PGEGGSA).

Note that in the case of applications received as part of an acreage release, work programs cannot be changed by the applicant post-bid; however, the Minister may approve an alternative work program after the grant of the permit.

The department recognises that not all information will be available to an applicant regarding an underlying title nor the potential impact a subsisting title may have on existing operations. It is recommended that the applicant consider the potential for impacts of subsisting titles in their application.

Competitive assessments will be based on the requirements of section 31 of the PGEGGSA or section 21 of the PGGS(SL)A along with the published criteria for assessment and do not include criteria relating to assessment of potential impacts on subsisting titles.

3.2.3 GHG direct access applications

A Declaration of an Identified GHG Storage Formation (DoSF) is a prerequisite to apply for a GHG retention lease or a GHG injection licence, whether the applicant is a GHG permittee, a holder of GHG drilling reservation, a petroleum lessee or licensee, or a geothermal energy lessee or licensee.

Sections 69A of the PGEGGSA and 74AA of the PGGS(SL)A apply in relation to applications for GHG injection licences and leases where subsisting petroleum and geothermal licences and leases exist, unless the applicant and the title holder are the same entity (or entities).

3.2.4 Subsisting assessment principles

The following guiding principles will be applied by the department when assessing tenure applications which if granted would create subsisting titles:

- the avoidance of potential impacts to existing recovery operations and declared locations or storage formations will be prioritised over exploration operations and leads or prospects; and
- discovered resources or identified storage formations are given priority over prospective resources or potential storage formations.

The department will assess applications on a case-by-case basis.

3.2.5 Assessing impacts

The following process has been developed for assessing applications which subsist with existing titles.

To assess potential impacts, the department will undertake the following:

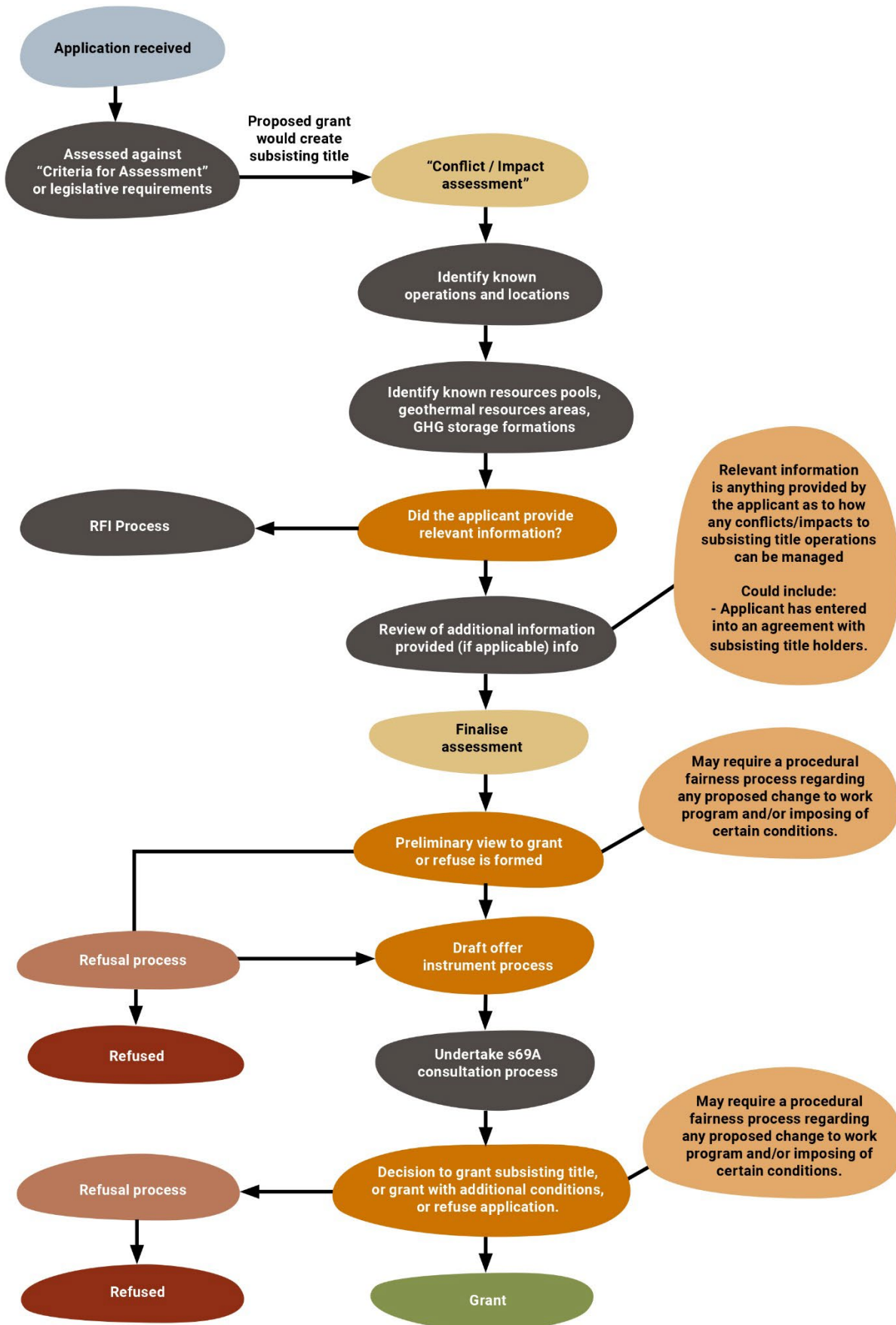
- Identify potential impacts to existing exploration and recovery/injection operations.
- Review the information regarding the mitigation or management of impacts that may be submitted as part of the application.
- If appropriate, request the applicant to provide further information regarding any potential impacts. While not exhaustive, this may include requests for:
 - a description of discovered resources pools, geothermal resources areas or GHG storage formations/injection sites within subsisting titles, or where there may be an impact on another title;
 - the outcomes of any consultation undertaken with existing registered holders; and
 - whether the applicant intends to explore in the same geologic intervals as any declared locations, declared storage formations, resources pools or geothermal resources areas within subsisting titles or another title.

The department may also choose to seek information from existing registered holders on what they consider to be the potential impact on their operations and how best these might be mitigated or managed.

The department's assessment will consider:

- The degree to which any proposed exploration (as per the proposal for work and expenditure) or recovery/injection operations interfere with exploration or recovery/injection operations in subsisting petroleum or geothermal energy or GHG titles.
- Where applicable, the application is required to describe how the proposed work program will support the future demonstration that operations can be undertaken within the application area without adversely affecting the recovery of resources or the permanent storage of a GHG substance.

Figure 1 – Assessment process



3.3 Requirements of sections 69A of the PEGGSA and 74AA of the PGG(SL)A

3.3.1 Notifying underlying registered holders

Section 69A of the PEGGSA and 74AA of the PGG(SL)A require the Minister to notify any underlying registered holders prior to the grant of a subsisting title, allowing them time to lodge a submission relating to the proposed grant. Per section 127A of the PEGGSA, where there are multiple title holders, notification shall only be issued to the nominated title holder.

Any submissions lodged must be considered in making a decision whether to grant the subsisting title, including assessing if any additional conditions should be imposed.

Prior to grant, the department will:

- provide all relevant underlying registered holders with a written notice of intention to grant a subsisting title, including a draft of the proposed title instrument detailing the particulars of the proposed grant (but excluding commercially sensitive information);
- allow underlying registered holders a minimum of one month to make a written submission relating to the proposed grant;
- assess and consider any submissions and make further requests for information if required; and
- notify respondents of the department's recommendation, prior to the application being determined.

3.4 Title conditions and endorsements

3.4.1 Conditions

The Minister may grant titles subject to such conditions as the Minister sees fit (PEGGSA sections 43, 43C(2)(a), 48H, 66, 105(3)(a)(i), 106(3)(a); PGG(SL)A sections 33, 38H, 56, 111(3)(a) and 112(3)(a)).

Without limitation, conditions may be applied to:

- prevent impact to existing petroleum or geothermal energy or GHG titles;
- prohibit the holder from entering specified land (section 91B of the PEGGSA). Such specified land could include any land upon which existing petroleum or geothermal energy or GHG infrastructure exists (such as well pads, production facilities and injection facilities), but will generally not be applied to entire blocks unless there is an appropriate reason to do so;
- mitigate or manage potential impacts; and
- remediate or rehabilitate actual impacts, if they were to occur.

The Acts provide for the Minister to consider requests to vary, revoke or exempt compliance with conditions (sections 97 and 91B, PGE GSA or section 103, PGGS(SLA)A).

3.4.2 Endorsements

An endorsement on all issued titles notifies registered holders that petroleum, geothermal energy and GHG titles can subsist in respect to the same blocks.

4. Management of operations post grant of title

4.1 General considerations

4.1.1 Approval of operations

Post grant, each operation will be considered on a case-by-case basis, and any further approvals required to undertake works or activities under the granted title will consider potential impacts to subsisting operations before approvals are issued.

An operation must align with the title type and it cannot be authorised as more than one type of operation (for example, a petroleum operation cannot also be a geothermal energy operation and/or a GHG operation).

Any operation which results in requirements for decommissioning and/or rehabilitation will remain the responsibility of the holder of the title under which the operation was authorised.

Title holders undertaking petroleum, geothermal energy and GHG operations are encouraged to plan and execute activities in a manner that avoids interference with other approved operations (section 117(c), PGE GSA or 124(d), PGGS(SL)A). The department recommends that registered holders cooperate to minimise the risk of potential interference.

4.1.2 Assessment of interference

A three-step process will be undertaken by the department when assessing potential interference between operations:

- encouraging registered holders to share information and cooperate to minimise the risk of potential interference;
- if required, facilitating discussion between registered holders to minimise the risk of potential interference; and
- in the event that no satisfactory arrangement can be made between registered holders, the department may perform its own analysis or engage independent external advisors.

4.1.3 Penalties

Penalties apply to a person who intentionally or recklessly:

- causes damage to or interferes with equipment/structure/vessel used in petroleum or geothermal energy or GHG operations (section 117A(a), PEGGSA or 124B(1)(a), PGGS(SL)A); or
- interferes with any petroleum or geothermal energy or GHG operation (section 117A(b), PEGGSA or 124B(1)(b), PGGS(SL)A).

4.2 Land access

Petroleum, geothermal energy and GHG titles grant land access rights for the purpose of their respective approved activities.

A title holder does not require an Access Authority for approved activities on land within their title area, including blocks over which there are subsisting titles. Registered holders are encouraged to communicate with each other when accessing land within the shared title area to undertake approved activities.

Where a title condition has been imposed under section 91B of the PEGGSA, consideration may be given to varying restrictions on the basis that the proponent can demonstrate that an agreement has been entered into with any relevant petroleum, geothermal energy or GHG registered holders.

4.3 Variations, exemptions, extensions of conditions

A registered holder has the right to apply to vary title conditions – this includes varying the minimum work commitments (section 97, PEGGSA or section 103, PGGS(SL)A).

Work proposed to be undertaken as part of a variation application will be assessed for any potential impacts using the principles outlined above at 3.2.4.

Registered holders should be aware that proposals for work may be restricted due to potential impacts to existing operations and should consider appropriate mitigation strategies at the time of making an application.

4.4 Renewal of title

4.4.1 Renewal application considerations for subsisting titles

Work proposed to be undertaken as part of an application to renew a title will be assessed for any potential impacts using the principles outlined above at 3.2.4.

Registered holders should be aware that proposals for work may be restricted due to potential impacts to existing operations and should consider potential restrictions at time of making an application.

If renewed, consideration will be given to the title conditions required to carry over any requirements or obligations to the next renewal period, in relation to activities conducted under the previous title period and existing infrastructure.

4.4.2 No title holds priority

The Acts do not assign a priority to either title holder once a subsisting title is granted. Sections 5(4), 5(4a), 5(5) and 5(5a) of the PGEGGSA and sections 6(3), 6(3a) and 6(4) of the PGGS(SL)A provide that the renewal of a title is the same as the grant of a new title.

Thus, prior to renewing either subsisting title, the Minister must first consult with any subsisting registered holders per the requirements of section 69A of the PGEGGSA or section 74AA of the PGGS(SL)A.

4.5 Resource Management and Administration Regulations

This section covers considerations in relation to the Petroleum, Geothermal Energy and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2015 and the Petroleum and Greenhouse Gas Storage (Submerged Lands) (Resource Management and Administration) Regulations 2015, collectively referred to as “the RMAR”.

4.5.1 Significant events

The RMAR requires that the Minister receive notification of any significant event relating to petroleum, regulated substances or geothermal energy recovery within a licence.

A significant event, among other meanings, refers to:

- a new or increased risk to the recovery of petroleum, a regulated substance or geothermal energy within the licence area; or
- a new or increased risk to the recovery of petroleum, a regulated substance or geothermal energy outside the licence area caused by the development of resources pools or geothermal resources areas in the licence area.

While this regulation applies to petroleum production licences and geothermal production licences, all registered holders are encouraged to notify the Minister in the event of such an occurrence.

Serious situations concerning GHG-related events are addressed in Section 4.6.3 of this guideline and Part 4 of the GHG Regulations (regulations 43 to 46).

4.5.2 Release of technical information

All data remains confidential pursuant to Part IVA of the PGEGGSA or Part IVA of the PGGS(SL)A but is subject to release provisions in accordance with the RMAR Part 9 and the GHG Regulations Part 5.

4.5.3 Well management plans

Well activities for all resource types are conducted under a well management plan (WMP) and in accordance with the RMAR, Part 3 – Management of well activities:

- Schedule 1 Item 4 – The well activity, including risk management and data requirements, should be carried out in accordance with the well objective as any of petroleum (including regulated substances), geothermal energy or GHG.
- A well activity under a petroleum title is linked to the holder of that petroleum title. A well activity under a geothermal energy title is linked to the holder of that title. A well activity under a GHG title is linked to the holder of that title. A well cannot be more than one of a petroleum well, a geothermal energy well or a GHG well. A well cannot be transferred from one title type to another title type.
- A well activity must include an explanation of how the registered holder will identify, monitor, mitigate and otherwise deal with a well integrity hazard. Under regulation 33 of the RMAR, the registered holder is required to control a well integrity hazard or risk. A well integrity hazard includes damage to an underground formation that contains petroleum, a regulated substance or geothermal energy resources or damage to a GHG storage formation.
- In accordance with regulation 13(8) of the RMAR, the Minister may impose reasonable conditions on a WMP to safeguard petroleum, regulated substances, geothermal energy resources or GHG storage formations.
- The Minister may withdraw approval of a WMP to, among other reasons, safeguard petroleum, regulated substances, geothermal energy resources or GHG storage formations as per regulation 29(c) of the RMAR.

4.5.4 Field management plans for petroleum and regulated substance recovery

Activities for the recovery of petroleum or regulated substances are conducted under a field management plan (FMP) and in accordance with the RMAR, Part 6 – Field management plans for the recovery of petroleum or a regulated substance, or in accordance with provisions and the Acts for GHG titles that provide for recovery of petroleum or a regulated substance for the purpose of appraisal of an incidental discovery.

- An approved FMP must be in place and a petroleum production licence must have been granted prior to the commencement of petroleum or regulated substance recovery operations. Only the holder of the production licence (the licensee) or an applicant for a production licence can apply for approval of an FMP (regulation 43(1), RMAR).
- Schedule 3 of the RMAR sets out the detailed technical content that must be included in an FMP, in accordance with regulation 48. The guidelines to the RMAR describe the FMP requirements as identified in the regulations.
- Under regulation 44(1)(c) and 44(2) of the RMAR, an applicant may be requested to provide further information to support that the proposed activities

will not interfere with operations of discovered geothermal energy resources or identified GHG storage formations.

- Under regulation 44(5) of the RMAR, the Minister may apply conditions to the FMP to protect geothermal energy resources or GHG storage formations and, under regulation 45(a)(ii), must provide the reasons for the imposition of the condition.
- Under regulation 51(2) of the RMAR, an application for revision to an FMP, made under regulation 50, may require evidence to support that activities will not interfere with discovered geothermal energy resources or identified GHG storage formations.
- Under regulation 51(5) of the RMAR, the Minister may apply conditions to a revision to an FMP to protect geothermal energy resources or GHG storage formations and, under regulation 52(a)(ii), must provide the reasons for imposition of the condition.
- The Minister may request a revision to the FMP pursuant to regulation 54 to, among other reasons, protect nearby geothermal energy resources or GHG storage formations and state the technical reasons for the revision.
- In addition to the information requested under Schedule 3 of the RMAR, information that may be requested that is specific to the preservation of geothermal energy resources or GHG storage formations may include (but is not limited to):
 - the regional extent of geological reservoirs for which material or substance is to be extracted or injected;
 - the volumes of materials or substances to be extracted from each geological reservoir;
 - the volumes, composition and properties of materials or substances to be injected into each geological reservoir;
 - an estimate of the spatial changes to each geologic reservoir, including pressure, temperature and fluid composition, in the subsurface that will result from the extraction or injection of materials or substances per the FMP. This should be based on information such as regional geological concepts, regional hydrodynamics, past well performance, rock properties, geomechanics, and faults; and
 - information on how changes to geological reservoirs will be monitored throughout field life in respect to geothermal energy resources or GHG storage formations.

4.5.5 Geothermal energy recovery development plans

Activities for the recovery of geothermal energy are conducted under a geothermal energy recovery development plan (GERDP) in accordance with the RMAR, Schedule 4 – Geothermal energy recovery development plan, or in accordance with provisions of the PEGGSA for GHG titles that provide for recovery of geothermal energy for the purpose of appraisal of an incidental discovery.

- An approved GERDP must be in place, and a geothermal energy production licence must be granted, before geothermal energy recovery operations can commence. Only a geothermal energy licensee (and not an applicant for a licence) can apply for the approval or variation of a GERDP.
- Schedule 4 of the RMAR sets out the detailed technical content that must be included in a GERDP as required by regulation 63.
- In addition to the information required under Schedule 4, information may be requested that is specific to the preservation of petroleum resources or GHG storage formations and may include (but is not limited to):
 - the regional extent of geological reservoirs for which material is to be extracted or injected;
 - the volumes of materials to be extracted from each geological reservoir;
 - the volumes, composition and properties of materials to be injected into each geological reservoir;
 - an estimate of the spatial changes to each geologic reservoir, including pressure, temperature and fluid composition, in the subsurface that will result from the extraction or injection of materials per the GERDP. This should be based on information such as regional geological concepts, regional hydrodynamics, past well performance, rock properties, geomechanics and faults; and
 - information on how changes to geological reservoirs will be monitored throughout field life in respect to petroleum, regulated substances and GHG storage formations.
- Under section 62B of the PEGGSA, the Minister may require a geothermal energy licensee to vary the approved GERDP for the purpose of securing more effective recovery of geothermal energy.

4.6 Greenhouse Gas Injection and Storage Regulations

This section covers considerations in relation to the Petroleum, Geothermal Energy and Greenhouse Gas Storage (Greenhouse Gas Injection and Storage) Regulations 2026 and the Petroleum and Greenhouse Gas Storage (Submerged Lands) (Greenhouse Gas Injection and Storage) Regulations 2026, collectively referred to as “the GHG Regulations”.

The GHG Regulations provide the framework for the applications for declarations of identified GHG storage formations, site plans, notifying and reporting serious situations, and prescribe GHG information that may be made publicly available.

4.6.1 Declaration of identified GHG storage formation

A Declaration of an Identified GHG Storage Formation (DoSF) is a prerequisite for eligibility to apply for a GHG retention lease or a GHG injection licence. A DoSF retains its significance over the life of the GHG storage project.

A DoSF application must address the fundamental suitability determinants, the estimate of spatial extent and provide any other information prescribed in the GHG Regulations. Regulations 7 and 8 and Schedule 1 of the GHG Regulations set out the information required to accompany a DoSF application.

The information provided should consider subsurface interactions with projects in subsisting titles where these have a material impact on the fundamental suitability determinants and the spatial extent of the eligible GHG storage formation. Impacts may include pressure interaction in hydrodynamically connected systems and displacement of formation fluids.

- The dynamic modelling details, including CO₂ and pressure plume information, are required per Schedule 1, clause 5 of the GHG Regulations. Temperature or displaced formation fluid information may be required if materially important (Schedule 1, subclause 5(2)(b)(ii)). The plume extents provided will be used to assess whether a potential subsurface interaction exists.
- Schedule 1, clause 6(a) of the GHG Regulations requires any other relevant information that relates to an area other than the GHG title area. This extends the area of assessment to beyond the subsisting GHG title area where relevant.
- Under regulation 9, if the Minister is not satisfied that an application meets the relevant requirements but reasonably believes the applicant could vary the application to satisfy those requirements, the Minister must give written notice stating the reasons and give the applicant an opportunity to vary the application. This may include cases where the subsurface interactions are identified that impact the fundamental suitability determinants or the spatial extent of storage formation of the application.

4.6.2 Site plans

Activities for the injection and permanent storage of GHG substances are conducted under an approved site plan that consists of Part A (regulation 13), which deals with the predicted behaviours of the injected GHG substances, and Part B (regulation 14), which deals with other matters and includes the information required in Schedule 2 of the GHG Regulations.

- An approved site plan must be in place (regulation 11(1)) and a GHG injection licence must have been granted before GHG injection operations can commence. Regulation 11(2) requires operations to comply with the plan.
- Only a GHG licensee or an applicant for a GHG injection licence may apply for approval of a site plan (a draft site plan) per regulation 17(1) of the GHG Regulations.
- The Minister must either approve or refuse to approve the draft site plan (regulation 18(1)) and may, in making a decision, take into consideration any other matters the Minister considers relevant, which may include the protection of discovered petroleum, regulated substance and geothermal energy resources (regulation 18(3)).
- Under regulation 18(4) of the GHG Regulations, the Minister may apply conditions to the site plan to protect petroleum, regulated substances and geothermal energy resources.
- Under regulation 19 of the GHG Regulations, an applicant may be requested to provide further information to support that activities will not interfere with operations for the recovery of discovered petroleum, regulated substances or geothermal energy resources.
- Schedule 2 of the GHG Regulations sets out the detailed technical content that must be included in Part B of a site plan, in accordance with regulation 14(1)(b).
- Under regulation 20, if the Minister is not satisfied that a draft site plan meets the requirements set out in Division 2, but reasonably believes the applicant could vary the application or provide additional information to satisfy the requirements, the Minister must give written notice and give the applicant an opportunity to vary the application or provide the additional information. This may include cases where the subsurface interactions exist.
- Under regulation 24, an approved site plan remains in force indefinitely unless the Minister withdraws the approval under regulation 26.
- An approved site plan is subject to periodic reviews that are at least once in every five-year period (regulation 30). Additionally, reviews may be requested by the Minister for reasons that may include interference with operations in a subsisting title (regulation 31(b)(iii)). Site plan reviews may, or may not, result in a variation of the plan.
- A site plan may be varied by the GHG licensee on voluntary application under regulation 35 or required by the Minister through a written notice under regulation 36. A request for variation by the Minister includes the technical reasons for requiring the application for variation to which the GHG licensee may undergo an objection process (regulation 36(1-6)). The regulations do not

prescribe limits for the Minister's request, and the reasons could include interference with discovered petroleum, regulated substances or geothermal energy resources in subsisting titles.

- Under regulation 38(4) of the GHG Regulations, the Minister may apply conditions to the site plan as varied to protect petroleum, regulated substances or geothermal energy resources.

4.6.3 Serious situations

A serious situation is defined in the Acts (section 69HB, PEGGSA or section 74AJ, PGGS(SL)A). It includes any circumstance in which a GHG substance that has been injected into the identified GHG storage formation has behaved, or will behave, otherwise than as predicted in Part A of an approved site plan (section 69HB(c), PEGGSA or section 74AJ(c), PGGS(SL)A). Such a situation may result from unexpected interactions with operations relating to petroleum, regulated substance or geothermal energy recovery.

- If a serious situation exists, the licensee is required under the Acts to provide notification and reports to the Minister (section 69HC, PEGGSA or section 74AK, PGGS(SL)A). The content and form of these notifications and reports are set out in regulations 44, 45 and 46 of the GHG Regulations.
- The Minister may exercise powers under the Acts to issue directions in response to a serious situation (section 69HD, PEGGSA or section 74AL, PGGS(SL)A), if required. For situations involving subsurface interactions, site plan reviews and any resulting variations provide an alternate mechanism (refer section 4.6.2 above).

4.6.4 Information that may be made publicly available

Part 5 of the GHG Regulations prescribes GHG information that may be made publicly available, including information relating to leakages and a summary of the approved site plan. This is in addition to GHG information released under Part 9 of the RMAR (refer section 4.5.2 above).

4.7 Environment Regulations

This section covers considerations in relation to the Petroleum, Geothermal Energy and Greenhouse Gas Storage (Environment) Regulations 2012 and the Petroleum and Greenhouse Gas Storage (Submerged Lands) (Environment) Regulations 2026, collectively referred to as "the Environment Regulations".

4.7.1 Environment plans

All petroleum, geothermal energy and greenhouse gas activities as defined in the Environment Regulations, require an approved environment plan (EP) prior to commencement of the activity. The execution of the activity must comply with the approved EP.

- An activity must not continue if new or increased environmental impact(s) or environmental risk(s) is identified.
- An EP must include the matters set out in regulations 14, 15, 16 and 17 of the Environment Regulations.
- 'Environment' is defined in regulation 4 of the Environment Regulations as:
 - ecosystems and their constituent parts, including people and communities;
 - natural and physical resources;
 - the qualities and characteristics of locations, places and areas; and
 - the heritage value of places, and includes the social, economic and cultural features of the matters mentioned above.
- Therefore, all potential risk and impacts of an activity must consider the impacts and risks to subsisting activities.
- The requirement to engage and consult with relevant authorities and other relevant interested persons and organisations and report on all consultations in the EP is set in regulation 17(1)(b) of the Environment Regulations.
- Regulations 18, 19 and 20 of the Environment Regulations set the requirements for a revision of an EP.
- Petroleum, geothermal energy and greenhouse gas activities are assessed on a case-by-case basis. Regulation 3 of the Environment Regulations specifies the object of the regulations is to ensure that any activity carried out in the State is:
 - carried out in a manner consistent with the principles of ecologically sustainable development; and
 - carried out in accordance with an EP that:
 - (i) demonstrates that the environmental impacts and environmental risks of the activity will be reduced to as low as is reasonably practicable;
 - (ii) has appropriate environmental performance objectives and environmental performance standards; and
 - (iii) has appropriate measurement criteria for determining whether those objectives and standards have been met.

Department of Mines, Petroleum and Exploration

Mineral House, 100 Plain Street, East Perth
Whadjuk Noongar Country
Western Australia 6004

Email petroleum_titles@dmpe.wa.gov.au

www.dmpe.wa.gov.au

Locked Bag 100 Plain Street East Perth 6892

This publication is available on request in other formats.

National Relay Service: 13 36 77

Translating and Interpreting Service (TIS) 13 14 50

