

PDR No	Subject	Status	Created Date	Created By	Responsible Area	Minister (Responsible)	Security Classification
MS23-001802	Decision Maker for PEP-11 Applications	Closed	27/10/2023 14:44	s47E(c)	Oil and Gas	Madeleine King	OFFICIAL: Sensitive

Version	Last Modified Date	Last Modified By
41	22/04/2024 8:25	System Account
40	6/02/2024 13:23	System Account
39	6/02/2024 10:55	System Account
38	6/02/2024 9:34	System Account
37	15/11/2023 13:55	System Account
36	14/11/2023 15:24	System Account
35	7/11/2023 16:24	System Account
34	7/11/2023 16:20	System Account
33	7/11/2023 16:19	System Account
32	7/11/2023 16:18	2854870_protected@74599608295
31	7/11/2023 16:13	System Account
30	7/11/2023 15:34	System Account
29	7/11/2023 15:28	2259_protected@74599608295
28	6/11/2023 11:36	6297253_protected@74599608295
27	6/11/2023 11:27	2259_protected@74599608295
26	6/11/2023 11:20	6297253_protected@74599608295
25	6/11/2023 9:04	2259_protected@74599608295
24	3/11/2023 16:49	2259_protected@74599608295
23	3/11/2023 15:58	2259_protected@74599608295
22	3/11/2023 14:39	2259_protected@74599608295
21	3/11/2023 14:21	2259_protected@74599608295
20	3/11/2023 13:37	2259_protected@74599608295
19	3/11/2023 12:37	2259_protected@74599608295
18	3/11/2023 12:21	2259_protected@74599608295
17	2/11/2023 16:33	2259_protected@74599608295
16	1/11/2023 12:34	6297253_protected@74599608295
15	1/11/2023 12:19	6297253_protected@74599608295
14	31/10/2023 10:28	2259_protected@74599608295
13	31/10/2023 10:17	2259_protected@74599608295
12	31/10/2023 10:01	2259_protected@74599608295
11	31/10/2023 9:35	2259_protected@74599608295
10	31/10/2023 9:30	2259_protected@74599608295
9	31/10/2023 9:21	6297253_protected@74599608295
8	30/10/2023 16:38	2259_protected@74599608295
7	30/10/2023 16:19	2259_protected@74599608295
6	30/10/2023 16:08	2259_protected@74599608295
5	30/10/2023 15:58	6297253_protected@74599608295
4	30/10/2023 15:28	2259_protected@74599608295
3	30/10/2023 15:07	6297253_protected@74599608295
2	27/10/2023 14:44	System Account
1	27/10/2023 14:44	System Account

Attachment A

Version	Last Modified Date	Last Modified By
2	22/04/2024 8:25	System Account
1	30/10/2023 14:14	System Account

Attachment B

Version	Last Modified Date	Last Modified By
2	22/04/2024 8:25	System Account
1	30/10/2023 14:16	System Account

Attachment C

Version	Last Modified Date	Last Modified By
2	22/04/2024 8:25	System Account
1	31/10/2023 9:27	System Account

Attachment D

Version	Last Modified Date	Last Modified By
3	22/04/2024 8:25	System Account
2	6/11/2023 9:02	2259_protected@74599608295
1	3/11/2023 14:23	System Account

Date	Description	Type	User
20/06/2024 9:31	Manage User Access		s47E(c)
20/06/2024 8:37	Request Access		s47E(c)
6/06/2024 12:28	Manage User Access		s47E(c)
23/04/2024 13:47	Close		s47E(c)
23/04/2024 13:47	Claim		s47E(c)
23/04/2024 13:33	Assign	Processing Instructions	s47E(c)
22/04/2024 9:58	Assign	Processing Instructions	s47E(c)
22/04/2024 8:27	Assign	Processing Instructions	s47E(c)
22/04/2024 8:25	Publish		s47E(c)
22/04/2024 8:14	Claim		s47E(c)
19/04/2024 16:57	Action & Assign For Publication	Processing Instructions	s47E(c)
19/04/2024 16:56	Upload Attachment		s47E(c)
19/04/2024 16:55	Upload Attachment		s47E(c)
19/04/2024 14:20	Claim		s47E(c)
3/04/2024 17:39	Upload Attachment		Norelle Laucher
3/04/2024 17:39	Upload Attachment		Norelle Laucher
6/02/2024 13:23	Assign for CoS Action	Processing Instructions	s47E(c)
6/02/2024 13:22	Claim		s47E(c)
6/02/2024 10:55	Assign to DLO	Processing Instructions	s47E(c)
6/02/2024 9:34	Assign for Advisor Action	Processing Instructions	s47E(c)
6/02/2024 9:33	Claim		s47E(c)
15/11/2023 13:55	Assign for CoS Action	Processing Instructions	s47E(c)
15/11/2023 13:55	Claim		s47E(c)
14/11/2023 15:24	Assign to DLO	Processing Instructions	s47E(c)
7/11/2023 16:24	Assign for Advisor Action	Processing Instructions	s47E(c)
7/11/2023 16:23	Claim		s47E(c)
7/11/2023 16:20	Assign For MO Action	Processing Instructions	s47E(c)
7/11/2023 16:19	Quality Check		s47E(c)
7/11/2023 16:15	Claim		s47E(c)
7/11/2023 16:13	Clear & Assign		David Lawrence
7/11/2023 15:34	Clear & Assign For Further Clearance		Norelle Laucher
7/11/2023 15:29	Assign	Processing Instructions	s47E(c)
7/11/2023 14:29	Assign	Processing Instructions	Norelle Laucher
6/11/2023 11:48	Assign for Clearance	Processing Instructions	s47E(c)
3/11/2023 14:23	Upload Attachment		s47E(c)
2/11/2023 9:23	Assign		Norelle Laucher
1/11/2023 14:13	Manage User Access		s47E(c)
1/11/2023 14:13	Manage User Access		s47E(c)
1/11/2023 14:12	Assign	Processing Instructions	s47E(c)
31/10/2023 9:27	Submit		s47E(c)
31/10/2023 9:26	Upload Attachment		s47E(c)
30/10/2023 14:40	Submit		s47E(c)
30/10/2023 14:16	Upload Attachment		s47E(c)
30/10/2023 14:14	Upload Attachment		s47E(c)
27/10/2023 14:53	Link PDR(s)		s47E(c)
27/10/2023 14:44	Manage User Access		s47E(c)
27/10/2023 14:44	Add Response		s47E(c)
27/10/2023 14:44	Submit		s47E(c)
27/10/2023 14:44	Created		s47E(c)

User Name	Organisation	User Id
s47E(c)	Oil & Gas Offshore Resources Offshore Exploration	5088534
s47E(c)	Strategic Policy Ministerial & Executive Enabling Parliamentary Services	1112
s47E(c)	Chief Counsel and Integrity Legal Resources, Corporate and Legislation	3122461
s47E(c)	Oil & Gas Offshore Resources Offshore Exploration	6297253
s47E(c)	Minerals and Resources Critical Minerals Office Metals and Alloys	3068783
s47E(c)	Oil & Gas Timor Sea Timor Sea	1067957
LAUCHER, Norelle	Oil & Gas Offshore Strategy	7563201
LAWRENCE, David	Oil & Gas Timor Sea	456
s47E(c)	Strategic Policy Ministerial & Executive Enabling Secretariat and Executive Engagement	8952297
s47E(c)	Oil & Gas Offshore Strategy Regulatory Reform	2259
s47E(c)	Oil & Gas	8279
s47E(c)	Strategic Policy Ministerial & Executive Enabling Ministerial and Cabinet Liaison	6571017
s47E(c)	Strategic Policy Ministerial & Executive Enabling Parliamentary Services	2854870
s47E(c)	Strategic Policy Ministerial & Executive Enabling Ministerial and Cabinet Liaison	6122897
URQUHART, Jane	Department Executive Department Executive Executives	947
s47E(c)	Oil & Gas Offshore Strategy Regulatory Reform	9727383
WEEKS, Cliff	Oil & Gas Offshore Resources	1611620

s47E(c)

From: s47E(c)
Sent: Monday, 22 April 2024 10:08 AM
To: Laucher, Norelle
Cc: s47E(c)
Subject: FW: MS23-001802 : PDMS Notification - Record Assigned [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Hi Norelle

FYI – the Minister has signed the PEP-11 decision-maker brief.

s47
F(c)

OFFICIAL: Sensitive

From: noreply@pws.gov.au <noreply@pws.gov.au>
Sent: Monday, April 22, 2024 9:59 AM
To: s47E(c) <s47E(c)> @industry.gov.au
Subject: MS23-001802 : PDMS Notification - Record Assigned [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

SEC=OFFICIAL:Sensitive

s47E(c) has assigned MS23-001802 to s47E(c)

Subject: Decision Maker for PEP-11 Applications

Next Due Date: –

Processing Instructions/Comments:

Brief signed

To action, please click on the below link:

[MS23-001802](#)

Requests can also be actioned via the [PDMS Inbox](#).

Thank you

PDMS Notification Service

Note: Please do not reply to this message.

CC Recipients:

s47E(c)

(s47E(c)

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

SEC=OFFICIAL:Sensitive

s47E(c)

From: s47E(c)
Sent: Monday, 6 November 2023 11:49 AM
To: Laucher, Norelle
Cc: s47E(c) Weeks, Cliff; Petroleum Exploration; s47E(c); s47E(c)
Subject: RE: FOR YOUR REVIEW: MS23-001802: Decision Maker - PEP-11 [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]
Attachments: MS23-001802.docx

Hi Norelle,

I've revised the draft PEP-11 decision maker brief as per our discussion last week (and s47E(c) has also reviewed for a sanity check).

The brief is attached and I have also sent it to you in PDMS so you can view the attachments.

Happy to make further changes as required and/or appreciate advice on next steps to progress the brief.

Thanks,
s47E(c)

s47E(c)
Phone s47E(c)

OFFICIAL: Sensitive
Legal privilege

From: s47E(c) <s47E(c)@industry.gov.au>
Sent: Wednesday, 1 November 2023 1:41 PM
To: Laucher, Norelle <Norelle.Laucher@industry.gov.au>
Cc: Weeks, Cliff <Cliff.Weeks@industry.gov.au>; s47E(c) <s47E(c)@industry.gov.au>; s47E(c) <s47E(c)@industry.gov.au>; s47E(c) <s47E(c)@industry.gov.au>; s47E(c) <s47E(c)@industry.gov.au>; s47E(c) <s47E(c)@industry.gov.au>; s47E(c) <s47E(c)@industry.gov.au>; s47E(c) <s47E(c)@industry.gov.au>
Subject: FOR YOUR REVIEW: MS23-001802: Decision Maker - PEP-11 [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

OFFICIAL: Sensitive//Legal-Privilege

Hi Norelle,

As requested, s47E(c) and I have prepared the attached draft briefing following receipt of Asset Energy's most recent correspondence on proposed decision-makers.

We would appreciate your review and advice on next steps – i.e. the package to legal for review, band 2/3 review etc.

I have also sent this to you in PDMS which includes all the attachments should you need to see them.

Cliff, s47E(c), I have also provided you PDMS access.

Happy to discuss.

s47E(c)
\

s47E(c)

Manager – Offshore Exploration Section

Oil and Gas Division | Offshore Resources Branch

Ngunnawal Country, Industry House, 10 Binara Street (GPO Box 2013) Canberra ACT 2601 Australia, GPO Box 2013
Canberra ACT 2601 Australia

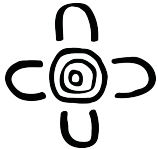
Department of Industry, Science and Resources

P s47E(c) | X s47E(c) | M s47E(c) | E s47E(c) | [@Industry.gov.au](mailto:Industry.gov.au)

| industry.gov.au ABN 74 599 608 295

Our purpose is to help the government build a better future for all Australians through enabling a productive, resilient and sustainable economy, enriched by science and technology.

We are collaborative, innovative, respectful and we strive for excellence.



Acknowledgement of Country

Our department recognises the First Peoples of this Nation and their ongoing cultural and spiritual connections to the lands, waters, seas, skies, and communities.

We Acknowledge First Nations Peoples as the Traditional Custodians and Lore Keepers of the oldest living culture and pay respects to their Elders past and present. We extend that respect to all First Nations Peoples.



OFFICIAL: Sensitive
Legal privilege

s47E(c)

From: s47E(c)
Sent: Tuesday, 27 August 2024 4:31 PM
To: s47E(c)
Cc: s47E(c) ; s47E(c) ; s47E(c) ; Laucher, Norelle; s47E(c)
Subject: FOR REVIEW | s 22(1)(a)(ii)
 [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]
Attachments: s 22(1)(a)(ii)

OFFICIAL: Sensitive//Legal-Privilege

Hi s47E(c)

s 22(1)(a)(ii)

In addition s 22(1)(a)(ii) we have records of:

- Exchanges with Minister King and Minister Husic’s offices in relation to letters attached to MS23-001802^s 22(1)(a)(ii)

s 22(1)(a)(ii)

Kind regards

s47
F(c)

s47E(c)

Manager

Oil and Gas Division | Offshore Strategy Branch | Regulatory Reform Section
 Ngunnawal Country, Industry House, 10 Binara St, Canberra City ACT 2601, GPO Box 2013
 Department of Industry, Science and Resources
Phone s47E(c) | **Email** s47E(c) industry.gov.au

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Unit 12, Level 1, 114 Cedric St, Stirling, WA 6021
ABN 16 120 013 390

23 October 2023

By Email

S 47C

Yours sincere!>>

David Breeze

A large, dark grey, serif letter 'O' is positioned to the right of the name 'David Breeze'. It has a slightly irregular, hand-drawn appearance with some texture.



30 August 2023

Mr David Breeze
Director, Asset Energy Pty Ltd
PO Box 317
NORTH PERTH WA 6906

Alluvion Building
Level 10, 58 Mounts Bay Road Perth WA 6000
GPO Box 7871, Perth WA 6850
www.nopta.gov.au

ABN 74 599 608 295

Via email to david@grandbridge.com.au
geo@bountyoil.com

NEATS Ref: Z4NMT2; NDZHVN

Dear Mr Breeze

s 47C

I would be grateful for your response by 30 September 2023.

Yours sincerely

Graeme Waters
Titles Administrator

**MADELEINE KING MP
SHADOW MINISTER FOR TRADE
SHADOW MINISTER FOR RESOURCES
MEMBER FOR BRAND**

**EMMA MCBRIDE MP
SHADOW ASSISTANT MINISTER FOR MENTAL HEALTH
SHADOW ASSISTANT MINISTER FOR CARERS
MEMBER FOR DOBELL**

PITT MISLEADS PARLIAMENT ON PEP-11

It's time for the Resources Minister to come clean about why it's taking him so long to rule on the Petroleum Exploration Permit 11 (PEP-11) after he was caught misleading Parliament last month.

In Question Time on 21 October, Federal Member for Dobell Emma McBride asked Minister Pitt if he would put a stop to PEP-11.

He responded that he was considering an application to renew the licence and he would be 'taking advice' from the regulator.

Then, in Senate Estimates last week, the National Offshore Petroleum Titles Administrator (NOPTA) revealed they had provided advice in April 2020 and were now waiting on the Minister to make a decision.

Either Minister Pitt has misled the Parliament, or he's not across his portfolio brief.

Minister Pitt is not waiting on advice. He has the regulator's advice and he's still refusing to make a decision.

The Minister was supposed to rule on PEP-11 back in February, so he's eight months past the deadline.

He knows this project will put our coastline, our marine life, and our economy at risk.

Thousands of jobs up and down the NSW coast depend on our pristine beaches.

Those jobs will be under threat if this risky project goes ahead.

Minister Pitt needs to come clean about the Government's position on PEP-11 and why it's taking him so long to make a decision.

He has the final say on PEP-11 and he can put an end to this project with the stroke of a pen today.

Instead, he continues to sit on his hands.

Labor stands with our communities against PEP-11.

Minister Pitt needs to do the right thing by our community and put an end to PEP-11, now.

TUESDAY, 2 NOVEMBER 2021

MEDIA CONTACTS:

LAURENCE COLEMAN (KING) 0409 797 311

SARAH BARONOWSKI (MCBRIDE) 0413 074 332



The Hon Madeleine King MP

Minister for Resources and Minister for Northern Australia

[\(/ministers/king\)](#)



[\(/ministers/king\)](#)

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[The Hon Madeleine King MP Media Releases \(/ministers/king/media-releases\)](#) >
[Parties agree to resolve Petroleum Export Permit 11 \(PEP-11\) litigation](#)

Parties agree to resolve Petroleum Export Permit 11 (PEP-11) litigation

3 February 2023

The Australian Government and Asset Energy have reached an agreement to end ongoing litigation relating to PEP-11 and have filed proposed consent orders with the Federal Court of Australia.

Should the Federal Court of Australia accept the proposed consent orders, the PEP-11 decision will be returned to the Commonwealth-New South Wales Offshore Petroleum Joint Authority for consideration.

In the first instance, the Government of New South Wales, as the New South Wales member of the Joint Authority, will consider its position in relation to the project as a relevant decision maker under the *Offshore Petroleum and Greenhouse Gas Storage Act (2006)*

The Commonwealth will then consider the matter once the New South Wales member of the Commonwealth-New South Wales Offshore Petroleum Joint Authority has considered the matter.

Asset Energy had commenced proceedings in the Federal Court to challenge Scott Morrison's decision to refuse applications in relation to PEP-11.

Asset Energy commenced proceedings following the revelation that Mr Morrison had secretly sworn himself to the resources portfolio and to four other departments of state without disclosure to his Cabinet colleagues or to the public.

Ministers

[The Hon Madeleine King MP \(/ministers/king\)](#)

[The Hon Ed Husic MP \(/ministers/husic\)](#)

[Senator the Hon Tim Ayres \(/ministers/ayres\)](#)

The Bell Inquiry confirmed the Solicitor-General's conclusion that the principles of responsible government were "fundamentally undermined" because Mr Morrison was not "responsible" to the Parliament, and through the Parliament to the electors, for the departments he was appointed to administer.

The consent orders, if granted, will vacate Mr Morrison's decision to refuse applications in relation to PEP-11, and return the PEP-11 application to the Commonwealth-New South Wales Offshore Petroleum Joint Authority for a new decision.

The Minister for Resources, the Hon Madeleine King MP, has welcomed that both parties have reached an agreement to resolve the court proceedings.

Minister King stated that "I assure Australians that any decisions that I take as the Federal Minister for Resources will always be based on sound evidence and in accordance with the law. Australians quite rightly expect this of their elected leaders.

"I am not going to provide an ongoing commentary on future official decisions that come before the Joint Authority, whether in relation to PEP-11 or any other matter."

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[Site map \(/ministers/site-map\)](/ministers/site-map)

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.

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DEPARTMENT OF INDUSTRY, SCIENCE AND RESOURCES

MS24-000603

To: Minister for Resources (For Decision)

PEP-11 CHANGE OF DECISION MAKER

Timing: Urgent – by 22 April 2024 – to ensure the Prime Minister is notified before any public announcement is made.

Recommendation:			
1. That you sign the letter to the Prime Minister (see <u>Attachment A</u>) to inform him that you have recused yourself from future decisions with respect to petroleum exploration permit 11 (PEP-11).			
			Signed / Not signed
Minister:		Date:	
Comments:			
Clearing Officer:	Norelle Laucher	General Manager, Offshore Strategy Branch	Ph: s47E(c) Mob: s47E(c)
Contact Officer:	s47E(c)	Manager, Regulatory Reform Section	Ph: s47E(c) Mob: s47E(c)
For Parliamentary Services' use only.			
Date Submitted to the Minister's office in PDMS:			22/4/2024

Key Points:

1. The Hon Ed Husic MP, Minister for Industry and Science, has agreed to be the Commonwealth decision-maker for PEP-11 following your recusal (**MS23-001802** refers).
2. Prior to publicly announcing the change in the Commonwealth decision-maker, a letter has been drafted at Attachment A for you to inform the Prime Minister of actions.
3. s 42, s 47C, s 47E(d)

Sensitivities and Handling:

4. The letter is to be sent before any public announcement regarding the change in decision-maker is made.

Consultation with the Cities and Northern Australia Division, Department of Infrastructure, Transport, Regional Development, Communications and the Arts: NIL

Other Consultation: YES

5. Legal Branch, Department of Industry, Science and Resources.

ATTACHMEN:

A: Letter to the Prime Minister



THE HON MADELEINE KING MP
MINISTER FOR RESOURCES
MINISTER FOR NORTHERN AUSTRALIA

MS24-000603

The Hon Anthony Albanese MP
Prime Minister
Parliament House
CANBERRA ACT 2600

Dear Prime Minister

I write to inform you that I have chosen to recuse myself from future decision-making on petroleum exploration permit 11 (PEP-11). [s 42](#)

The Hon Ed Husic MP, Minister for Industry and Science, has agreed to make future decisions in relation to PEP-11 as the responsible Commonwealth Minister of the Commonwealth-New South Wales Offshore Petroleum Joint Authority. As the Minister for Industry and Science, Minister Husic has responsibility for administering legislation dealt with by the Department of Industry, Science and Resources under the Administrative Arrangements Order of 13 October 2022. As such, Minister Husic may make decisions under the OPGGS Act, including in relation to PEP-11.

[s 47C, s 47E\(d\)](#)

I have copied the [s 47C](#) and Secretary Quinn to this correspondence.

Yours sincerely

Madeleine King MP

/ /2024

CC: [s 47C](#)
The Hon Ed Husic MP, Minister for Industry & Science
Ms Meghan Quinn PSM, Secretary, Department of Industry, Science & Resources

DEPARTMENT OF INDUSTRY, SCIENCE AND RESOURCES

MS24-000348

To: Minister for Industry and Science (For Decision)

PETROLEUM EXPLORATION PERMIT-11 (PEP-11) DECISION MAKER

Timing: Routine

<p>Recommendations: That you</p>			
<p>1. Agree to be decision maker on the PEP-11 applications, in the event the Minister for Resources recuses herself.</p>			
<p>Agreed / Not agreed</p>			
<p>2. s47C</p>			
<p>3. s42,47C</p>			
<p>4. Sign the letter to the Minister for Resources at <u>Attachment E</u> agreeing to be the responsible Commonwealth Minister for the PEP-11 applications with the Commonwealth-New South Wales Offshore Petroleum Joint Authority</p>			
<p>Signed / Not signed</p>			
<p>Minister:</p>		<p>Date:</p>	
<p>Comments:</p>			
<p>Clearing Officer:</p>	<p>Robert Jeremenko</p>	<p>Head of Division, Oil and Gas</p>	<p>Ph: s47E (c) Mob: s47E (c)</p>
<p>Contact Officer:</p>	<p>s47E (c)</p>	<p>Manager, Offshore Exploration</p>	<p>Ph: s47E (c) Mob: s47E (c)</p>
<p>For Parliamentary Services' use only. Date Submitted to the Minister's office in PDMS:</p>			<p>08/04/2024</p>

Key Points:

1. The *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (the Act) governs offshore petroleum and greenhouse gas storage activities in Commonwealth waters and creates a regime that spans exploration through to production and decommissioning.

OFFICIAL: Sensitive Legal privilege

2. The Act establishes a Joint Authority for each offshore area, comprising the responsible Commonwealth Minister (currently the Minister for Resources) and the relevant state or Northern Territory Minister.
3. In the case of the PEP-11, the Commonwealth-NSW Offshore Petroleum Joint Authority (Joint Authority) is constituted by 'the responsible State Minister' and 'the responsible Commonwealth Minister'.
4. PEP-11 is a Petroleum Exploration Permit located in Commonwealth waters, offshore of New South Wales adjacent to Newcastle and Sydney. Further background on the PEP-11 permit is at Attachment B.
5. There are two applications before the Joint Authority.
 - i. a secondary work program variation, suspension and extension application submitted on 23 January 2020; and
 - ii. a suspension and extension application submitted on 4 February 2021.
6. **s42**
7. On 4 April 2024, the Hon Madeleine King MP, Minister for Resources and Northern Australia wrote to you in her capacity as the responsible Commonwealth Minister of the Joint Authority requesting you consider taking future decisions on the two applications relating to PEP-11. The letter is at Attachment D.
8. Should you agree to be the decision maker, the Minister for Resources has indicated she will recuse herself from future decisions with respect to PEP-11 upon receipt of your reply. A reply letter (reviewed by Legal Branch) is at Attachment E should you agree to take on decisions for the PEP-11 applications.
9. While in practice Ministerial responsibilities are divided for the administration of Acts, a Minister that is appointed to a portfolio is capable of administering the Acts within that portfolio's remit as set out in the *Administrative Arrangements Orders*.
10. As a Minister appointed to the Industry, Science and Resources portfolio, you have authority under the Act to consider and decide the PEP-11 applications as the responsible Commonwealth Minister, should the Minister for Resources recuse herself.
11. Should you agree to be the decision maker, the department will support your role as Commonwealth member of the Joint Authority and will brief you in due course on the offshore petroleum regime, the decision-making process and the specifics of the PEP-11 decisions.
12. Background on decision making under the Act is at Attachment C.

OFFICIAL: Sensitive Legal privilege

Sensitivities and Handling:

13. The most recent decision regarding PEP-11 was quashed by the Federal Court and remitted to the Joint Authority to be remade on the grounds that it was affected by reasonable apprehension of bias.
14. PEP-11 is subject to high levels of media and political scrutiny. Should you agree to be the decision maker, it is likely your role will attract significant public attention.

Data referenced: Nil.

Consultation: YES

s42

ATTACHMENTS

- A:** s42
- B:** PEP-11 background
- C:** *Offshore Petroleum and Greenhouse Gas Storage Act 2006* background
- D:** Incoming letter from the Minister for Resources
- E:** Draft letter to the Minister for Resources

Background information – decision making on certain title applications under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*

- The *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (the Act) governs offshore petroleum and greenhouse gas storage activities in Commonwealth waters and creates a regime that spans exploration through to production and decommissioning.
- The Act established a Joint Authority for each offshore area, comprising the responsible Commonwealth Minister (currently the Minister for Resources) and the relevant state or Northern Territory Minister.
- Joint Authority Ministers may delegate any or all of their functions and powers to appropriate Commonwealth and State/Territory officials within their respective Departments. There cannot be a shared Ministerial-Delegate decision; if one part of the Joint Authority decision is made by a Minister, the other part must be a Minister and cannot be delegated to an official.
- An exploration permit authorises the titleholder to explore within the permit area. Exploration activities, such as seismic and exploration drilling, can occur subject to relevant regulatory approvals.
- When bidding for a permit, proponents must propose a work program that furthers the exploration of the bid area. When awarded, the work program forms conditions on the permit.
- The Joint Authority acknowledges elements of an exploration work program or its timing may need to change as:
 - Geological or technical knowledge is gained, requiring additional work i.e., technical grounds; or
 - If the timing of an activity is impacted by *force majeure* circumstances.
- The Act allows for a variation, suspension and/or exemption from compliance with work program conditions. Where warranted, the Joint Authority may also grant an extension to the permit term where a condition has been suspended.
- Titleholders can apply to suspend or vary permit conditions, and extend the permit, under section 264 of the Act. The Joint Authority decides on these under sections 264 (with regards to suspending or varying conditions) and 265 (with regards to extending the permit term).
- The *Offshore Petroleum Exploration Guideline: Work-bid* describes the considerations Joint Authorities make when reviewing suspension, extension and variation applications. This includes the circumstances that don't constitute *force majeure*, the acknowledgment of technical grounds for suspending and/or extending a permit, and changing circumstances based on geological knowledge progressing.
- The National Offshore Petroleum Titles Administrator interacts with the titleholder on behalf of the Joint Authority, and provides assessment and recommendations regarding applications to the Joint Authority.

OFFICIAL

- The State or Northern Territory Member, following consideration of NOPTA's advice and other matters, will inform the Commonwealth Minister of their opinion regarding the application. The Commonwealth Minister will then respond with their opinion. If they agree, this will form the final decision (allowing for a procedural fairness process in the event of a refusal decision). If there is a disagreement, the Commonwealth Minister can make the final decision.
- In any situation, the Joint Authority will consider the applications on their merits and consider the same matters.



**THE HON MADELEINE KING MP
MINISTER FOR RESOURCES
MINISTER FOR NORTHERN AUSTRALIA**

MS23-001802

The Hon Ed Husic MP
Minister for Industry and Science
Parliament House
CANBERRA ACT 2600

Dear Minister

I am writing to you in my capacity as the responsible Commonwealth Minister of the Commonwealth-New South Wales Offshore Petroleum Joint Authority (the Joint Authority), as established by the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*, regarding petroleum exploration permit 11 (PEP-11).

PEP-11 is subject to two applications requiring a decision by the Joint Authority. I intend to recuse myself as the responsible Commonwealth Minister of the Joint Authority in relation to these applications.

In your role as a portfolio minister for Industry, Science and Resources under the Administrative Arrangements Order of 23 June 2022, I request that you consider taking future decisions on the two applications relating to PEP-11 as the responsible Commonwealth Minister of the Joint Authority. Should you agree, I will recuse myself from future decisions with respect to PEP-11 upon receipt of your reply.

Yours sincerely

s47E
(c)

Madeleine King MP

04/04/2024



**THE HON ED HUSIC MP
MINISTER FOR INDUSTRY AND SCIENCE**

MS24-000348

The Hon Madeleine King MP
Minister for Resources
Minister for Northern Australia
Parliament House
CANBERRA ACT 2600

Dear Minister

Thank you for your letter of 4 April 2024 regarding decision-making on the petroleum exploration permit PEP-11 under the *Offshore Petroleum Greenhouse Gas Storage Act 2006*.

I agree to be the responsible Commonwealth Minister for the two current applications before the Commonwealth-New South Wales Offshore Petroleum Joint Authority regarding PEP-11. In doing so, I emphasise my commitment to considering the applications impartially and in line with the relevant legislation and guidelines.

Yours sincerely

Ed Husic MP

s47E
(c)

From: DLO Husic
Sent: Monday, 15 April 2024 6:26 PM
To: DLO King
Cc: DLO Husic
Subject: Letter from the Hon Ed Husic - MS24-000348 [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]
Attachments: Letter from the Hon Ed Husic MP - MS24-000348.pdf

Good evening DLOs

Please see attached letter from the Hon Ed Husic MP, Minister for Industry and Science regarding decision-making on the petroleum exploration permit PEP-11.

No hardcopy to follow.

Kind regards,

s47E
(c)
Departmental Liaison Officer | Office of the Hon Ed Husic MP
s47E
(c) | DLOHusic@industry.gov.au

OFFICIAL: Sensitive
Legal privilege



**THE HON ED HUSIC MP
MINISTER FOR INDUSTRY AND SCIENCE**

MS24-000348

The Hon Madeleine King MP
Minister for Resources
Minister for Northern Australia
Parliament House
CANBERRA ACT 2600

15 APR 2024

Dear Minister

Thank you for your letter of 4 April 2024 regarding decision-making on the petroleum exploration permit PEP-11 under the *Offshore Petroleum Greenhouse Gas Storage Act 2006*.

I agree to be the responsible Commonwealth Minister for the two current applications before the Commonwealth-New South Wales Offshore Petroleum Joint Authority regarding PEP-11. In doing so, I emphasise my commitment to considering the applications impartially and in line with the relevant legislation and guidelines.

s47E
(c)

Ed Husic MP

s47E(c)

From: Laucher, Norelle
Sent: Wednesday, 3 April 2024 5:19 PM
To: s47E(c)
Cc: Urquhart, Jane; Jeremenko, Robert; s47E(c)
Subject: PEP-11: Exchange of letters (MS23-001802) [SEC=OFFICIAL]
Attachments: DRAFT King to Husic letter.docx

Follow Up Flag: Follow up
Flag Status: Flagged

OFFICIAL

s47E(c)

Good afternoon

As requested, please find a letter in relation to PDMS item MS23-001802.

Kind regards,

Norelle

Norelle Laucher
General Manager

Oil and Gas Division | Offshore Strategy Branch
 Ngunnawal Country, L5 Industry House, 10 Binara St (GPO Box 2013) Canberra ACT 2601 Australia
 Department of Industry, Science and Resources

s47E(c)

Pronouns: She/Her

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Acknowledgement of Country

Our department recognises the First Peoples of this nation and their ongoing connection to culture and country. We acknowledge First Nations Peoples as the Traditional Owners, Custodians and Lore Keepers of the world's oldest living culture and pay respects to their Elders past, present and emerging.



OFFICIAL



**THE HON MADELEINE KING MP
MINISTER FOR RESOURCES
MINISTER FOR NORTHERN AUSTRALIA**

MS23-001802

The Hon Ed Husic MP
Minister for Industry and Science
Parliament House
CANBERRA ACT 2600

Dear Minister

I am writing to you in my capacity as the responsible Commonwealth Minister of the Commonwealth-New South Wales Offshore Petroleum Joint Authority (the Joint Authority) as established by the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*, regarding the offshore petroleum exploration permit PEP-11 located in Commonwealth waters in the offshore area of New South Wales.

Petroleum exploration permit PEP-11 is currently subject to two applications requiring a decision by the Joint Authority. I intend to recuse myself as the responsible Commonwealth Minister of the Joint Authority in relation to these applications.

In your role as a portfolio minister for Industry, Science and Resources under the Administrative Arrangements Order of 23 June 2022, I respectfully request that you consider taking on the role of responsible Commonwealth Minister of the Joint Authority on these applications. If you agree, I will recuse myself from the decisions upon receipt of your reply.

Thank you for your time and consideration.

Yours sincerely

Madeleine King MP

/ /2024

Minister for Resources | Snapshot 11 - 22 March 2024

Key Issues

s22

- PEP 11: Joint Authority decisions on PEP-11 applications (MS23-001802).

s22

Upcoming Meetings

s22

Major external events, speeches, presentations

s22

Appointments

s22

Upcoming reports, publications and information releases

s22

Upcoming International commitments

s22

Upcoming Parliamentary commitments/Legislation

Minister for Resources | Snapshot 18 - 29 March 2024

Key Issues

s22

Upcoming Meetings

s22

Major external events, speeches, presentations

s22

Appointments

s22

- PEP 11: Joint Authority decisions on PEP-11 applications (MS23-001802).

s22

Upcoming reports, publications and information releases

s22

Upcoming International commitments

s22

Upcoming Parliamentary commitments/Legislation

Minister for Resources | Snapshot 25 March – 5 April 2024

Key Issues

s22

- PEP 11: Joint Authority decisions on PEP-11 applications (MS23-001802).

s22

Upcoming International commitments

s22

Upcoming Parliamentary commitments/Legislation

Upcoming Meetings

s22

Major external events, speeches, presentations

s22

Appointments

s22

Upcoming reports, publications and information releases

s22

Minister for Resources | Snapshot 1 – 12 April 2024

Key Issues

s22

Upcoming Meetings

s22

Major external events, speeches, presentations

s22

Appointments

s22

Upcoming reports, publications and information releases

s22

- PEP 11: Joint Authority decisions on PEP-11 applications (MS23-001802). Drafting correspondence to confirm arrangements.

s22

Upcoming International commitments

s22

Upcoming Parliamentary commitments/Legislation

Minister for Resources | Snapshot 8 – 19 April 2024

Key Issues

s22

- PEP 11: Joint Authority decisions on PEP-11 applications (MS23-001802), including correspondence to confirm arrangements.

s22

Upcoming International commitments

s22

Upcoming Parliamentary commitments/Legislation

Upcoming Meetings

s22

Major external events, speeches, presentations

s22

Appointments

s22

Upcoming reports, publications and information releases

s22

Minister for Resources | Snapshot 15 – 26 April 2024

Key Issues

s22

- PEP 11: awaiting response from Minister Husic to your letter on the Joint Authority decisions on PEP-11 applications (MS23-001802).

s22

Upcoming International commitments

s22

Upcoming Parliamentary commitments/Legislation

Upcoming Meetings

s22

Major external events, speeches, presentations

s22

Appointments

s22

Upcoming reports, publications and information releases

s22