

**Economics Legislation Committee**  
ANSWERS TO QUESTIONS ON NOTICE  
Industry Portfolio  
Additional Budget Estimates Hearing 2013-14  
27 February 2014

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**AGENCY/DEPARTMENT:** DEPARTMENT OF INDUSTRY

**TOPIC:** Summary of Regulation Changes

**REFERENCE:** Question on Notice (Hansard, 27 February 2014, pages 13-14)

**QUESTION No.:** AI-1

**Senator PRATT:** Can you outline the difference between the current regulation and the new regulation in that sense? Clearly the existing environmental assessment done by NOPSEMA did not get the same level of environmental accountability.....

.....**Mr Hoffman:** The regs that are significantly different—and Ms Cutler has given some examples—have been publicly released. Perhaps to assist we could take on notice to provide a summary of the changes between the old set and the new set to you.

**Senator PRATT:** Thank you. That would be very worthwhile.

**ANSWER**

On 28 February 2014, amendments to the *Offshore Petroleum and Greenhouse Gas (Environment) Regulations 2009* (Environment Regulations) came into effect.

In 2013, the Australian Government made an election commitment to streamline environmental management regulation for offshore petroleum and greenhouse gas activities by making NOPSEMA the sole designated assessor for offshore environmental management of petroleum activities undertaken in its jurisdiction. The key amendments to the Environment Regulations to facilitate streamlining include:

- Introduction of a new environmental assessment process, the ‘offshore project proposal’, to capture large-scale petroleum developments that are likely to have a significant impact on matters protected under Part 3 of the EPBC Act, and provide for a mandatory public consultation process for those developments;
- Introduction of an acceptance criterion for environment plans whereby the Regulator cannot accept an environment plan for an activity or part of an activity being undertaken in any part of a declared World Heritage property;
- Inclusion of a specific reference to certain matters protected under Part 3 of the EPBC Act in relation to the requirement to describe the environment that may be affected by an activity in an offshore project proposal and environment plan.

The Environment Regulations under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* influenced the following:

- Strengthening the object of the Environment Regulations to include specific reference to the core concepts of ensuring environmental impacts and risks will be reduced to as low as reasonably practicable and of an acceptable level;

- Amendment of the definition of ‘petroleum activity’, to clarify and narrow the scope of the definition;
- Transfer of responsibility for submission of and compliance with an environment plan, and for compliance with the Environment Regulations generally, from the operator of an activity to the titleholder;
- Clarification of the process for assessment of an environment plan. This would include amendments to the process for modification and resubmission of an environment plan, in the event that the Regulator is not reasonably satisfied that the plan meets the acceptance criteria;
- Inclusion of a specific ability for the Regulator to request additional information before making a decision in relation to a submitted environment plan;
- Introduction of a requirement for the Regulator to publish a notification of a proposed activity on its website on submission of an environment plan by a titleholder;
- Extension of the content requirements for an environment plan summary to include a summary of arrangements for monitoring and oil pollution emergency response;
- Renaming the ‘oil spill contingency plan’ to ‘oil pollution emergency plan’ and clarification of the required content of a plan;
- Clarification of the requirement for an environment plan to provide for monitoring arrangements for both normal operations and emergency conditions, including monitoring to inform response and remediation activities;
- Clarification of incident reporting requirements, including provision for the Regulator to request additional written reports of reportable incidents;
- Insertion of a new regulation which would provide a standalone requirement for titleholders to submit reports to the Regulator about their environment performance no less than annually;
- Insertion of a new regulation to enable titleholders to reference information previously provided to the Regulator, rather than resubmit the information; and
- Other minor or technical amendments to clarify requirements under the Environment Regulations.

For further details on each change made to the Environment Regulations, a copy of the explanatory statement is available

at <http://www.comlaw.gov.au/Details/F2014L00157/Explanatory%20Statement/Text>.