



Committee Secretary
Senate Economics Legislation Committee
Parliament House
Canberra ACT 2600

**Inquiry into the Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment
(Safety and Other Measures) Bill 2024**

Dear Senators,

Thank you for the opportunity to comment on the *Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment (Safety and Other Measures) Bill 2024*. We note that the Committee has allowed just five working days for interested parties to make submissions on this legislation, leaving little time for any other interested stakeholders who are not already closely following this bill to do so. In particular, this extremely short timeframe is challenging for First Nations communities who may be impacted by any changes to consultation requirements for proposed major offshore gas projects arising from the proposed amendments.

Climate Council has strong concerns specifically about Schedule 2, Part 2 of this bill relating to the interaction between the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* approvals regime and the requirements of the *Environment Protection and Biodiversity Conservation Act 1999*. Our comments are restricted to this section of the bill.

There are two fundamental issues with this component of the bill.

First, the current wording of the bill would provide an extremely broad power for the Minister for Resources to make changes to the OPGGS Act and/or its regulations relating to environmental approvals for offshore oil and gas projects without the oversight or involvement of the Minister for the Environment.

As Senators would be aware, the requirement for activities authorised under the provisions of the OPGGS Act to be consistent with the endorsed Program approved under



the EPBC Act is an important environmental and governance safeguard. This link aims to ensure that projects are delivered in a way which meets agreed environmental standards and outcomes. Ensuring that changes cannot be made to the OPGGS regime without this affecting the standing EPBC authorisation also ensures that the Minister for the Environment must be appropriately engaged in any proposed amendments to environmental and other project assessment standards.

However, the Explanatory Memorandum for the bill notes: *“This item enables amendments to be made to the OPGGS Act or prescribed regulations made under the OPGGS Act, that may be inconsistent with aspects of the endorsed Program, while preserving the approval under section 146B of the EPBC Act and the effect of the approval under section 146D of the 76 EPBC Act. New section 790E ensures that relevant actions taken in accordance with a new or modified process implemented through the OPGGS Act or prescribed regulations, as amended from time to time, would be regarded as being undertaken in accordance with the endorsed Program.”*

This would appear to have the effect of removing any requirement for the Minister for the Environment to be involved in determining changes to the OPGGS Act, and open the door to significant weakening of environmental standards under this Act while still maintaining the standing EPBC approval for offshore oil and gas activities. This is completely unacceptable.

Australia’s national environment law exists for the purpose of safeguarding precious natural environments and habitats, many of which are being pushed to the brink of survival through the extraction and burning of coal, oil and gas. The Minister for the Environment should therefore be closely involved in any proposed changes to the approval requirements for offshore oil and gas extraction projects. It also should not be possible to weaken, amend or adjust requirements for the OPGGS regime while retaining the standing EPBC Act authorisation, given this exists for the purpose of ensuring environmental protections are maintained.

On this basis, the Climate Council’s strong preference would be to see this section removed from the bill in its entirety. However, if this section is to proceed for further consideration by the Parliament, Climate Council calls for it to be significantly re-drafted to clarify that:



- Changes to the OPGGS regime will only be considered consistent with the endorsed Program approved under the EPBC Act where they maintain or improve existing requirements on environmental protection, community consultation and other project delivery standards;
- The Environment Minister must be consulted on all proposed changes to aspects of the OPGGS regime covered by the EPBC Act authorisation, and provide written advice to the Resources Minister on whether or not these are consistent with maintaining a high standard of environmental protection for the offshore marine environment and other significant environmental matters.

Adopting these amendments would provide some assurance that the bill is not seeking to weaken the OPGSS project assessment regime in order to give major proposed offshore gas projects quicker and easier passage through it.

The second major issue with this section of the bill is the haste with which it is being handled in the Parliament. There is no logical connection between Schedule 2, Part 2 and other sections of the act dealing with improvements to the work health and safety regime for offshore workers. The section of the bill dealing with the OPGGS assessment regime appears to have been added to a broader bill which is expected to receive bipartisan support, for the sole purpose of ensuring its rapid passage through the Parliament.

There has been no clear explanation provided on the necessity of proceeding with this bill now, or with such a degree of urgency. As of early March, the Government is still in the process of consulting on whether changes are warranted to aspects of the OPGGS regime relating to community consultation and engagement. It has not yet announced the outcomes of this consultation or any intended policy and legislative reform directions arising from it. Introducing and seeking passage of this bill before this consultation process has concluded is very poor public policy practice, and leads to the unavoidable conclusion that the Government is simply engaging in performative consultation designed to reach a foregone conclusion.

We reiterate that the Climate Council's preferred option would be to remove Schedule 2, Part 2 from the bill in its entirety, and not pursue this change. In the event that the Government intends to pursue it, we call for this section to be separated from the broader bill and legislative consideration on it paused until such time as the Government has



concluded the current consultation process and announced the outcomes of this. Proceeding with this component of the bill now would be to preempt the outcomes of that process, and disregard the good faith contributions of all stakeholders and community members who have participated in it.

We strongly urge the Committee to take a stand in favour of environmental protection, transparency and orderly democratic process by recommending against the progression and passage of this bill in its current form.

Thank you for your consideration,



Dr Jennifer Rayner
Head of Advocacy

