



Our ref: A481048

Please find below responses to questions on notice raised during NOPSEMA's appearance before the Environment and Communications References Committee inquiry into the potential environmental, social and economic impacts of BP's planned exploratory drilling project, and any future oil or gas production in the Great Australian Bight.

**1. Senator Simms - Has NOPSEMA sought external advice during the assessment of BP's current environment plan submission?**

At the time of preparation of this response NOPSEMA has not identified a need to formally seek advice from external parties as part of the assessment of BP Developments Australia Pty Ltd's Great Australian Bight exploration drilling program environment plan.

As the assessment progresses, we may seek external advice on aspects of the proposal where it is deemed necessary to inform a decision on the environment plan.

Further information on the process NOPSEMA undertakes to access external expertise is provided in response to question 3 below.

**2. Senator Xenophon - In relation to the range of NOPSEMA expertise, how many staff have come from government backgrounds, environment organisations, non-government science organisations, offshore petroleum industry and marine ecology backgrounds?**

The below response details the expertise and backgrounds of NOPSEMA's environment and safety and integrity divisions who are responsible for delivering NOPSEMA's core regulatory functions.

NOPSEMA's Environment Division is staffed by 28 highly trained and qualified technical experts with extensive experience in environmental sciences and offshore oil and gas (eight staff hold PhDs and 14 staff hold Masters' degrees). PhDs within the Environment Division include specialisations in marine botany, eco-toxicity and environmental risk assessment, marine ecology, environmental chemistry, marine birds and environmental economics. The Masters degrees held by environment specialists also cover a range of disciplines within the environmental sciences.

In terms of broader professional backgrounds prior to joining NOPSEMA, environment specialists generally have a range of previous experience related to environmental disciplines such as marine research, baseline studies, monitoring and modelling; environment impact assessments; preparation of environmental policy guidance related to marine parks, water quality, protected species, conservation and recovery plans; and environmental management systems. NOPSEMA also has a team of dedicated experts with backgrounds in oil spill and emergency response arrangements who have experience within the Australian and international context.

The vast majority of specialists have previous government experience in environmental management related roles prior to joining NOPSEMA. In addition to government roles, a significant portion of environment specialists have held positions in consultancies, service providers and oil and gas

companies. Over half the environment specialists have been with NOPSEMA since 2011/2012. On average, specialists within the Environment Division have at least 10 years' experience in environmental management roles.

NOPSEMA's Safety and Integrity Division has an establishment complement of 39 specialists. The specialists typically have tertiary level education, or equivalent professional qualifications and extensive industry experience in one or more relevant technical disciplines such as drilling, marine, production process, pipeline, well engineering, diving or asset integrity maintenance. A significant proportion of specialists have held senior positions within the oil and gas industry, including as drilling manager, senior drilling engineer, marine chief engineer, project manager and drilling rig manager.

On average, safety and integrity specialists have in excess of 21 years' industry experience and in excess of six years' experience as an oil and gas industry regulator.

The independent 2015 Operational Review of NOPSEMA, tabled in both houses of parliament on 2 December 2015, found that:

- The organisation has invested in the individual operational capability of its inspectors.
- NOPSEMA's inspectors demonstrate a breadth of experience and depth of knowledge appropriate for their role.
- NOPSEMA's personnel have the experience and knowledge expected of a regulator in the offshore oil and gas environment.

### **3. Senator Xenophon - How much advice does NOPSEMA take from CSIRO in relation to these matters?**

NOPSEMA's assumption is that the above question relates to advice on marine ecology matters.

NOPSEMA relies on scientific evidence and a team of highly qualified experts to ensure high quality decision making and high quality advice to industry and other stakeholders.

The information that we use to support assessment decisions comes from a variety of sources, both national and international, including peer-reviewed published scientific literature, industry publications, published government management planning documents and species advice and information sought through relevant forums and conferences.

The authors of this information range from university academics, scientific and industry experts and government departments and agencies such as CSIRO and the Australian Institute of Marine Science (AIMS). This information is publically available and therefore is able to be accessed by titleholders when preparing their environment plans and used by NOPSEMA when verifying the claims made in those plans.

In situations where a decision cannot be made by NOPSEMA due to lack of supporting scientific evidence, the onus is on the titleholder to address the gaps in information which they may do through a variety of means including completing scientific studies or seeking advice from independent scientific experts.



If a situation arose where the technical staff at NOPSEMA were unable to assess scientific information provided in a submission due to the technical nature of the information provided, we are able to seek advice from external scientific experts. In this case, and in the interests of procedural fairness, we would also provide that advice/information to the titleholder to be considered in the environment plan. The source of external support in this case would depend on the technical expertise available within particular organisations and could be sought from government agencies, universities or private industry.

In terms of our advice function, NOPSEMA produces written guidance material in addition to advice provided to individual titleholders. CSIRO has provided technical review to guidance material in the past at the request of NOPSEMA. For example CSIRO was consulted in development of the Information Paper on Operational and Scientific Monitoring, relevant to oil spill preparedness. NOPSEMA staff also regularly interact with CSIRO staff through scientific forums, industry and government events.

**4. Senator Xenophon - How does NOPSEMA respond to the criticisms on pages 60-64 of The Wilderness Society’s submission?**

Wilderness Society Claim	NOPSEMA Response
<p><b>6.1. - Inappropriate Devolution of Powers to NOPSEMA</b></p>	<p>In 2013 and early 2014, NOPSEMA’s environmental management authorisation process for offshore petroleum and greenhouse gas activities was subject to a strategic assessment under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act).</p> <p>The strategic assessment was undertaken to compare requirements for environmental management under the Offshore Petroleum and Greenhouse Gas Storage Act 2006 (OPGGs Act) regime with those of Part 3 of the EPBC Act for the purpose of ensuring that the same environmental protection outcomes would be met.</p> <p>The “<i>Program Report: Strategic Assessment of the environmental management authorisation process for petroleum and greenhouse gas activities administered by the National Offshore Petroleum Safety and Environmental Management Authority under the Offshore Petroleum and Greenhouse Gas Storage Act 2006</i>” (the Program Report) details how the regime addresses each component of Part 3 of the EPBC Act.</p> <p>Attachment A provides a relevant extract of the Program Report detailing how the process administered by NOPSEMA meets commitments for the protection of those matters protected under Part 3 of the EPBC Act. A full copy of the Program Report is available at <a href="http://www.environment.gov.au/system/files/pages/06872cd4-b755-4ecf-a4e7-dd16145e1384/files/offshore-program-report.pdf">http://www.environment.gov.au/system/files/pages/06872cd4-b755-4ecf-a4e7-dd16145e1384/files/offshore-program-report.pdf</a></p> <p>The Program is being implemented to meet the objective of ensuring activities undertaken in the offshore area are conducted in a manner consistent with the principles of ecologically sustainable development and in a manner that will not result in unacceptable impacts to matters protected under Part 3 of the EPBC Act.</p>



Wilderness Society Claim	NOPSEMA Response
	<p>On 7 February 2014 the Minister for the Environment endorsed the Program as being appropriate to meet the requirements for protection of matters protected under Part 3 of the EPBC Act.</p> <p>On 27 February 2014, an approval was granted for a class of actions under the endorsed Program to proceed without the need for further approval from the Minister for the Environment.</p> <p>Offshore oil and gas is a hazardous and technically complex industry, the regulation of which requires specialist knowledge and expertise. It is recognised internationally that an independent, skills based regulator is the most effective approach to regulating major hazard industries such as this one. NOPSEMA makes merit-based decisions focused on individual activities and their potential interactions with the environment in which they are proposed to occur. As the independent regulator, NOPSEMA is not involved in Government policy decisions on whether fossil fuels should be exploited, or where exploration and production should take place. NOPSEMA is well placed to make assessment decisions exclusively on the technical and scientific merits of risk management plans with independence from economic, commercial and political factors.</p> <p>In its relatively short existence, NOPSEMA has been subject to various independent reviews that have found NOPSEMA to be a robust, rigorous and competent regulator. NOPSEMA reports to the Commonwealth Minister for the Environment on its environmental management performance in accordance with administrative arrangements under the endorsed EPBC Act Program.</p> <p>In 2015 NOPSEMA was subject to an independent review and was found to be delivering the levels of environmental protection required under the EPBC Act. The review further concluded that processes and procedures in place are appropriate to continue to deliver appropriate levels of protection in the future.</p> <p>Links to these independent reviews are available on NOPSEMA’s website at: <a href="http://www.nopsema.gov.au/about/independent-reviews/">http://www.nopsema.gov.au/about/independent-reviews/</a></p>
<p><b>6.2.</b> - Lack of Transparency in NOPSEMA Decision Making</p> <p><b>6.3.</b> - Inadequate Consultation Process</p>	<p>NOPSEMA’s environmental decisions assess the way in which environment plans (EP) meet the acceptance criteria detailed in the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009 (the Environment Regulations). However, NOPSEMA also recognises that assessment of these criteria raises complex and often competing environmental, social and economic considerations. As a result, NOPSEMA has adopted a decision-making approach which accords with the principles of good decision-making under the Administrative Decisions (Judicial Review) Act 1977, as well as the objects of the Environment Regulations. This framework allows NOPSEMA to discharge its procedural fairness obligations, as well as its obligation to ensure its decisions give due regard to appropriate and relevant environmental considerations.</p> <p>The Environment Regulations have robust consultation requirements for environment</p>



Wilderness Society Claim	NOPSEMA Response
	<p>plans (EP) and offshore project proposals (OPP).</p> <p><b>Offshore Project Proposals (OPP)</b></p> <p>Under the Environment Regulations, it is mandatory for proponents of an offshore project to submit an OPP to NOPSEMA for assessment for large scale offshore development activities such as construction of infrastructure and recovery of petroleum. An accepted OPP must be in place prior to submission and assessment of an EP for individual activities that form parts of that project.</p> <p>The process facilitates the provision of environmental management information early in the planning stages of offshore developments and provides external stakeholders and the public with an opportunity to review this information and make comment.</p> <p>The Environment Regulations require a mandatory public comment period of at least four weeks for all OPPs to allow stakeholders to review and provide comment on the proposal made available on NOPSEMA’s website. It is an acceptance requirement for an OPP that the proponent must adequately address comments given during the period for public comment. On acceptance NOPSEMA is required to publish the final OPP on its website.</p> <p>The OPP concept was incorporated into the Environment Regulations as a part of the environmental streamlining processes. To date, there have not been any new offshore projects that have required the development of an OPP.</p> <p><b>Environment Plans</b></p> <p>In preparing an EP, or a revision of an EP, the titleholder for an activity must consult with relevant persons including a person or organisation whose functions, interests or activities may be affected by the activities to be carried out under the EP, or any other person or organisation that the titleholder considers relevant.</p> <p>The Environment Regulations require a titleholder to provide a reasonable period for consultation and sufficient information to allow the relevant person to make an informed assessment of the possible consequences of the activity on their functions, interests or activities.</p> <p>The Environment Regulations also require titleholders to include in an EP a report on all of these consultations. In addition, the EP must include an implementation strategy which provides for appropriate consultation with relevant authorities of the Commonwealth, a state or territory, and other relevant interested persons or organisations, whilst conducting the petroleum activity.</p> <p>One of the criteria for acceptance of an EP is that there are reasonable grounds for believing that:</p> <ol style="list-style-type: none"> <li>i. the titleholder has carried out the required consultations</li> <li>ii. the measures (if any) that the titleholder has adopted, or proposes to adopt,</li> </ol>



Wilderness Society Claim	NOPSEMA Response
	<p>because of the consultations are appropriate.</p> <p>When an EP is submitted, the Regulator must, as soon as practicable, publish on its website: the name of the titleholder; a description of the activity; location of the activity; a link or other reference to the accepted offshore project proposal (if any); details of the titleholder’s nominated liaison person; and a decision made (if any) in relation to the Environment Plan. This is the limit of the information that NOPSEMA is authorised to publish regarding a submitted EP under the current legislation.</p> <p>If an EP is accepted, a titleholder must provide NOPSEMA with a summary of the EP within 10 days to be assessed and published on NOPSEMA’s website. The purpose of the EP Summary is to convert the very detailed and technical information from the EP into a form that is accessible and meaningful to very broad audience. Although the content must be accurately summarised to reflect the EP content, the level of detail provided in an EP Summary is significantly less than that provided in the full EP document. As a result, a number of stakeholders have raised concern regarding inadequate access to information. A number of stakeholders have also indicated that they have misunderstood the Summary to be the full extent of the EP and have therefore raised concern about the quality of EP submissions, the adequacy of the assessment and NOPSEMA’s decision-making process.</p> <p><b>Feedback and Continuous Improvement</b></p> <p>Through regulatory activities, NOPSEMA has identified that inconsistency in environmental consultation practices by the offshore petroleum industry can adversely impact individuals, communities, and organisations. NOPSEMA has also received feedback that the lack of a structured process for direct engagement with the Regulator regarding concerns with proposed petroleum activities and the current transparency of NOPSEMA’s decision-making processes do not meet the expectations of some sectors of the community.</p> <p>Following a number of improvements made during 2014 and early 2015, in August 2015 NOPSEMA announced a ‘Stakeholder engagement and transparency’ work program to focus on defining and addressing these issues with a view to making improvements to our administration of the regulatory regime to deliver better consultation outcomes and improve decision-making transparency.</p> <p>From July to October 2015, NOPSEMA conducted information sessions, briefings and meetings with stakeholders from industry, government and non-government organisations. Over 200 stakeholders were asked to complete a survey to assist in gauging current perceptions and were provided with an opportunity to comment on the work program and proposed changes to policy, guidance and regulatory practice. Based on the feedback, NOPSEMA proposed a detailed work program and has implemented a broad range of non-regulatory reform measures to improve stakeholder engagement and transparency.</p> <p>From 1 January 2016, NOPSEMA introduced changes to policies and guidance for</p>



Wilderness Society Claim	NOPSEMA Response
	<p>environmental management consultation and decision making processes for the offshore petroleum industry. These measures were non-regulatory and included:</p> <ul style="list-style-type: none"> <li>• clarification of expectations for titleholders undertaking appropriate consultation</li> <li>• clarification of the requirements for preparing an Environment Plan Summary</li> <li>• greater transparency of the consultation undertaken and proposed by titleholders</li> <li>• more access to information for community and other stakeholders regarding environmental management of petroleum activities</li> <li>• publication of decision notices by NOPSEMA to provide for transparency of decisions made and considerations by NOPSEMA at the time a decision is made.</li> </ul> <p>While non-regulatory measures have addressed some areas of concern, feedback received from some stakeholders indicates there are still issues with the effectiveness of the current regulatory provisions relating to consultation and transparency. In particular, the need for earlier engagement and direct input to the regulator to ensure stakeholder views are taken into account and to build community confidence in offshore petroleum environmental management.</p> <p>It should also be noted that the Environment Regulations do not allow NOPSEMA to publish EPs and therefore NOPSEMA is limited in the nature of information it can provide to stakeholders who are requesting assistance in the consultation process. An EP is an inherently confidential document which may contain information relating to the business affairs of the titleholder ('commercial-in-confidence' information), which is not generally publicly known and is communicated to NOPSEMA through a legislative process under the expectation it will be kept confidential. NOPSEMA is therefore under an obligation to maintain confidentiality of the document unless authorised by law to disclose it.</p> <p>NOPSEMA has communicated these issues to the Department of Industry, Innovation and Science (DIIS). DIIS has developed an issues paper that is currently out for public comment and specifically examines potential options for legislative amendment to improve transparency of the EP assessment process.</p> <p>NOPSEMA has also participated in consultation sessions facilitated by DIIS to receive feedback from stakeholders on matters raised in the issues paper. Please refer to DIIS website on further information:  <a href="http://www.industry.gov.au/resource/UpstreamPetroleum/OffshorePetroleumEnvironment/Pages/StakeholderEngagementOffshorePetroleumActivities.aspx">http://www.industry.gov.au/resource/UpstreamPetroleum/OffshorePetroleumEnvironment/Pages/StakeholderEngagementOffshorePetroleumActivities.aspx</a></p>
<b>6.4 - Lack of Assessment Expertise within NOPSEMA</b>	<p>A statement of the skills and qualifications of NOPSEMA staff has been provided against question 2.</p> <p>The Wilderness Society has raised concern that the transferral of environmental assessment responsibilities to NOPSEMA fails to ensure appropriate integration between regulatory assessment functions and the relevant policy sections of the Department of the Environment (DoE). The response to item 6.5 below identifies the</p>



Wilderness Society Claim	NOPSEMA Response
	<p>manner in which relevant EPBC policy considerations are available and taken into account by NOPSEMA during the assessment process.</p> <p>Attachment A provides an overview of NOPSEMA’s commitment to protection of those matters protected under Part 3 of the EPBC Act program and the mechanisms in place to ensure that these commitments are met. This includes specific consideration in NOPSEMA’s decision making processes of documents published by the DoE as the relevant policy agency such as policy statements, plans of management, recovery plans and conservation advices.</p> <p>NOPSEMA’s assessment process had previously considered documents and policies published by the DoE. These arrangements were formalised through the strategic assessment process and reflected in the Program. For example, under the Program, NOPSEMA is unable to accept an environment plan that is inconsistent with a recovery plan or a threat abatement plan for a listed threatened species or ecological community. This requirement, as with others, is reflected in EPBC Act requirements for Commonwealth agencies in relation to authorising activities.</p> <p>In addition, NOPSEMA and the DoE operate under agreed administrative arrangements through the Program that detail the interaction between the two agencies including the transfer of information, knowledge and expertise; access to online data sources; reporting of NOPSEMA’s performance under the Program; information sharing to allow appropriate reporting by the DoE under international obligations; periodic review of the Program and its performance in meeting EPBC Act objectives and consultation in development of guidance material.</p> <p>NOPSEMA’s commitments under the Program and the administrative arrangements in place with the DoE ensure appropriate interaction between the two agencies is maintained and that high levels of environmental protection consistent with Australian Government policy are delivered.</p>
<p><b>6.5.</b> - Lack of Proper Consideration of matters of national environmental significance under the EPBC Act</p>	<p>The Strategic Assessment of NOPSEMA’s environmental management authorisation process was specifically undertaken to assess the adequacy of the Program to identify and manage impacts on matters protected under Part 3 of the EPBC Act.</p> <p>Part 3 of the EPBC Act is concerned with requirements for the protection of particular environmental aspects at the national scale. It comprises two Divisions, which deal with a range of matters. Division 1 describes requirements relating to matters of national environmental significance and Division 2 describes protection of the environment under the Commonwealth’s jurisdiction and the broader environment, from proposals involving the Commonwealth.</p> <p>In response to the specific claim from the Wilderness Society that <i>“the “objective-based” OPGGS Act regulatory approach may be suitable for the assessment of safety issues where continuous improvement objectives are important and appropriate, it is an entirely inappropriate framework for the protection of environmental values. Even if risks and impacts can be managed to ALARP (“as low as reasonably practical”) levels,</i></p>





Wilderness Society Claim	NOPSEMA Response
	<p><i>this will not necessarily represent an appropriate protection of MNES as defined under the EPBC Act.</i>” It should be brought to the attention of the committee that, in order to be accepted, an environment plan must not only demonstrate that environmental impacts and risks (including those to matters protected under Part 3 of the EPBC Act) have been reduced to ALARP but also that they have been reduced to an acceptable level.</p> <p>In support of this requirement it is explicit under the Program that NOPSEMA is unable to accept an environment plan that contravenes relevant plans of management, management principles or that proposes unacceptable impacts to matters protected under Part 3 of the EPBC Act (see attachment A). These requirements ensure that appropriate levels of protection, in accordance with the EPBC Act and plans under that Act, are maintained through the application of NOPSEMA’s processes.</p> <p>For further information on this topic please refer to the response to claim 6.1 regarding the strategic assessment that was undertaken prior to NOPSEMA’s process being endorsed.</p> <p>In specific response to claims regarding assessment options for complex proposals please refer to section 6.3 of NOPSEMA’s written submission to the Inquiry which provides further detail on the offshore project proposal process, the environment plan process and the interaction between these two assessment streams.</p> <p>In specific response to NOPSEMA’s capacity to assess the cumulative impacts of offshore proposals, NOPSEMA is experienced in assessing proposals from regions such as the North West Shelf and the Bass Strait, where multiple petroleum activities may be occurring in proximity to one another. The description of the existing environment provided in an EP must include other socio-economic activities occurring in proximity. The environment plan must then describe the impacts and risks in this context, consider the interactions between the proposed activity and the existing activities and demonstrate that the environmental impacts and risks of the proposed activity will be acceptable in this context.</p> <p>Neither NOPSEMA, a proponent or any other regulatory body can consider potential interactions between unidentifiable activities that may or may not proceed in the future.</p>
<p><b>6.6.</b> - Lack of Proper Consideration of International Legal Obligations</p>	<p>The matters protected under Part 3 of the EPBC Act relevant to the Program are:</p> <ul style="list-style-type: none"> <li>World heritage values of declared World Heritage properties</li> <li>National heritage values of declared National Heritage places</li> <li>The ecological character of declared Ramsar wetlands</li> <li>Listed threatened species and ecological communities</li> <li>Listed migratory species</li> <li>The marine environment</li> </ul> <p>Through implementation of the EPBC Act Program NOPSEMA ensures that protection</p>



Wilderness Society Claim	NOPSEMA Response
	<p>of these matters is maintained in accordance with obligations under international conventions.</p> <p>For example, the Environment Regulations specifically prohibit NOPSEMA from authorising activities within the boundaries of a World Heritage Property. However, in the event that a proposed activity is in proximity to, or may impact on a World Heritage property, Section 318 of the EPBC Act requires that a Commonwealth agency must not authorise any person to do anything that may contravene a plan made under Section 316 for management of a World Heritage property. If no plan made under Section 316 exists, a Commonwealth agency must take all reasonable steps to ensure that acts relating to a property are not inconsistent with the Australian World Heritage management principles (Schedule 5, EPBC Regulations). As a Commonwealth statutory authority, NOPSEMA must comply with this requirement. These requirements ensure that Australia’s obligations under the World Heritage Convention and the Australian World Heritage management principles are met.</p> <p>Similar requirements exist for the protection of other matters protected under Part 3 of the EPBC Act.</p> <p>In specific response to claims regarding migratory species, in order to comply with commitments under the Program, NOPSEMA must not accept an environment plan that proposes activities that will result in unacceptable impacts to a migratory species or an area of important habitat for a migratory species.</p> <p>In addition NOPSEMA must have regard to relevant policy documents, wildlife conservation plans, guidelines and plans of management on the DoE website in determining whether an environment plan is acceptable. These plans provide for the protection and recovery of migratory species and are in place to ensure that the survival and conservation status of migratory species and their critical habitat will be maintained and protected, these plans assist NOPSEMA’s determination of whether a titleholder has demonstrated acceptable levels of impact.</p> <p>Under the administrative arrangements in place for the Program, NOPSEMA is required to provide information to the DoE to allow that department to meet its reporting obligations under relevant international conventions.</p>
<p><b>6.7. -</b> Proceeding Before Major Research Project is Complete</p>	<p>Once an exploration permit is granted the holder of that permit (the titleholder) is authorised to make an environment plan submission to NOPSEMA.</p> <p>NOPSEMA has no role in a titleholder’s decision making regarding the timing of an environment plan submission. NOPSEMA is required by law to assess a titleholder’s environment plan at any time that the plan is submitted.</p> <p>NOPSEMA takes into account relevant, publically available scientific information when coming to a decision to accept or refuse an EP.</p> <p>In order to accept an EP NOPSEMA must be reasonably satisfied that sufficient</p>



Wilderness Society Claim	NOPSEMA Response
	<p>information has been provided to determine whether environmental impacts and risks are acceptable or not, and whether environmental impacts and risks are reduced to as low as reasonably practicable.</p> <p>An objective of the Environment Regulations is ensuring offshore petroleum activities are conducted in accordance with principles of ecologically sustainable development. One of these principles, the precautionary principle, states “if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation”.</p> <p>If environmental impacts are uncertain, NOPSEMA requires titleholders to apply all reasonably practicable controls to reduce those impacts. This may include excluding sensitive locations and/or times of year until appropriate scientific data becomes available. If the titleholder is unable to demonstrate that environmental impacts are acceptable the EP will not be found to be acceptable.</p>

**5. Senator Gallacher - I think your annual report says 14 million hours of work, 178 operators, 44 platforms and one environmental incident. What was that environmental incident that you reported on in 2014?**

The performance of NOPSEMA and data collected by NOPSEMA on the performance of the offshore oil and gas industry is reported annually in the NOPSEMA Annual Report and also the NOPSEMA Annual Offshore Performance Report, available on the NOPSEMA website. Both reports include statistics on environmental incidents whether recordable or reportable under the Environment Regulations.

Based on NOPSEMA’s reading of the above question extracted from Hansard it is inferred that Senator Gallacher is referencing an investigation undertaken by NOPSEMA in 2014 that is described on page 39 of the Annual Offshore Performance Report 2014.

In March 2014 the Victorian Department of Transport, Planning and Local Infrastructure (DTPLI) reported to NOPSEMA that oil tar balls had been observed washing up on 90 mile beach in the Gippsland region, triggering a clean-up operation. DTPLI were in control of the response. NOPSEMA cooperated with the Victorian government and conducted an investigation to determine whether any leaks or spills were identified from nearby offshore petroleum facilities. NOPSEMA’s investigation did not detect leaks or spills from offshore petroleum facilities in the region and the Victorian authorities analysed the chemical properties of the tar balls but were unable to identify a match with a range of possible sources in the region.

**Additional Information:**

In addition to the formal questions on notice directed to NOPSEMA, through attendance at the hearings and review of Hansard, NOPSEMA is also aware that Senator Xenophon was interested in some further information on the weathering and dispersion of oil as a result of natural processes. Below are two references that provide further technical information on this topic:

1. *“Guidelines on oil characterization to inform spill response decisions”* OGP/IPIECA 2013 available at <http://www.ipieca.org/publication/guidelines-oil-characterization-inform-spill-response-decisions>
2. *“Technical Information Paper 2 – Fate of marine oil spills”* ITOPF 2014 available at <http://www.itopf.com/knowledge-resources/documents-guides/fate-of-oil-spills/>



## ATTACHMENT A<sup>1</sup>

**Table 1: Commitments under the endorsed EPBC Act Program, responsibilities of relevant parties and mechanisms in place to ensure that MNES are protected.**

PROGRAM COMMITMENTS	RESPONSIBILITIES	MECHANISMS
<p>World Heritage Properties:</p> <ul style="list-style-type: none"> <li>NOPSEMA will not accept an Environment Plan that involves the activity or part of the activity, other than arrangements for environmental monitoring or responding to an emergency, being undertaken in any part of a declared World Heritage property within the meaning of the EPBC Act.</li> <li>NOPSEMA will not accept an Environment Plan that proposes activities that will contravene a plan of management for a World Heritage property or proposes unacceptable impacts to the world heritage values of a World Heritage property.</li> <li>If there is no plan of management for a World Heritage property, then NOPSEMA will take all reasonable steps to ensure that any accepted Environment</li> </ul>	<p>Titleholder responsibilities:</p> <ul style="list-style-type: none"> <li>The OPGGS(E) Regulations require that a titleholder’s Environment Plan must: <ul style="list-style-type: none"> <li>not propose an activity that wholly or in part (other than arrangements for environmental monitoring or responding to an emergency) is to be conducted in any part of a World Heritage property</li> <li>describe the existing environment that may be affected by the activity and include details of the particular relevant values and sensitivities of that environment. In the event that a proposed activity is likely to affect a World Heritage property, a detailed description of the outstanding universal value(s) of that property is required to be included</li> <li>detail all of the environmental impacts and risks of the activity. This includes all potential impacts on relevant environmental values including those associated with World Heritage properties. The OPGGS(E) Regulations define environmental impact as <i>“any change to the environment, whether adverse or beneficial, that wholly or partially results from an activity of a titleholder”</i></li> </ul> </li> </ul>	<p>Mechanisms to ensure titleholder’s responsibilities are met:</p> <ul style="list-style-type: none"> <li>Regulations 10A, 13 and 14 of the OPGGS(E) Regulations will ensure these responsibilities are met.</li> <li>NOPSEMA prepares and publishes guidance on the content requirements of Environment Plans, which provides further detailed interpretation of the requirements of the OPGGS(E) Regulations with respect to the identification and management of impacts to the environment. NOPSEMA will update this guidance on approval of classes of actions to ensure that, where relevant, titleholders give specific consideration to World Heritage management obligations, principles and management plans to ensure that activities proposed in their Environment Plans are not inconsistent with these requirements.</li> <li>NOPSEMA will issue</li> </ul>

<sup>1</sup> Excerpt from: “Program Report: Strategic Assessment of the environmental management authorisation process for petroleum and greenhouse gas activities administered by the National Offshore Petroleum Safety and Environmental Management Authority under the Offshore Petroleum and Greenhouse Gas Storage Act 2006” - Australian Government, February 2014.

PROGRAM COMMITMENTS	RESPONSIBILITIES	MECHANISMS
<p>Plan that refers to the property is not inconsistent with the Australian World Heritage management principles.</p> <ul style="list-style-type: none"> <li>• NOPSEMA will develop guidance (that will be updated from time to time) that titleholders should have regard to in the preparation of their Environment Plans. The guidance will: <ul style="list-style-type: none"> <li>– make reference to consideration of the protection of the values of World Heritage properties</li> <li>– include references to relevant guidance documents to be considered by titleholders in preparing Environment Plans such as Statements of Outstanding Universal Value, plans of management and EPBC Act guidance documents.</li> </ul> </li> <li>• In undertaking assessments, NOPSEMA will have regard to relevant policy documents, guidelines, Statements of Outstanding Universal Value and plans of management on the DoE website.</li> </ul>	<p>and as such direct, indirect and facilitated impacts on the values of World Heritage properties are appropriately captured through the Environment Plan process</p> <ul style="list-style-type: none"> <li>– evaluate all of the environmental impacts and risks of the activity including those that may arise under potential emergency conditions. This requirement ensures that the interaction between the titleholder’s activity and the receiving environment is analysed appropriately such that control measures to avoid or mitigate those potential impacts can be put in place and detailed in an Environment Plan</li> <li>– include environmental performance outcomes, environmental performance standards and measurement criteria. Environmental performance outcomes are defined as <i>“measurable performance targets set for the management of the environmental aspects of an activity to ensure that environmental impacts and risks will be of an acceptable level”</i>. Environmental performance standards relate directly to control measures used to reduce impacts and risks to acceptable levels and provide statements of performance required of these control measures. This allows the titleholder to determine whether control measures applied will be effective in eliminating and mitigating environmental impacts to the values of World Heritage</li> </ul>	<p>further guidance that directs titleholders to consider relevant policies, documents and other material issued by DoE in the preparation of Environment Plans to ensure that management of impacts to the values of World Heritage properties is appropriately taken into account.</p>



PROGRAM COMMITMENTS	RESPONSIBILITIES	MECHANISMS
	<p>properties. Measurement criteria allow a titleholder to determine whether environmental performance outcomes and standards have been met and thereby to determine whether impacts to the values of World Heritage properties are being managed to the defined acceptable levels</p> <ul style="list-style-type: none"> <li>- demonstrate that the environmental impacts and risks of the activity will be of an acceptable level and reduced to as low as reasonably practicable (ALARP). In order to meet this requirement a titleholder must include information to demonstrate that all practicable measures that can be taken to reduce impacts to the values of World Heritage properties will be taken. It is implicit in this requirement that impacts to the values of World Heritage properties cannot be unacceptable</li> <li>- describe the legislative and other requirements that apply to the activity and that are relevant to the environmental management of the activity. Sections 318 and 321 of the EPBC Act set out the requirements for section 316 plans for the management of listed World Heritage properties. If these requirements are relevant to the activities of a petroleum titleholder the Environment Plan must describe the requirements and provide appropriate control measures to ensure that these requirements will be met. If no section 316 plan of management exists,</li> </ul>	



PROGRAM COMMITMENTS	RESPONSIBILITIES	MECHANISMS
	<p>section 318 refers to consideration of the Australian World Heritage management principles (Schedule 5, EPBC Regulations).</p> <ul style="list-style-type: none"> <li>- Any Commonwealth legislative requirement under the EPBC Act or any other Act that is relevant to the environmental management of a titleholder's activity is similarly captured through the requirements of the OPGGS(E) Regulations</li> <li>• By placing the above obligations on titleholders the OPGGS(E) Regulations facilitate protection of the outstanding universal values of World Heritage properties and ensure that those values persist.</li> </ul>	
	<p>NOPSEMA Responsibilities:</p> <ul style="list-style-type: none"> <li>• With particular reference to World Heritage properties, Section 318 of the EPBC Act requires that a Commonwealth agency must not authorise any person to do anything that may contravene a plan made under Section 316 for management of a World Heritage property. If there is no section 316 plan, a Commonwealth agency must take all reasonable steps to ensure that acts relating to the property are not inconsistent with the Australian World Heritage management principles (Schedule 5, EPBC Regulations). These responsibilities ensure that Australia's obligations under the World Heritage Convention and the Australian World Heritage management principles are met.</li> <li>• The OPGGS(E) Regulations contain clear acceptance criteria against which NOPSEMA must assess all Environment Plans. NOPSEMA must not accept an Environment Plan that</li> </ul>	<p>Mechanisms to ensure NOPSEMA's responsibilities are met:</p> <ul style="list-style-type: none"> <li>• Section 318 of the EPBC Act requires that a Commonwealth agency must not authorise any person to do anything that may contravene a plan made under Section 316 for management of a World Heritage property. If no plan made under Section 316 exists, a Commonwealth agency must take all reasonable steps to ensure that acts relating to a property are not inconsistent with the Australian World Heritage management principles (Schedule 5, EPBC Regulations). As a Commonwealth statutory authority, NOPSEMA must comply with this requirement.</li> </ul>





PROGRAM COMMITMENTS	RESPONSIBILITIES	MECHANISMS
	<p>does not meet these criteria. In particular NOPSEMA will not accept an Environment Plan that involves the activity or part of the activity, other than arrangements for environmental monitoring or responding to an emergency, being undertaken in any part of a declared World Heritage property within the meaning of the EPBC Act.</p> <ul style="list-style-type: none"> <li>As described above, the OPGGS(E) Regulations require Environment Plans to describe all of the legislative and other requirements that apply to the activity. If these requirements are not adequately described and addressed by an Environment Plan the requirements of the OPGGS(E) Regulations will not be met and NOPSEMA will be unable to accept the Environment Plan.</li> </ul>	<ul style="list-style-type: none"> <li>Regulation 10A(f) of the OPGGS(E) Regulations ensure that NOPSEMA will not accept an Environment Plan that involves the activity or part of the activity, other than environmental monitoring or responding to an emergency, being undertaken in any part of a declared World Heritage property within the meaning of the EPBC Act.</li> <li>The Environment Plan content requirements of the OPGGS(E) Regulations [regulations 13 and 14] ensure that potential impacts to the values of World Heritage properties are appropriately identified, evaluated and mitigated to levels that are acceptable and ALARP. NOPSEMA must not accept an Environment Plan if the requirements of the OPGGS(E) Regulations have not been met [regulation 10A)].</li> <li>On approval of classes of actions NOPSEMA will ensure that assessment policies and procedures are updated to make it explicit that decisions made by NOPSEMA must not be inconsistent with World Heritage management obligations, principles and management plans and that these must be taken into account when determining the</li> </ul>



PROGRAM COMMITMENTS	RESPONSIBILITIES	MECHANISMS
		acceptability of an Environment Plan where impacts to the values of World Heritage properties may arise.
<p>National Heritage places:</p> <ul style="list-style-type: none"> <li>• NOPSEMA will not accept an Environment Plan that proposes activities that will contravene a plan of management for a National Heritage place or proposes unacceptable impacts to the National heritage values of a National Heritage place.</li> <li>• If there is no plan of management for a National Heritage place, then NOPSEMA will take all reasonable steps to ensure that any accepted Environment Plan that refers to the place is not inconsistent with the National Heritage management principles.</li> <li>• NOPSEMA will develop guidance (that will be updated from time to time) that titleholders should have regard to in the preparation of their Environment Plans. The guidance will:                             <ul style="list-style-type: none"> <li>– make reference to consideration of the protection of the values of National Heritage places</li> <li>– include references to relevant guidance</li> </ul> </li> </ul>	<p>Titleholder Responsibilities:</p> <ul style="list-style-type: none"> <li>• The OPGGS(E) Regulations require a titleholder's Environment Plan to include:                             <ul style="list-style-type: none"> <li>– a comprehensive description of the environment that may be affected by the activity including relevant values and sensitivities of National Heritage places</li> <li>– details of all the environmental impacts and risks of the activity including those to the values of National Heritage places</li> <li>– an evaluation of all the environmental impacts and risks of the activity including those to the values of National Heritage places. This includes the selection and application of appropriate control measures to reduce potential impacts and risks to acceptable levels</li> <li>– environmental performance outcomes, environmental performance standards and measurement criteria against which the performance of the titleholder in protecting the environment, including the values of National Heritage places is to be measured</li> <li>– a clear demonstration that the environmental impacts and risks of the activity will be reduced to acceptable levels and ALARP</li> <li>– a description of the legislative and other requirements that apply to the activity and that are relevant to the environmental management of the activity.</li> </ul> </li> </ul>	<p>Mechanisms to ensure titleholder's responsibilities are met:</p> <ul style="list-style-type: none"> <li>• Regulations 10A, 13 and 14 of the OPGGS(E) Regulations will ensure these responsibilities are met.</li> <li>• NOPSEMA prepares and publishes guidance on the content requirements of Environment Plans, which provides further detailed interpretation of the requirements of the OPGGS(E) Regulations with respect to the identification and management of impacts to the environment. NOPSEMA will update this guidance on approval of classes of actions to ensure that, where relevant, titleholders give specific consideration to National Heritage management obligations, principles and management plans to ensure that activities proposed in their Environment Plans are not inconsistent with these requirements.</li> <li>• NOPSEMA will issue further guidance that directs titleholders to consider relevant policies, documents and other material issued by DoE in</li> </ul>

PROGRAM COMMITMENTS	RESPONSIBILITIES	MECHANISMS
<p>documents to be considered by titleholders in preparing Environment Plans such as gazettal instruments and EPBC Act guidance documents.</p> <ul style="list-style-type: none"> <li>In undertaking assessments, NOPSEMA will have regard to relevant policy documents, guidelines, gazettal instruments and plans of management on the DoE website.</li> </ul>	<p>Sections 324U and 324X of the EPBC Act set out the requirements for Section 324S plans for the management of listed National Heritage places. If no Section 324S plan exists, Section 324U refers to consideration of the National Heritage management principles (Schedule 5B, EPBC Regulations). If these requirements are relevant to the activities of a petroleum titleholder the Environment Plan must describe the requirements and provide appropriate control measures to ensure that these requirements will be met</p> <ul style="list-style-type: none"> <li>By placing the above obligations on titleholders the OPGGS(E) Regulations facilitate protection of the values of National Heritage places and ensure that those values persist.</li> </ul> <p>NOPSEMA Responsibilities:</p> <ul style="list-style-type: none"> <li>With particular reference to National Heritage places, Section 324U of the EPBC Act requires that a Commonwealth agency must not authorise any person to do anything that may contravene a plan made under Section 324S for management of a National Heritage place. If there is no section 324S plan, a Commonwealth agency must take all reasonable steps to ensure that acts relating to the property are not inconsistent with the National Heritage management principles (Schedule 5B, EPBC Regulations).</li> <li>The OPGGS(E) Regulations contain clear acceptance criteria against which NOPSEMA must assess all Environment Plans. NOPSEMA must not accept an Environment Plan that</li> </ul>	<p>the preparation of Environment Plans to ensure that management of impacts to the values of National Heritage places is appropriately taken into account.</p> <p>Mechanisms to ensure NOPSEMA’s responsibilities are met:</p> <ul style="list-style-type: none"> <li>Section 324U of the EPBC Act requires that a Commonwealth agency must not authorise any person to do anything that may contravene a plan made under Section 324S for management of a National Heritage place. If no plan made under Section 324S exists, a Commonwealth agency must take all reasonable steps to ensure that acts relating to a property are not inconsistent with the National Heritage management principles</li> </ul>





PROGRAM COMMITMENTS	RESPONSIBILITIES	MECHANISMS
	<p>does not meet these criteria. In particular NOPSEMA is unable to accept an Environment Plan that does not demonstrate that impacts to the values of National Heritage places will be reduced to an acceptable level.</p> <ul style="list-style-type: none"> <li>• The OPGGS(E) Regulations require Environment Plans to describe all of the legislative and other requirements that apply to the activity. If these requirements are not adequately described and addressed by an Environment Plan the requirements of the OPGGS(E) Regulations will not be met and NOPSEMA will be unable to accept the Environment Plan.</li> <li>• The requirements of the OPGGS(E) Regulations will ensure that no Environment Plan can be accepted that proposes unacceptable impacts to the values of a National Heritage place.</li> </ul>	<p>(Schedule 5B, EPBC Regulations). As a Commonwealth statutory authority, NOPSEMA must comply with this requirement.</p> <ul style="list-style-type: none"> <li>• The Environment Plan content requirements of the OPGGS(E) Regulations [regulations 13 and 14] ensure that potential impacts to the value of National Heritage places are appropriately identified, evaluated and mitigated to levels that are of an acceptable level and ALARP. NOPSEMA must not accept an Environment Plan if the requirements of the OPGGS(E) Regulations have not been met [sub-regulation 10A].</li> <li>• On approval of classes of actions NOPSEMA will ensure that assessment policies and procedures are updated to make it explicit that decisions made by NOPSEMA must be consistent with National Heritage management obligations, principles and management plans, and that these must be taken into account when determining the acceptability of an Environment Plan where impacts to the values of National Heritage places may arise.</li> </ul>
Wetlands of International importance (Ramsar	<p>Titleholder Responsibilities:</p> <ul style="list-style-type: none"> <li>• The OPGGS(E) Regulations require a</li> </ul>	Mechanisms to ensure titleholder’s responsibilities

PROGRAM COMMITMENTS	RESPONSIBILITIES	MECHANISMS
<p>wetlands)</p> <ul style="list-style-type: none"> <li>• NOPSEMA will not accept an Environment Plan that proposes activities that will contravene a plan of management for a Ramsar wetland or proposes unacceptable impacts to the ecological character of a Ramsar wetland.</li> <li>• If there is no plan of management for a Ramsar wetland, then NOPSEMA will take all reasonable steps to ensure that any accepted Environment Plan that refers to the wetland is not inconsistent with the Australian Ramsar management principles.</li> <li>• NOPSEMA will develop guidance (that will be updated from time to time) that titleholders should have regard to in the preparation of their Environment Plans. The guidance will: <ul style="list-style-type: none"> <li>– make reference to consideration of the protection of the ecological character of the Ramsar wetland</li> <li>– include references to relevant guidance documents to be considered by titleholders in preparing Environment Plans</li> </ul> </li> </ul>	<p>titleholders Environment Plan to include:</p> <ul style="list-style-type: none"> <li>– A comprehensive description of the environment that may be affected by the activity including relevant values and sensitivities which includes Ramsar wetlands where relevant</li> <li>– details of all the environmental impacts and risks of the activity including those to the ecological character of Ramsar wetlands</li> <li>– an evaluation of all the environmental impacts and risks of the activity including those to the ecological character of Ramsar wetlands; includes the selection and application of appropriate control measures to reduce potential impacts and risks to acceptable levels</li> <li>– environmental performance outcomes, environmental performance standards and measurement criteria against which the performance of the titleholder in protecting the environment, including the ecological character of Ramsar wetlands, is to be measured</li> <li>– a clear demonstration that the environmental impacts and risks of the activity will be reduced to acceptable levels and ALARP</li> <li>– a description of the legislative and other requirements that apply to the activity and that are relevant to the environmental management of the activity. Sections 330 and 333 of the EPBC Act set out the requirements for plans for the management of Ramsar wetlands. If these requirements are relevant to the activities of a</li> </ul>	<p>are met:</p> <ul style="list-style-type: none"> <li>• Regulations 10A, 13 and 14 of the OPGGS(E) Regulations will ensure these responsibilities are met.</li> <li>• NOPSEMA prepares and publishes guidance on the content requirements of Environment Plans that provides further detailed interpretation of the requirements of the OPGGS(E) Regulations with respect to the identification and management of impacts to the environment. NOPSEMA will update this guidance on approval of classes of actions to ensure that, where relevant, titleholders give specific consideration to Ramsar wetland management obligations, principles and management plans to ensure that activities proposed in their Environment Plans are not inconsistent with these requirements.</li> <li>• NOPSEMA will issue further guidance that directs titleholders to consider relevant policies, documents and other material issued by DoE in the preparation of Environment Plans to ensure that management of impacts to the ecological character of Ramsar wetlands is appropriately taken into</li> </ul>



PROGRAM COMMITMENTS	RESPONSIBILITIES	MECHANISMS
<p>such as Ramsar Information Sheets, Ecological Character Descriptions and EPBC Act guidance documents.</p> <ul style="list-style-type: none"> <li>In undertaking assessments, NOPSEMA will have regard to relevant policy documents, guidelines, Ramsar Information Sheets, Ecological Character Descriptions and plans of management on the DoE website.</li> </ul>	<p>petroleum titleholder, the Environment Plan must describe the requirements and provide appropriate control measures to ensure that these requirements will be met. If no Section 328 plan exists, Section 330 (2) refers to consideration of the Ramsar Management Principles (Schedule 6 of the EPBC Regulations)</p> <ul style="list-style-type: none"> <li>By placing the above obligations on titleholders the OPGGS(E) Regulations facilitate protection of the ecological character of Ramsar wetlands.</li> </ul> <p>NOPSEMA Responsibilities:</p> <ul style="list-style-type: none"> <li>With particular reference to Ramsar wetlands Section 330 of the EPBC Act requires that a Commonwealth agency must not authorise any person to do anything that may contravene a plan made under Section 328 for management of a Ramsar wetland. If there is no Section 328 plan, a Commonwealth agency must take all reasonable steps to ensure that acts relating to the wetland are not inconsistent with the Australian Ramsar Management Principles (Schedule 6, EPBC Regulations).</li> <li>The OPGGS(E) Regulations contain clear acceptance criteria against which NOPSEMA must assess all Environment Plans. NOPSEMA must not accept an Environment Plan that does not meet these criteria. In particular NOPSEMA is unable to accept an Environment Plan that does not demonstrate that impacts to Ramsar wetlands will be reduced to an acceptable level.</li> <li>The OPGGS(E) Regulations require Environment Plans to describe all of the legislative and other</li> </ul>	<p>account.</p> <p>Mechanisms to ensure NOPSEMA’s responsibilities are met:</p> <ul style="list-style-type: none"> <li>Section 330 of the EPBC Act requires that a Commonwealth agency must not authorise any person to do anything that may contravene a plan made under Section 328 for management of a Ramsar wetland. If no plan made under Section 328 exists, a Commonwealth agency must take all reasonable steps to ensure that acts relating to a Ramsar wetland are not inconsistent with the Ramsar Management Principles (Schedule 6, EPBC Regulations). As a Commonwealth statutory authority, NOPSEMA must comply with this requirement.</li> <li>The Environment Plan content requirements of the OPGGS(E) Regulations</li> </ul>





PROGRAM COMMITMENTS	RESPONSIBILITIES	MECHANISMS
	<p>requirements that apply to the activity. If these requirements are not adequately described and addressed by an Environment Plan the requirements of the OPGGS(E) Regulations will not be met and NOPSEMA will be unable to accept the Environment Plan.</p> <ul style="list-style-type: none"> <li>The requirements of the OPGGS(E) Regulations will ensure that no Environment Plan can be accepted that proposes unacceptable impacts to a Ramsar wetland.</li> </ul>	<p>[regulations 13 and 14] ensure that potential impacts to Ramsar wetlands are appropriately identified, evaluated and mitigated to levels that are of an acceptable level and ALARP. NOPSEMA must not accept an Environment Plan if the requirements of the OPGGS(E) Regulations have not been met [sub-regulation 10A].</p> <ul style="list-style-type: none"> <li>On approval of classes of actions NOPSEMA will ensure that assessment policies and procedures are updated to make it explicit that decisions made by NOPSEMA must not be inconsistent with Ramsar management obligations, principles and management plans and that these must be taken into account when determining the acceptability of an Environment Plan where impacts to Ramsar wetlands may arise.</li> </ul>
<p>Listed threatened species and ecological communities</p> <ul style="list-style-type: none"> <li>NOPSEMA will not accept an Environment Plan that proposes activities that will result in unacceptable impacts to a listed threatened species or ecological community.</li> <li>NOPSEMA will not accept an Environment Plan that is inconsistent</li> </ul>	<p>Titleholder Responsibilities:</p> <ul style="list-style-type: none"> <li>The OPGGS(E) Regulations require a titleholder's Environment Plan to include:</li> <li>a comprehensive description, including relevant values and sensitivities, of listed threatened species and ecological communities, where relevant, that may be affected by the activity details of all the environmental impacts and risks of the activity including those to</li> </ul>	<p>Mechanisms to ensure titleholder's responsibilities are met:</p> <ul style="list-style-type: none"> <li>Regulations 10A, 13 and 14 of the OPGGS(E) Regulations will ensure these responsibilities are met.</li> <li>NOPSEMA prepares and publishes guidance on the content requirements of Environment Plans, which provides further detailed</li> </ul>

PROGRAM COMMITMENTS	RESPONSIBILITIES	MECHANISMS
<p>with a recovery plan or threat abatement plan for a listed threatened species or ecological community.</p> <ul style="list-style-type: none"> <li>NOPSEMA will have regard to any approved conservation advice in relation to a threatened species or ecological community before accepting and Environment Plan.</li> <li>NOPSEMA will develop guidance (that will be updated from time to time) that titleholders should consider in the preparation of their Environment Plans. The guidance will: <ul style="list-style-type: none"> <li>refer to consideration of the listing category and protection of the listed threatened species or ecological community</li> <li>include references to relevant guidance documents to be considered by titleholders in preparing Environment Plans such as recovery plans, Threat Abatement Plans, Conservation Advice and EPBC Act guidance documents.</li> </ul> </li> </ul>	<p>listed threatened species and ecological communities</p> <ul style="list-style-type: none"> <li>an evaluation of all the environmental impacts and risks of the activity including those to listed threatened species and ecological communities; includes the selection and application of appropriate control measures to reduce potential impacts and risks to acceptable levels</li> <li>environmental performance outcomes, environmental performance standards and measurement criteria against which the performance of the titleholder in protecting the environment, including listed threatened species and ecological communities, is to be measured.</li> <li>a clear demonstration that the environmental impacts and risks of the activity will be reduced to acceptable levels and ALARP.</li> <li>A description of the legislative and other requirements that apply to the activity and that are relevant to the environmental management of the activity. Section 268 of the EPBC Act requires consideration of relevant recovery plans and threat abatement plans.</li> <li>These requirements ensure that an Environment Plan that proposes unacceptable impacts to listed threatened species and ecological communities cannot meet the criteria for acceptance.</li> </ul>	<p>interpretation of the requirements of the OPGGS(E) Regulations with respect to the identification and management of impacts to the environment. NOPSEMA will update this guidance on approval of classes of actions to ensure that, where relevant, titleholders give specific consideration to management of impacts on listed threatened species and ecological communities. The guidance will direct titleholders to have regard to recovery plans, threat abatement plans, conservation advice and EPBC Act guidance documents to ensure that activities proposed in their Environment Plans are not inconsistent with these.</p> <ul style="list-style-type: none"> <li>NOPSEMA will issue further guidance that directs titleholders to consider relevant policies, documents and other material issued by DoE in the preparation of Environment Plans to ensure that management of impacts to listed threatened species and ecological communities are appropriately taken into account.</li> </ul>
<ul style="list-style-type: none"> <li>In undertaking assessments, NOPSEMA will have regard to relevant policy</li> </ul>	<p>NOPSEMA Responsibilities:</p> <ul style="list-style-type: none"> <li>Section 268 of the EPBC Act requires that a Commonwealth agency must not take any action that</li> </ul>	<p>Mechanisms to ensure NOPSEMA’s responsibilities are met:</p> <ul style="list-style-type: none"> <li>The Environment Plan</li> </ul>





PROGRAM COMMITMENTS	RESPONSIBILITIES	MECHANISMS
<p>documents, Recovery Plans, Threat Abatement Plans, Conservation Advice and guidelines and plans of management on the DoE website.</p>	<p>contravenes a recovery plan or a threat abatement plan.</p> <ul style="list-style-type: none"> <li>• The OPGGS(E) Regulations contain clear acceptance criteria against which NOPSEMA must assess all Environment Plans. NOPSEMA must not accept an Environment Plan that does not meet these criteria. In particular NOPSEMA is unable to accept an Environment Plan that does not demonstrate that impacts to listed threatened species and ecological communities will be reduced to an acceptable level.</li> <li>• Plans for the protection and recovery of listed threatened species and ecological communities are in place to ensure that their survival, conservation status and critical habitat will be maintained and protected. These plans will assist NOPSEMA’s determination of acceptable levels of impact and risk.</li> </ul>	<p>content requirements of the OPGGS(E) Regulations [regulations 13 and 14] ensure that potential impacts to listed threatened species and ecological communities are appropriately identified, evaluated and mitigated to levels that are acceptable and ALARP. NOPSEMA must not accept an Environment Plan if the requirements of the OPGGS(E) Regulations have not been met [Sub-regulation 10A].</p> <ul style="list-style-type: none"> <li>• On approval of classes of actions NOPSEMA will ensure that assessment policies and procedures are updated to make it explicit that decisions made by NOPSEMA must not be inconsistent with relevant recovery plans, threat abatement plans and wildlife conservation plans, and that these must be taken into account when determining the acceptability of an Environment Plan where impacts to listed threatened species and ecological communities may arise.</li> </ul>
<p>Listed migratory species</p> <ul style="list-style-type: none"> <li>• NOPSEMA will not accept an Environment Plan that proposes activities that will result in unacceptable impacts to a migratory species or</li> </ul>	<p>Titleholder Responsibilities:</p> <ul style="list-style-type: none"> <li>– The OPGGS(E) Regulations require a titleholder's Environment Plan to include:</li> <li>– A comprehensive description of the environment that may be affected by the activity including</li> </ul>	<p>Mechanisms to ensure titleholder’s responsibilities are met:</p> <ul style="list-style-type: none"> <li>• Regulations 10A, 13 and 14 of the OPGGS(E) Regulations will ensure these responsibilities are</li> </ul>



PROGRAM COMMITMENTS	RESPONSIBILITIES	MECHANISMS
<p>an area of important habitat for a migratory species.</p> <ul style="list-style-type: none"> <li>• NOPSEMA will develop guidance (that will be updated from time to time) that titleholders should consider in the preparation of their Environment Plans. The guidance will:               <ul style="list-style-type: none"> <li>– refer to consideration of the protection of listed migratory species and area of important habitat for listed migratory species</li> <li>– include references to relevant guidance documents to be considered by titleholders in preparing Environment Plans such as wildlife conservation plans and EPBC Act guidance documents.</li> </ul> </li> <li>• In undertaking assessments, NOPSEMA will have regard to relevant policy documents, wildlife conservation plans, guidelines and plans of management on the DoE website.</li> </ul>	<p>relevant values and sensitivities which includes listed migratory species where relevant</p> <ul style="list-style-type: none"> <li>– details of all the environmental impacts and risks of the activity including those to listed migratory species</li> <li>– an evaluation of all the environmental impacts and risks of the activity including those to listed migratory species; includes the selection and application of appropriate control measures to reduce potential impacts and risks to acceptable levels</li> <li>– environmental performance outcomes, environmental performance standards and measurement criteria against which the performance of the titleholder in protecting the environment, including listed migratory species, is to be measured</li> <li>– a clear demonstration that the environmental impacts and risks of the activity will be reduced to acceptable levels and ALARP. A description of the legislative and other requirements that apply to the activity and that are relevant to the environmental management of the activity. Section 286 of the EPBC Act requires consideration of relevant wildlife conservation plans.</li> </ul> <ul style="list-style-type: none"> <li>• These requirements ensure that an Environment Plan that proposes unacceptable impacts to listed migratory species cannot meet the criteria for acceptance.</li> </ul>	<p>met</p> <ul style="list-style-type: none"> <li>• NOPSEMA prepares and publishes guidance on the content requirements of Environment Plans, which provides further detailed interpretation of the requirements of the OPGGS(E) Regulations with respect to the identification and management of impacts to the environment. NOPSEMA will update this guidance on approval of classes of actions to ensure that, where relevant, titleholders give specific consideration to management of impacts on listed migratory species. The guidance will direct titleholders to have regard to relevant wildlife conservation plans and EPBC Act guidance documents to ensure that activities proposed in their Environment Plans are not inconsistent with these.</li> <li>• NOPSEMA will issue further guidance that directs titleholders to consider relevant policies, documents and other material issued by DoE in the preparation of Environment Plans to ensure that potential impacts to listed migratory species are appropriately managed.</li> </ul>



PROGRAM COMMITMENTS	RESPONSIBILITIES	MECHANISMS
	<p>NOPSEMA Responsibilities:</p> <ul style="list-style-type: none"> <li>Section 286 of the EPBC Act requires that a Commonwealth agency must take all reasonable steps to act in accordance with a wildlife conservation plan.</li> <li>The OPGGS(E) Regulations contain clear acceptance criteria against which NOPSEMA must assess all Environment Plans. NOPSEMA must not accept an Environment Plan that does not meet these criteria. In particular NOPSEMA is unable to accept an Environment Plan that does not demonstrate that impacts to listed migratory species will be reduced to an acceptable level.</li> <li>Where plans for the protection and recovery of listed threatened species and ecological communities are in place to ensure that the survival and conservation status of migratory species and their critical habitat will be maintained and protected, these will assist NOPSEMA’s determination of acceptable levels of impact and risk.</li> </ul>	<p>Mechanisms to ensure NOPSEMA’s responsibilities are met:</p> <ul style="list-style-type: none"> <li>The Environment Plan content requirements of the OPGGS(E) Regulations [regulations 13 and 14] ensure that potential impacts to listed migratory species are appropriately identified, evaluated and mitigated to levels that are acceptable and ALARP. NOPSEMA must not accept an Environment Plan if the requirements of the OPGGS(E) Regulations have not been met [sub-regulation 10A].</li> <li>On approval of classes of actions NOPSEMA will ensure that assessment policies and procedures are updated to make it explicit that decisions made by NOPSEMA must not be inconsistent with relevant recovery plans, threat abatement plans and wildlife conservation plans, and that these must be taken into account when determining the acceptability of an Environment Plan where impacts to listed migratory species may arise.</li> </ul>
<p>Commonwealth Marine Area</p> <ul style="list-style-type: none"> <li>NOPSEMA will not accept an Environment Plan that proposes activities that will result</li> </ul>	<p>Titleholder Responsibilities:</p> <ul style="list-style-type: none"> <li>As previously discussed the OPGGS(E) Regulations require a titleholder's Environment Plan to include:</li> </ul>	<p>Mechanisms to ensure titleholder’s responsibilities are met:</p> <ul style="list-style-type: none"> <li>Regulations 10A, 13 and 14 of the OPGGS(E)</li> </ul>

PROGRAM COMMITMENTS	RESPONSIBILITIES	MECHANISMS
<p>in unacceptable impacts to the environment of a Commonwealth marine area.</p> <ul style="list-style-type: none"> <li>• NOPSEMA will have regard to any relevant bioregional plan and not act inconsistently with a plan of management for a Commonwealth reserve or a Commonwealth Heritage place in deciding whether or not to accept an Environment Plan.</li> <li>• If there is no plan of management for a Commonwealth reserve, then NOPSEMA will ensure that acceptance of an Environment Plan is not inconsistent with the IUCN reserve management principles.</li> <li>• If there is no plan of management for a Commonwealth Heritage place, then NOPSEMA will take all reasonable steps to ensure that any accepted Environment Plan that refers to the place is not inconsistent with the Commonwealth Heritage management principles. NOPSEMA will develop guidance (that will be updated from time to time) that titleholders should have regard to in the preparation of their Environment Plans. The guidance will: <ul style="list-style-type: none"> <li>– make reference to consideration of the</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>– A comprehensive description of the environment that may be affected by the activity including relevant values and sensitivities</li> <li>– details of all the environmental impacts and risks of the activity</li> <li>– an evaluation of all the environmental impacts and risks of the activity. This includes the selection and application of appropriate control measures to reduce potential impacts and risks to acceptable levels</li> <li>– environmental performance outcomes, environmental performance standards and measurement criteria against which the performance of the titleholder in protecting the environment is to be measured</li> <li>– a clear demonstration that the environmental impacts and risks of the activity will be reduced to acceptable levels and ALARP</li> <li>– a description of the legislative and other requirements that apply to the activity and that are relevant to the environmental management of the activity. Sections 341T and 341V of the EPBC Act set out the requirements for Section 341S plans of management for Commonwealth Heritage places. If no plan made under Section 341S exists, section 341V refers to consideration of the Commonwealth Heritage management principles (Schedule 7B, EPBC Regulations). Sections 354 and 362 of the EPBC Act set out the requirements for plans of management for Commonwealth reserves. If no plan exists, section 357 refers to</li> </ul>	<p>Regulations will ensure these responsibilities are met.</p> <ul style="list-style-type: none"> <li>• NOPSEMA prepares and publishes guidance on the content requirements of Environment Plans, which provides further detailed interpretation of the requirements of the OPGGS(E) Regulations with respect to the identification and management of impacts to the environment. NOPSEMA will update this guidance where appropriate to ensure that potential impacts to the environment are appropriately captured.</li> <li>• NOPSEMA will issue further guidance that directs titleholders to consider relevant policies, documents and other material issued by DoE in the preparation of Environment Plans to ensure that these are taken into account and that potential impacts to the environment are appropriately managed.</li> </ul>

PROGRAM COMMITMENTS	RESPONSIBILITIES	MECHANISMS
<p>environment of the Commonwealth marine area</p> <ul style="list-style-type: none"> <li>- include references to relevant guidance documents to be considered by titleholders in preparing Environment Plans such as gazettal instruments, bioregional plans, wildlife conservation plans, plans of management and EPBC Act guidance documents.</li> <li>• In undertaking assessments, NOPSEMA will have regard to relevant policy documents, gazettal instruments, bioregional plans, wildlife conservation plans, plans of management and EPBC Act guidance documents on the DoE website.</li> </ul>	<p>consideration of the Australian IUCN reserve management principles (Schedule 8, EPBC Regulations). Section 286 of the EPBC Act sets out the requirements for wildlife conservation plans.</p> <ul style="list-style-type: none"> <li>• These requirements ensure that an Environment Plan that proposes unacceptable impacts to the environment cannot meet the criteria for acceptance.</li> </ul> <p><b>NOPSEMA Responsibilities:</b></p> <ul style="list-style-type: none"> <li>• Section 341V of the EPBC Act requires that a Commonwealth agency must not authorise any person to do anything that may contravene a plan made under Section 341S for management of a Commonwealth Heritage place. If there is no section 341S plan, a Commonwealth agency must take all reasonable steps to ensure that acts relating to the property are not inconsistent with the Commonwealth Heritage management principles (Schedule 7B, EPBC Regulations).</li> <li>• Section 362 of the EPBC Act requires that a Commonwealth agency must not perform its functions or exercise its powers inconsistently with a management plan that is in operation for a reserve. If there is no plan in operation, Section 357 requires a Commonwealth agency to not exercise its powers or perform its functions inconsistently with the Australian IUCN reserve management principles (Schedule 8, EPBC Regulations) or a management plan previously in operation.</li> <li>• Section 286 of the EPBC Act requires that a Commonwealth agency must take all reasonable steps to act in accordance with a wildlife</li> </ul>	<p>Mechanisms to ensure NOPSEMA’s responsibilities are met:</p> <ul style="list-style-type: none"> <li>• The Environment Plan content requirements of the OPGGS(E) Regulations [regulations 13 and 14] ensure that potential impacts to the environment are appropriately identified, evaluated and mitigated to levels that are acceptable and ALARP. NOPSEMA must not accept an Environment Plan if the requirements of the OPGGS(E) Regulations have not been met [sub-regulation 10A].</li> </ul>



PROGRAM COMMITMENTS	RESPONSIBILITIES	MECHANISMS
	<p>conservation plan.</p> <ul style="list-style-type: none"> <li>The OPGGS(E) Regulations contain clear acceptance criteria against which NOPSEMA must assess all Environment Plans. NOPSEMA must not accept an Environment Plan that does not meet these criteria. In particular NOPSEMA is unable to accept an Environment Plan that does not demonstrate that impacts to the environment will be reduced to an acceptable level.</li> </ul>	
<p>Commonwealth Land</p> <ul style="list-style-type: none"> <li>NOPSEMA will not accept an Environment Plan that proposes activities that will result in unacceptable impacts to the environment on Commonwealth land.</li> <li>NOPSEMA will have regard to any bioregional plan and not act inconsistently with a plan of management for a Commonwealth reserve or a Commonwealth Heritage place in deciding whether or not to accept an Environment Plan.</li> <li>If there is no plan of management for a Commonwealth Heritage place, then NOPSEMA will take all reasonable steps to ensure that any accepted Environment Plan is not inconsistent with the Commonwealth Heritage management principles.</li> <li>If there is no plan of management for a Commonwealth reserve,</li> </ul>	<p>Titleholder Responsibilities:</p> <ul style="list-style-type: none"> <li>As previously discussed the OPGGS(E) Regulations require a titleholder's Environment Plan to include: <ul style="list-style-type: none"> <li>A comprehensive description of the environment that may be affected by the activity including relevant values and sensitivities</li> <li>Details of all the environmental impacts and risks of the activity</li> <li>An evaluation of all the environmental impacts and risks of the activity. This includes the selection and application of appropriate control measures to reduce potential impacts and risks to acceptable levels</li> <li>Environmental performance outcomes, environmental performance standards and measurement criteria against which the performance of the titleholder in protecting the environment is to be measured</li> <li>A clear demonstration that the environmental impacts and risks of the activity will be reduced to acceptable levels and ALARP</li> <li>A description of the legislative and other requirements that apply to the activity and that are</li> </ul> </li> </ul>	<p>Mechanisms to ensure titleholder's responsibilities are met:</p> <ul style="list-style-type: none"> <li>Regulations 10A, 13 and 14 of the OPGGS(E) Regulations will ensure these responsibilities are met.</li> <li>NOPSEMA prepares and publishes guidance on the content requirements of Environment Plans, which provides further detailed interpretation of the requirements of the OPGGS(E) Regulations with respect to the identification and management of impacts to the environment. NOPSEMA will update this guidance where appropriate to ensure that potential impacts to the environment are appropriately captured.</li> <li>NOPSEMA will issue further guidance that directs titleholders to consider relevant policies, documents and other material issued by DoE in the preparation of Environment Plans to</li> </ul>

PROGRAM COMMITMENTS	RESPONSIBILITIES	MECHANISMS
<p>then NOPSEMA will ensure that acceptance of an Environment Plan is not inconsistent with the IUCN reserve management principles.</p> <ul style="list-style-type: none"> <li>NOPSEMA will develop guidance (that will be updated from time to time) that titleholders should have regard to in the preparation of their Environment Plans. The guidance will: <ul style="list-style-type: none"> <li>make reference to consideration of the environment of the Commonwealth land</li> <li>include references to relevant guidance documents to be considered by titleholders in preparing Environment Plans such as gazettal instruments, bioregional plans, plans of management and EPBC Act guidance documents.</li> </ul> </li> <li>In undertaking assessments, NOPSEMA will have regard to relevant policy documents, gazettal instruments, bioregional plans, plans of management and guidance documents on the DoE website.</li> </ul>	<p>relevant to the environmental management of the activity. Sections 341T and 341V of the EPBC Act set out the requirements for Section 341S plans of management for Commonwealth Heritage places. If no plan made under Section 341S exists, section 341V refers to consideration of the Commonwealth Heritage management principles (Schedule 7B, EPBC Regulations). . Sections 354 and 362 of the EPBC Act set out the requirements for plans of management for Commonwealth reserves. If no plan exists, section 357 refers to consideration of the Australian IUCN reserve management principles (Schedule 8, EPBC Regulations).</p> <ul style="list-style-type: none"> <li>These requirements ensure that an Environment Plan that proposes unacceptable impacts to the environment cannot meet the criteria for acceptance.</li> </ul>	<p>ensure that these are taken into account and that potential impacts to the environment are appropriately managed.</p>
	<p>NOPSEMA Responsibilities:</p> <ul style="list-style-type: none"> <li>Section 341V of the EPBC Act requires that a Commonwealth agency must not authorise any person to do anything that may contravene a plan made under Section 341S for management of a Commonwealth Heritage place. If there is no section 341S plan, a Commonwealth agency must take all reasonable steps to ensure that acts relating to the property are not inconsistent with the Commonwealth Heritage management principles (Schedule 7B, EPBC Regulations).</li> <li>Section 362 of the EPBC Act requires that a Commonwealth agency must</li> </ul>	<p>Mechanisms to ensure NOPSEMA’s responsibilities are met:</p> <ul style="list-style-type: none"> <li>The Environment Plan content requirements of the OPGGS(E) Regulations [regulations 13 and 14] ensure that potential impacts to the environment are appropriately identified, evaluated and mitigated to levels that are acceptable and ALARP. NOPSEMA must not accept an Environment Plan if the requirements of the OPGGS(E)</li> </ul>





PROGRAM COMMITMENTS	RESPONSIBILITIES	MECHANISMS
	<p>not perform its functions or exercise its powers inconsistently with a management plan that is in operation for a reserve. If there is no plan in operation, Section 357 requires a Commonwealth agency to not exercise its powers or perform its functions inconsistently with the Australian IUCN reserve management principles (Schedule 8, EPBC Regulations) or a management plan previously in operation.</p> <ul style="list-style-type: none"> <li>• The OPGGS(E) Regulations contain clear acceptance criteria against which NOPSEMA must assess all Environment Plans. NOPSEMA must not accept an Environment Plan that does not meet these criteria. In particular NOPSEMA is unable to accept an Environment Plan that does not demonstrate that impacts to the environment will be reduced to an acceptable level.</li> </ul>	<p>Regulations have not been met [sub-regulation 10A].</p>