

**Inquiry into the potential environmental, social and economic impacts of  
BP's planned exploratory oil drilling project, and any future oil or  
gas production in the Great Australian Bight**

Dear Secretary,

Thank you for your recent notification regarding the reopening of the Senate Inquiry into proposed oil and gas exploration in the Great Australian Bight.

Please find attached a further submission as an addendum to our previous submission. It has also been sent to NOPSEMA as part of our ongoing discussions with their officers with respect to transparency etc. In their response they have indicated that the changes we have suggested to their processes would require legislative change. This is an element we would recommend to the Senate Inquiry Committee as a desired outcome as the present processes are too open to conjecture and interpretation. Simplification of the processes as suggested serves the transparency and accountability provisions perfectly.

Thankyou for your consideration in this matter and please feel free to contact us for further information if required.

Yours sincerely,

Tony and Phyll Bartram

**KI/VH Dolphin Watch  
WDC**



## Kangaroo Island / Victor Harbor Dolphin Watch

in partnership with

## Whale and Dolphin Conservation

*September 25<sup>th</sup> 2016*

Dear Director,

Having established ourselves as an interested party with respect to oil and gas exploration and NOPSEMA's regulatory responsibilities, we would simply like to make the following suggestions regarding the application of processes under the OPPG Act.

At the risk of being reiterative we would like to attempt to demystify the approvals as applied to companies like BP. These situations have become increasingly complex for many reasons, including a variety of drivers, but in effect they can be greatly simplified, leading to much greater transparency and understanding by stakeholders.

Obviously the greatest protection is afforded by no drilling being undertaken but once the process of allocating the leases has begun, the political and economic drivers no longer apply. Management and regulation applies via the regulatory processes and the organisations entrusted with their implementation, in this instance NOPSEMA.

It all rests with the ALARP procedures which underpin the processes involved. If these are to be properly implemented in relation to BP or any other proponent, it is quite simple but can have quite enormous ramifications, for proponents, particularly economic.

For example to fully comply with the ALARP provisions, a capping stack should be on site, as should provisions for a relief well, and any other requirements deemed necessary by NOPSEMA. Only by doing this would the risks be deemed to be low as possible, as required by the regulations.

If BP or other companies deem such requirements as too costly / not necessary etc, that is because of economic drivers which are irrelevant with respect to NOPSEMA processes. If they are unable to meet the cost of these requirements one must begin to doubt their capabilities to meet surety and compensatory requirements, should they become necessary.

If the government believes cost impediments should be removed to ensure exploration happens around socioeconomic factors of growth and development, that is a political driver and is similarly irrelevant.

The lowest risk possible means just that and is the expected cornerstone of NOPSEMA's environmental responsibility as it stands currently. Anything else is just "smoke and mirrors" and has no part to play as the main function of the regulator is "safety and environmental management". That's part of their title and encapsulates the reason for their establishment and existence. Attention to the basic precepts of ALARP and the regulatory processes stemming from this need to be stringently applied.

If this then is the situation, there is no need for costly and unnecessary court actions, Administrative Appeals Tribunal etc, because of the impact of other drivers. By following the established procedures there is true equality, not the power based situation which multi nationals and government prefer, because it obfuscates true participation by all stakeholders.

Given all this, much of the complexity and potential conflict in the situations faced by the regulator are embodied in the ALARP (as low a risk as possible) strategy which is employed by the industry as a norm for risk management purposes. By simply changing to an ALARCBA (as low a risk as can be achieved) the economic, political and social drivers are diminished, allowing NOPSEMA to focus upon safety and environmental management unencumbered by a plethora of other basically irrelevant factors to their core business and working principles.

This could have other benefits in “spinning off” new innovative technologies to deal with situations that arise but would also simplify the application and approvals process mightily. Everyone would know where they stand and what is entailed in receiving approvals before beginning the process if the concept of “reasonableness” is removed. It allows for myriad interpretations and contradictions. In conclusion the development of EIS would be greatly simplified with considerable cost benefit accruals.

Thankyou for your consideration.

Yours sincerely,

***Kangaroo Island / Victor Harbor Dolphin Watch***