

Economics Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Industry Portfolio
Budget Estimates Hearing 2014-15
2-3 June 2014

AGENCY/DEPARTMENT: NOPSEMA

TOPIC: Environmental Plans

REFERENCE: Written Questions – Senator Wright

QUESTION No.: BI-24

1. When a stakeholder raises concerns with NOPSEMA about what is contained in a submitted exploration Environmental Plan, how does NOPSEMA determine if a stakeholder is raising relevant points or not?
2. What process is in place to determine this?
3. Has NOPSEMA considered making Environmental Plan documentation available to stakeholders?
4. Please provide the number of Environment Plans NOPSEMA accepted in the previous 12 months
5. Please provide the number of Environment Plans NOPSEMA rejected in the previous 12 months
6. How many NOSPEMA Environment Plan decisions, both to accept or reject, were disputed in the previous 12 months?

ANSWER

1. NOPSEMA considers the information provided by the stakeholder and determines whether the information is relevant based on the context of potential impacts and risks detailed in the environment plan.
2. NOPSEMA has internal policies, procedures and controls that assist environmental assessor's consideration of whether information contained in stakeholder correspondence to NOPSEMA is relevant to an environment plan.
3. During the review of the Environment Regulations conducted by the Department of Industry in 2012-13 options to amend the consultation and disclosure aspects of the regulations (see pages 37-41 of the discussion paper available from: www.industry.gov.au/resource/Documents/upstream-petroleum/offshore-petroleum-environment/EnvironmentRegulationsReviewIssuesPaper.pdf) were considered, however these options were not ultimately adopted. An environment plan summary is made available to stakeholders on NOPSEMA's website (www.nopsema.gov.au/environmental-management/ep-submissions-and-summaries/). While there is no statutory mechanism allowing NOPSEMA to make environment plan submissions publically available, there is nothing precluding titleholder from making their own documentation available to stakeholders.

4. In the 2013-14 financial year, NOPSEMA accepted 94 environment plans.
5. The regulations do not utilise the term 'reject'. The amended regulations require that NOPSEMA determine whether it is reasonably satisfied, or not, that an environment plan meets the criteria for acceptance or to request further written information from the titleholder. In 2013-14, NOPSEMA had made 83 decisions that it was not reasonably satisfied that the criteria for acceptance were met following assessment of environment plans submitted, which then require the titleholder be provided opportunity to modify and resubmit the environment plan, or requested further written information from the titleholder. In 2013-14, NOPSEMA has made two (2) decisions to refuse to accept an environment plan, which can only occur after reasonable opportunity to modify and resubmit the environment plan has been provided to the titleholder.
6. For the 2013-14 financial year, one environment plan decision was disputed.