

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

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**AGENCY/DEPARTMENT:** NOPSEMA

**TOPIC:** Relevant persons

**REFERENCE:** Written Questions – Senator Wright

**QUESTION No.:** BI-91

NOPSEMA states that a ‘relevant person’ is ‘a person or organisation whose functions, interests or activities may be affected by the activities to be carried out under the Environmental Plan’, but stakeholders report the agency is not usually able to advise who is considered a relevant person.

- a) Which of the following would NOPSEMA consider to be a relevant person with an interest in an ‘exploration’ proposal:
- i. An Indigenous fisherman for whom the region is sea country.
  - ii. A commercial fisherman who has a licence to fish in the area.
  - iii. A recreational fishing or diving charter vessel operator who regularly visits the area.
  - iv. An industry body who, at times, represents a group of fishermen or other commercial marine industries.
  - v. A state or federal member whose constituents regularly use the area, for commercial or recreational purposes.
  - vi. A local Council whose ratepayers regularly use the area, for commercial or recreational purposes.
  - vii. A conservation organisation who has conservation programs focused on species or ecosystems known to exist in the region.
  - viii. A university researcher who is conducting research on species or ecosystems known to exist in the region.
  - ix. A community member of the state that the proposal relates to.
- b. What provisions exist for ‘relevant persons’ who were not consulted by the titleholder and seek to appeal a NOPSEMA decision to accept an Environment Plan?

**ANSWER**

Requirements for titleholders to consult with relevant persons is established by the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009, which specifies that a titleholder must consult with, among others, “a person or organisation whose functions, interests or activities may be affected by the activities to be carried out under the environment plan, or the revision of the environment plan” (regulation 11A [www.comlaw.gov.au/Details/F2014C00210](http://www.comlaw.gov.au/Details/F2014C00210)).

- a. For the consultation requirements under regulation 11A, a person is considered a ‘relevant person’ if the person’s ‘functions, activities or interests’ may be affected by the petroleum activity, not whether the relevant person has an ‘interest in an exploration proposal’. As such, the examples listed i to ix would be considered a ‘relevant person’ if their functions activities or interests may be affected by a particular petroleum activity, as described by regulation 11A(1)(d).

- b. A number of provisions exist for ‘relevant persons’ who may not have been consulted. Firstly, a ‘relevant person’ may contact the titleholder directly using titleholder contact details published when an environment plan is submitted in order to have their feedback considered by the titleholder. Should the information provided identify a new or increased environmental impact or risk this may trigger a revision to the environment plan which can be initiated by the titleholder or by NOPSEMA. Secondly, NOPSEMA provides a mechanism to receive feedback and respond to complaints (see [www.nopsema.gov.au/contact/feedback/](http://www.nopsema.gov.au/contact/feedback/)). Thirdly, any party can seek to have a decision by NOPSEMA reviewed by the Commonwealth Ombudsman or in the Federal Court under the *Administrative Decision (Judicial Review) Act 1977*.