

**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:** Bight Petroleum Pty Ltd Lightning 3D Marine Seismic Survey Environment Plan

**REFERENCE:** Written Questions – Senator Wright

**QUESTION No.:** BI-92

1. Please provide the full Environment Plan for the Bight Petroleum Pty Ltd Lightning 3D Marine Seismic Survey which was accepted on June 6, 2014.
2. What correspondence has NOPSEMA received in relation to this Environment Plan submission?
3. Did NOPSEMA require Bight Petroleum Pty Ltd. to alter this Environment Plan before it was accepted in its final form?
4. Was this Environment Plan submission the first of its kind assessed under the amended Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009 which came into effect on February 28, 2014?
5. How many Environment Plan submissions have been accepted under the amended regulations?
6. How many Environment Plan submissions have been rejected under the amended regulations?

**ANSWER**

1. An Environment Plan (EP) is an inherently confidential document containing information relating to the business affairs of the titleholder ('commercial-in-confidence' information), which is not generally publicly known and was communicated to NOPSEMA through a legislative process under the expectation it would be kept confidential. NOPSEMA is therefore under an obligation to maintain confidentiality of the document unless authorised by law to disclose it.

That said, the importance of ensuring transparency was recognised in the review of the Environment Regulations concluded by the Department of Industry in February 2014. That review amended the regulations to implement enhanced content requirements for published EP Summaries. Published summaries are now required to include a summary of controls measures for the activity; a summary of arrangements for ongoing monitoring of the titleholder's environment performance; and a summary of response arrangements in the oil pollution emergency plan. The detailed summary ensures that relevant information is made available to the public in a form that is useful and understandable while protecting confidentiality.

The Regulator is also required to publish the assessment decision.

In addition, the amendments to the Environment Regulations introduced new sub-regulation 9(8) which requires the Regulator to publish certain information on a proposed activity on the Regulator's website as soon as practical after an EP is submitted for assessment. This information includes the name and contact details of the titleholder and a description and location of the activity, providing interested parties with information on activities under assessment.

Together these changes have substantially increased the timely provision of relevant information to the public.

2. NOPSEMA has received correspondence from the titleholder, Bight Petroleum, a number of conservation and community organisations, individuals and a local government entity.

The Environment Regulations place the onus for consultation on the titleholder, with the titleholder required to consult with a persons or organisation whose functions, interests or activities may be affected by an activity. The Environment Regulations categorise these persons as 'relevant persons'. NOPSEMA issues guidance on consultation and relevant persons, and adopts a broad interpretation of 'relevant persons' on the basis of the information that may be provided. A titleholder is required to document all consultation, including any responses received in their EP.

Under Regulation 10 of the Environment Regulations, it is a criteria for acceptance of an EP that the plan demonstrates that the titleholder has carried out the consultations required under the regulations and demonstrate the measures (if any) that the titleholder has adopted, or proposes to adopt, because of the consultations as appropriate. NOPSEMA cannot accept an EP that does not demonstrate that required consultation, including ongoing consultation arrangements where appropriate, with all relevant persons has been undertaken.

A summary of the consultation undertaken by Bight Petroleum is available in the EP Summary available at: <http://www.nopsema.gov.au/assets/epsummaries/EP-Summary-Bight-Petroleum-Lightning-3D-MSS.pdf>

3. Yes. Under the Environment Regulations, if the Regulator is not satisfied that an EP submitted for assessment meets the acceptance criteria for an EP set out in regulation 10A, the Regulator must give the titleholder notice in writing. The notice in writing must identify the criteria set out in regulation 10A about which the Regulator is not reasonably satisfied and set a date by which the titleholder may resubmit the plan. The date must give the titleholder a reasonably opportunity to modify and resubmit the plan.
4. Yes.
5. As at 30 June 2014, NOPSEMA has accepted three environment plans. A table listing environment plan submissions and acceptance decisions is publically available at [www.nopsema.gov.au/environmental-management/ep-submissions-and-summaries](http://www.nopsema.gov.au/environmental-management/ep-submissions-and-summaries).
6. See answer to question BI-24 (5). As of 30 June 2014, NOPSEMA had made eight decisions that it was not reasonably satisfied that the criteria for acceptance were met following assessment of environment plans submitted under the new regulations, which then require the titleholder be provided opportunity to modify and resubmit the environment plan or provided a request for further written information from the titleholder. NOPSEMA has made no 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.