

Economics Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Industry, Innovation and Science Portfolio
2015-16 Supplementary Budget Estimates Hearing
22 October 2015

AGENCY: NOPSEMA

TOPIC: Assessment Process

REFERENCE: Written Question – Senator Xenophon

QUESTION No.: SI-72

How does NOPSEMA determine whether a proponent has undertaken appropriate consultation and whether relevant persons have been provided with sufficient information to allow the relevant person to make an informed assessment of the possible consequences of the activity on the functions, interests or activities of the relevant person?

ANSWER

NOPSEMA undertakes its assessments against the requirements of the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009 (Environment Regulations) and in accordance with both the NOPSEMA Assessment Policy and the NOPSEMA Environment Plan Assessment Policy.

With particular reference to consultation, one of the criteria for acceptance of an environment plan is that the environment plan demonstrates that:

- i. the titleholder has carried out the consultations required by division 2.2A; and
- ii. the measures (if any) that the titleholder has adopted, or proposes to adopt because of the consultations, are appropriate.

In addition, sub-regulation 16(b) of the Environment Regulations requires a titleholder to include in an environment plan:

- a report on all consultations between the titleholder and any relevant person, for regulation 11A (division 2.2A Consultation with relevant authorities, persons and organisations, etc) that contains:
 - i. a summary of each response made by a relevant person; and
 - ii. an assessment of the merits of any objection or claim about the adverse impact of each activity to which the environment plan relates; and
 - iii. a statement of the titleholder's response or proposed response to each objection or claim; and
 - iv. a copy of the full text of any response by a relevant person.

In addition to the information provided in an environment plan NOPSEMA may use relevant information not contained in the submission to inform its decision. Examples of this may include fisheries agency-held information relevant to the location of the activity or external correspondence provided to NOPSEMA by third parties.