

Senate Standing Committee on Environment and Communications
Legislation Committee
Answers to questions on notice
Environment portfolio

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Hearing: Additional Estimates
Outcome: Outcome 5
Programme: Environment Assessment and Compliance Division
Topic: NOPSEMA Strategic Assessment
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Senator Urquhart asked:

As part of the NOPSEMA strategic assessment, a new mechanism, an Offshore Project Proposal is to be created, seeks to broadly mirror Environmental Impact Assessment process for controlled actions under the EPBC Act. Yet OPPs will only be mandatory for offshore oil and gas production, not exploration activities like exploratory drilling and seismic surveys. Given that the Department has made a number of these exploration activities controlled actions in past decisions, how does the strategic assessment process ensure that an equivalent standard of consultation, scrutiny, transparency and protection is provided for these kinds of activities?

Answer:

The *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* (OPGGS (E) Regulations) described in the NOPSEMA Programme are objective-based and require titleholders to carry out petroleum and greenhouse gas activities, including exploratory drilling and seismic surveys, in a manner by which the environmental impacts and risks of those activities will be of an acceptable level, and reduced to as low as reasonably practicable (ALARP).

The Environment Minister's evaluation of the Strategic Assessment, which considered the Strategic Assessment Report, the NOPSEMA Programme, and responses to public comments, concluded that all requirements for endorsement were met. In addition to mandatory considerations, the draft Standards for Accreditation of Environmental Approvals under the EPBC Act were taken into account and it was considered that the Programme provides an equivalent level of environmental protection as offered under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The Offshore Project Proposal process has been developed to capture large-scale offshore projects that may have an impact on a matter protected under Part 3 of the EPBC Act. It can be used for all petroleum and greenhouse gas activities, including exploratory drilling and seismic surveys, and is mandatory for new development projects. An Environment Plan accepted by NOPSEMA is also required for all activities encompassed in the project.

Substantial consultation provisions are provided for under the NOPSEMA Programme. Each submitted Environment Plan must provide for sufficient time and information to allow stakeholders to make an informed assessment of possible consequences of the proposed activity on the functions, interests or activities of the stakeholder. A report on all consultations must be included in the Environment Plan submitted to NOPSEMA for assessment. If an Environment Plan is accepted, the Programme provides that a detailed summary of the

Environment Plan is published on the NOPSEMA website. The Offshore Project Proposal and Environment Plan processes together ensure that, despite differences in approaches between the OPGGS Act and EPBC Act, both achieve equivalent environmental outcomes and provide strong environmental safeguards from the potential impacts of petroleum and greenhouse gas activities.

In addition, the NOPSEMA Programme specifically requires those proposing to undertake activities in Commonwealth waters to identify in their Environment Plan relevant values and sensitivities of the environment, which could (where relevant) include the presence of a listed threatened species or listed migratory species. This ensures the Environment Plan must set out how any potential risks or impacts to that environment, including the identified threatened or migratory species, will be as low as reasonably practicable and of an acceptable level, before NOPSEMA can make a decision to accept the Environment Plan.