

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

Question No: 42
Hearing: Additional Estimates
Outcome: Outcome 5
Programme: Environment Assessment and Compliance Division
Topic: NOPSEMA Strategic Assessment
Hansard Page: N/A
Question Date: 04 March 2014
Question Type: Written

Senator Urquhart asked:

Can you inform the Committee of any concerns raised in feedback on the Exposure Draft of the Offshore Petroleum and Greenhouse Gas Storage (Environment) Amendment Regulation 2014 regarding threatened or migratory species?
Have these concerns been addressed?
Are these the kind of areas the Environment Department will be assessing when evaluating the strategic assessment?

Answer:

On 6 December 2013, an Exposure Draft of amendments to the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* (OPGGS(E) Regulations) was released for public consultation. The draft regulations also included amendments to implement streamlined environmental approvals under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Comments on the draft regulations closed on 20 December 2013.

Thirty-two written submissions were received commenting on the Exposure Draft of the OPGGS(E) Regulations. A number of submissions sought further detail about how matters such as threatened or migratory species would be protected and if the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) has the necessary level of corporate and technical experience required for environmental assessments under the EPBC Act. Submissions also specifically queried NOPSEMA's capability to assess potential impacts on matters of national environmental significance (MNES), particularly acoustic impacts on cetaceans and the maintenance of access to environmental expertise through the Department of the Environment.

All relevant material concerning the Strategic Assessment process including public comments can be viewed at:

<http://www.innovation.gov.au/resource/UpstreamPetroleum/OffshorePetroleumEnvironment/Pages/StreamliningOffshorePetroleumEnvironmentalApprovals.aspx>

In addressing these concerns, the Australian Government Task Force established to develop the Strategic Assessment noted that NOPSEMA operates on a full cost recovery basis, which ensures it has the resources to maintain appropriate and specialist environmental expertise. NOPSEMA also has the ability to seek external expertise on a case-by-case basis. Further, the NOPSEMA Programme endorsed under the EPBC Act provides that NOPSEMA will enter into administrative arrangements with the Department of the Environment to ensure

appropriate information sharing for implementation of the Programme, including the preparation of guidance material on matters protected under the EPBC Act.

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.

The Department of the Environment's evaluation of the Strategic Assessment and subsequent recommendation to the Environment Minister, considered the Strategic Assessment Report and the NOPSEMA Programme, as well as responses to public comments, and concluded that all requirements for endorsement were met. In addition to mandatory considerations, the department took into account its draft Standards for Accreditation of Environmental Approvals under the EPBC Act and considered that the Programme provides an equivalent level of environmental protection as offered under the EPBC Act.

There will be a review of the NOPSEMA Programme after 12 months of operation and within every 5 years thereafter. NOPSEMA will also provide an annual report to the Ministers for Industry and the Environment, which will also be published on the NOPSEMA website.