



Making public comment on offshore project proposals

Table of contents

1.	Purpose	1
2.	Offshore project proposal process.....	1
3.	Publication of OPPs and invitations for you to comment.....	2
4.	Ensuring your comments are effective	2
5.	What happens with your comments.....	3
6.	Privacy notice	4
7.	Relevant legislation	4
8.	Related documents	5

1. Purpose

The purpose of this information paper is to assist members of the public in preparing and submitting comments on Offshore Project Proposals (OPPs).

2. Offshore project proposal process

The OPP process is the first phase of the environmental approval for offshore petroleum activities and is mandatory for all new petroleum development projects in Commonwealth waters. OPPs are subject to a mandatory period of public comment as part of the assessment process, providing transparency and an opportunity for interested members of the public to comment on the project for subsequent consideration by the proponent and NOPSEMA in making a decision on whether to approve the offshore project.

The Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009 (Environment Regulations) set out the approvals process that has two separate stages:

Stage I - NOPSEMA determines whether an OPP is suitable for publication and, if so, provide an opportunity for members of the public to provide comment. In determining the suitability of the OPP to publish for public comment, NOPSEMA will check the document to ensure the environmental impacts and risks have been reasonably scoped for the project circumstances and that a logical supported case for each environmental impact and risk is presented to allow informed public comment.

If NOPSEMA determines an OPP is suitable for publication, the OPP must be published for public comment for a period of between 4-12 weeks depending on the OPPs complexity, proximity to sensitive environments, level of prior stakeholder consultation, or where the public comment period falls over a period of higher than normal public holidays.

Following a public comment period, NOPSEMA requires the proponent to consider and address the comments received, make modifications to the OPP if required, and submit a final copy of the OPP and a summary of consultation to NOPSEMA for assessment.

Specifically, the proponent is required to prepare a summary consultation report that:



- assesses the merits of each objection or claim about the project or any activity that is part of the project
- provides a statement of response or proposed response to each objection or claim, including a demonstration of the changes, if any, that have been made to the OPP as a result of an objection or claim.

Stage II - Following the receipt of public comments and the proponent’s response to any comments received, NOPSEMA assesses and decides whether the OPP should be approved. NOPSEMA assesses the OPP against the acceptance criteria in the Environment Regulations to ensure the OPP adequately addresses the public comments received, appropriately identifies and evaluates the environmental impacts and risks of the project for the project circumstances, sets out appropriate environmental performance outcomes that are consistent with ecologically sustainable development and demonstrates that the environmental impacts and risks will be managed to an acceptable level.

More details on the OPP assessment process and NOPSEMA decision-making can be found in the [OPP assessment policy](#) (N-04790-PL1650) and [OPP content requirements guidance note](#) (N-04790-GN1663).

3. Publication of OPPs and invitations for you to comment

NOPSEMA publishes OPPs available for public comment on its [website](#).

The proponent for the OPP is required to also publish a notice inviting comment on the OPP on its website and in a national, state and regional newspapers.

NOPSEMA will retain a copy of all correspondence but will not review public comment until after the public comment period has closed and the proponent has submitted a summary consultation report and final OPP.

NOPSEMA prefers public comments to be submitted online.

Alternatively, submissions may be:

Emailed to: submissions@nopsema.gov.au

Posted to: NOPSEMA – Public Comment Submissions, GPO Pox 2568 PERTH WA 6001

Delivered to: NOPSEMA – Public Comment Submissions, Level 8 Alluvion, 58 Mounts Bay Road, PERTH WA 6000

Public comments need to be received by NOPSEMA prior to the closing date published on NOPSEMA’s website in order to be considered by the proponent. Comments sent by post need to be stamped prior to the closing date to be considered. If comments are received after the closing date, NOPSEMA will not forward these comments to the proponent, but will encourage the submitter to contact the proponent directly to convey their claims.

Personal information collected by NOPSEMA in the public comment process is managed in accordance with our Privacy Policy (see Section 6 Privacy notice). It is important to note that if comments are not submitted online, there is no opportunity to have personal details redacted from the comments, and the full submission will be forwarded to the proponent.

4. Ensuring your comments are effective

It is important that public comments on OPPs are submitted in written form and are relevant to the project or any activity that is part of the project. Submissions should present clear and supported objections or



claims related to the OPP and should avoid posing questions to the proponent or to NOPSEMA. The opportunity to provide public comment is not intended to commence dialogue between the submitter and the proponent or NOPSEMA but is rather an opportunity for the public to provide additional considerations to be taken into account in the assessment of an OPP. NOPSEMA will not provide individual responses to public comments received. Prior to making a written submission, the advice below should be considered.

Submissions should:

- reference the OPP title and proponent
- clearly state any objections or claims including the reasons for the objections or claims about the project or any part of the project
- be clear, succinct and refer to relevant sections of the OPP
- provide references to any source(s) of information that support the objection or claim, including references to any factual data such as scientific reports
- clearly label any photographs, maps or sketches if they are used
- provide clear contact details in the event the proponent needs to seek clarification on your submission
- provide comments by the due date.

If you wish to know more about the OPP prior to making a submission, please contact the liaison person nominated by the proponent to seek any clarifications on the proposal. This may assist interested parties in understanding the proposal and formulating any objections or claims. If interested in developing ongoing dialogue with the proponent, interested parties should engage directly with the proponent to initiate this.

For further information on which activities require an OPP and/or the OPP assessment process, please refer to the [OPP assessment policy](#) (N-04790-PL1650) and [OPP content requirements guidance note](#) (N-04790-GN1663). To access these documents as well as further environmental management advice documents visit NOPSEMA's website: www.nopsema.gov.au

5. What happens with your comments

NOPSEMA receives all public comments submitted during the public comment period and forwards these to the proponent to be addressed in the consultation report and the final OPP.

The proponent is responsible for considering all public comments received during the public comment period and providing a consultation report summarising all comments received, an assessment of the merits of each objection or claim, and a response. As mentioned earlier, public comments need to be received by NOPSEMA prior to the closing date published on NOPSEMA's website in order to be considered by the proponent. If comments are received after the closing date, NOPSEMA will not forward these comments to the proponent, but will encourage the submitter to contact the proponent directly to convey their claims.

Following the close of the public comment period and receipt of a final OPP, NOPSEMA will assess the OPP and consultation report to see if it adequately addresses the public comments received. The information in public comments will be considered by NOPSEMA during the assessment of the OPP's acceptability in terms of whether the OPP appropriately identifies and evaluates the environmental impacts and risks of the project for the project circumstances, sets out appropriate environmental performance outcomes that are



consistent with ecologically sustainable development and demonstrates that the environmental impacts and risks will be managed to an acceptable level.

If NOPSEMA determines the proponent has not evaluated and addressed public comment adequately then NOPSEMA will refuse to accept the proposal. NOPSEMA will publish a Statement of Reasons in the instance of a refusal decision.

If the OPP meets the criteria set out in the Environment Regulations and the OPP is accepted, NOPSEMA will publish the final OPP and consultation report in full on its website.

6. Privacy notice

The Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009 (the Environment Regulations) require NOPSEMA to publish an accepted copy of a proponent's OPP including the consultation report on its website.

If you provide comments on an OPP, your information may be contained in the consultation report that is provided to NOPSEMA by the proponent as required by the Environment Regulations. If you do not want your personal information to be published in an OPP you should make your comments online, selecting this option at time of submission. If you request that your personal information is not provided to the proponent, you should be aware that this may limit their ability to comprehensively respond to your comments. Comments received via other means will be passed in full to the proponent without personal details removed.

If you do provide your personal information and it is included in an OPP, NOPSEMA will not use or disclose your personal information for any other purpose without your consent. NOPSEMA may use or disclose your personal information if it is required or authorised by law or it is reasonably necessary for an enforcement activity. For example, your personal information may be disclosed to:

- individuals who make a request under the *Freedom of Information Act 1982*
- the Australian National Audit Office and other privately-appointed auditors
- law enforcement bodies (for example, the police or the Coroner)
- NOPSEMA's legal advisors.

NOPSEMA may occasionally be required to disclose information to overseas recipients in order to discharge its functions or exercise its powers, or to perform its necessary business activities.

Information about how you can access, or seek correction to, your personal information is contained in NOPSEMA's APP Privacy Policy at www.nopsema.gov.au/privacy. If you have an enquiry or a complaint about your privacy, please contact NOPSEMA's Privacy Contact Officer on 08 6188 8700 or by email at privacy@nopsema.gov.au.

7. Relevant legislation

Offshore Petroleum and Greenhouse Gas Storage Act 2006

Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009



8. Related documents

Regulatory policy and guidelines on NOPSEMA's administration of the legislation:

N-04750-PL1347 – Policy – Environment plan assessment

N-04000-GL0225 – Guideline – Making submissions to NOPSEMA

Resources to assist stakeholders understand the requirements and how to comply:

N-04790-GN1663 – Guidance Note – Offshore Project Proposal Content Requirements