

Sharing information with Australian and International agencies

1. Purpose

The *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (the OPGGS Act) provides for the using and sharing of offshore information or things with Australian agencies for particular purposes.

This policy further provides a mechanism for the using and sharing of NOPSEMA's internal information with International agencies. For the purposes of this policy, 'international agencies' will include international organisations with similar responsibilities or functions to NOPSEMA.

2. Relevant legislation and definitions

Part 6.11 of the OPGGS Act allows for the using and sharing of offshore information and things with Commonwealth and State and Territory agencies where the information or things will assist those agencies to exercise their powers or perform their functions under or for the purposes of a law. Subsection 695X (2) specifies the Australian agencies that NOPSEMA may make available or share information or things with.

Under the OPGGS Act '*offshore information*' is defined as documents, copies or extracts of documents obtained in the course of the exercise of a power, or the performance of a function under the OPGGS Act or in the course of the administration of the OPGGS Act. This type of information includes inspection and investigation reports.

Section 695T of the OPGGS Act provides that a '*thing*' includes a sample.

For the purposes of this policy '*internal information*' is defined as documents created by NOPSEMA for the purposes of supporting NOPSEMA's internal processes and procedures. Internal processes can include NOPSEMA's internal policies, guidelines and documents that NOPSEMA utilises to engage business processes.

3. NOPSEMA's use of information or things

If NOPSEMA obtains offshore information or things in the course of the exercise of a power or the performance of a function under the OPGGS Act, NOPSEMA may use the information or thing for the purpose of exercising any power or performing any function.

4. Sharing offshore information or things

For persons with functions under the OPGGS Act, information or things may be shared between persons for the purposes of exercising their regulatory functions and administration of the OPGGS Act. The sharing of offshore information or things under section 695W of the OPGGS Act only extends to the Australian agencies specified under the OPGGS Act.

These persons are:

- (i) The responsible Commonwealth Minister;
- (ii) The Secretary;
- (iii) NOPSEMA;
- (iv) The Titles Administrator;
- (v) Each member of a Joint Authority.



5. CEO of NOPSEMA may make information available

The CEO of NOPSEMA may make available information or things under section 695X of the OPGSS Act to other Commonwealth and State and Territory agencies where the information or things will assist those agencies to exercise their powers or perform their functions under or for the purposes of a law.

These agencies are:

- (i) The Australian Maritime Safety Authority;
- (ii) The Civil Aviation Safety Authority;
- (iii) The Australian Defence Force;
- (iv) The Australian Federal Police;
- (v) The Department administered by the Minister administering Part XII of the *Customs Act 1901*;
- (vi) The police force of a State or Territory;
- (vii) The Director of Public Prosecutions of the Commonwealth;
- (viii) The coroner of a State or the Northern Territory;
- (ix) An agency of the Commonwealth, or of a State or Territory, that is responsible for administering or implementing laws relating to occupational health and safety;
- (x) An agency of the Commonwealth, or of a State or Territory, that is responsible for administering or implementing laws relating to the protection of the environment; and
- (xi) Any other agency of the Commonwealth, or of a State or Territory, responsible for investigating contraventions of laws, or administering or ensuring compliance with laws.

The CEO has the discretion to make information or things available to the above listed agencies. Therefore, the CEO has the ability to determine the appropriateness of sharing particular information or things on a case by case basis. There are specific exclusions (set out in s695U of the OPGGS Act) which are:

- release of technical information (part 7.3 of the OPGGS Act)
- inquiries into significant offshore incidents (part 9.10A of the OPGSS Act)
- certain offshore greenhouse gas operations within the meaning of part 6.9 of the OPGGS Act.

The CEO has delegated his powers under section 695X of the OPGSS Act to the NOPSEMA Heads of Division (HoD) and the General Counsel (GC) to make information available to the above listed Australian agencies.

For consistency purposes, the CEO, HoD's and the GC can also make internal information available to International agencies.

The CEO and delegates by written notice can impose conditions on any agencies use of the information or thing or whether, and the extent to which, the information or thing can be made available to any other agency or person.

6. Agency requests

A request for offshore information or things and internal information from NOPSEMA should be directed to information@nopsema.gov.au

If an Australian agency makes a request to NOPSEMA for the sharing of information or things, it will be required to demonstrate the powers, functions and/or purposes of the law related to their request. The agency must also explain the manner in which the information or thing is to be used.

If an international agency makes a request to NOPSEMA it will be required to outline the purpose for which the information will be used. For all requests, a case by case assessment will be made by the CEO, a HoD or the GC as to whether the information sought can be classified as a NOPSEMA internal document. If the



information sought by the International agency is established to be a NOPSEMA internal document, NOPSEMA can share this information.

7. Personal information

NOPSEMA will take reasonable steps in the circumstances to ensure that all personal information is identified before it is made available, shared or used under this policy.