



Potential administration of transparency amendments

Background

The Department of Industry, Innovation and Science (DIIS) is coordinating amendments to the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009 (Environment Regulations) relating to consultation and transparency. DIIS is conducting consultation on an Exposure Draft of the amending Regulations and has issued an explanatory document to supplement this.

The National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) has been working closely with DIIS and will be participating in consultation on the Exposure Draft of the regulation amendments.

Purpose

To assist stakeholders in understanding the changes to the environment plan assessment process resulting from the regulatory amendments proposed in the Exposure Draft, this document describes how NOPSEMA’s system and processes could be modified to implement amended Regulations. NOPSEMA is seeking feedback on these draft proposals during the consultation period to refine our approach, as the regulatory amendment process nears completion.

Possible changes to the assessment process

Possible changes to NOPSEMA’s guidance, website and environment plan assessment process are outlined in the table below and presented in a flow chart in Attachment A. This is not a final plan, rather it is intended to assist consultation and elicit feedback on how NOPSEMA may implement the regulations once amended.

New requirement	Proposal for how this could be administered by NOPSEMA
<p>Submission of an environment plan – completeness check</p>	<p>When a submission is made, the titleholder will receive confirmation of receipt by NOPSEMA. NOPSEMA will provide written information on the outcome of the completeness check within five business days. Communications with the titleholder will typically be via email to a nominated contact person.</p> <p>Changes to NOPSEMA’s policy and guidance documents will be made to give effect to this step.</p>



New requirement	Proposal for how this could be administered by NOPSEMA
<p>Publication of environment plans on submission (all environment plans)</p>	<p>NOPSEMA will prescribe the format in which environment plans must be submitted to enable publication. This would likely include:</p> <ul style="list-style-type: none"> • one searchable pdf for the environment plan for publication on NOPSEMA’s website, and • a separate searchable pdf for copies of the full text of consultation records and any sensitive information identified by relevant persons, for review by NOPSEMA but not for publication. <p>Exploration environment plans would be published in an “Open for comment” region on the NOPSEMA website, with links to online public comment forms. Development environment plans would be published in an “Under assessment” region on the NOPSEMA website. (See Attachment B for an example)</p>
<p>Public comment period – exploratory seismic or drilling activities</p>	<p>NOPSEMA will publish new guidance for the public on the public comment process, including:</p> <ul style="list-style-type: none"> • how to make an effective comment, • explaining that NOPSEMA will not be able to consider comments received outside the public comment period, and • describing the difference between public comment on the submitted environment plan, and consultation with relevant persons during preparation of the environment plan. <p>NOPSEMA’s website will have an “Open for comment” region in which all exploration environment plans undergoing public comment can be viewed, and links to online public comment forms will be provided (see Attachment C for an example).</p> <p>Public comment forms will contain some brief guidance on how to make effective comments, and will be populated with some headings to assist members of the public to express their views on the environment plan, and to assist NOPSEMA and the titleholder in analysing comments received. There will also be an option to upload an electronic version of a document (e.g. a letter or report) when making a comment.</p> <p>NOPSEMA’s preferred method for receiving comments will be via the website in online forms. Comments sent by email or post will also be taken into account, but NOPSEMA’s guidance and communications will encourage use of the online forms as the primary method for making comment.</p> <p>Submitted comments will be received by NOPSEMA, and subsequently provided to the titleholder. Submitted comments will not be visible to other members of the public during the comment period.</p>



New requirement	Proposal for how this could be administered by NOPSEMA
Consideration of public comments – titleholder	<p>NOPSEMA will prescribe the format in which statements of the titleholder’s response to public comments must be provided. This will likely be in table form, which can be populated by the titleholder and subsequently completed by NOPSEMA at the final decision point (explained further below), to enable efficient production of reports in a consistent style.</p>
Assessment of an environment plan by the Regulator	<p>There will be no change to NOPSEMA’s process for assessing an environment plan, other than to take into account comments received during the public comment period when considering whether the environment plan meets the acceptance criteria in the Environment Regulations. NOPSEMA’s guidance (e.g. Environment plan decision making guideline GL1721) will be updated to explain how public comments will be used in assessment decision making.</p> <p>NOPSEMA’s website will have an “Under assessment” region in which environment plans submitted for assessment (i.e. post-public-comment for exploration, and post-completeness-check for development environment plans) can be viewed, along with some basic details about the assessment process, such as the submission date and the titleholder contact details.</p> <p>If NOPSEMA issues a request for further written information during the assessment process, the titleholder will be required to submit a full amended environment plan with the new information incorporated, rather than a supplementary document such as the response table currently used.</p>
Significant modification of an environment plan prior to acceptance	<p>Exploration environment plans that are re-released for public comment would move from the “Under assessment” region on the NOPSEMA website, back to the “Open for comment” region.</p> <p>Changes to NOPSEMA’s policy and guidance documents will be made to give effect to this step.</p>

New requirement	Proposal for how this could be administered by NOPSEMA
Publication of an environment plan on acceptance	<p>At the end of the assessment process, NOPSEMA will publish the final decision (i.e. accept or refuse) alongside the final environment plan, within the “Under assessment” area of the website.</p> <p>Accepted environment plans will then be moved to an “Underway offshore” region on the NOPSEMA website. This area will contain all current environment plans for permissioned petroleum activities, both exploration and development, as well as some information on the history of the activity, such as links to previous revisions of the environment plans (if any).</p> <p>For each accepted exploration environment plan, NOPSEMA will also publish a report on how public comments (if any) were taken into account in the assessment decision. This will likely be a short report that shows the titleholder’s summary of the issues raised in public comment, the titleholder’s response to these issues, and how NOPSEMA considered these issues and the titleholder’s response when making a final assessment decision.</p>
Acceptance of an environment plan in part	<p>There would be no change to NOPSEMA’s current approach to accepting environment plans in part, which is only to apply this option in exceptional circumstances and with the approval of the NOPSEMA Chief Executive Officer.</p> <p>In the rare event that an environment plan was accepted in part, NOPSEMA would publish the details of this decision alongside the full final environment plan on the NOPSEMA website.</p>
Proposed revision of an environment plan	<p>For proposed revisions of environment plans submitted under regulations 17, 18 or 19, NOPSEMA would apply the same processes as described above, as though they were new environment plans.</p> <p>When a proposed revision of an environment plan is accepted, it will be published in the “Underway offshore” region of the NOPSEMA website, linked with the existing entry for its relevant petroleum activity. Previous, superseded revisions of the environment plan for the activity will also remain available in this part of the website.</p>

Feedback to NOPSEMA

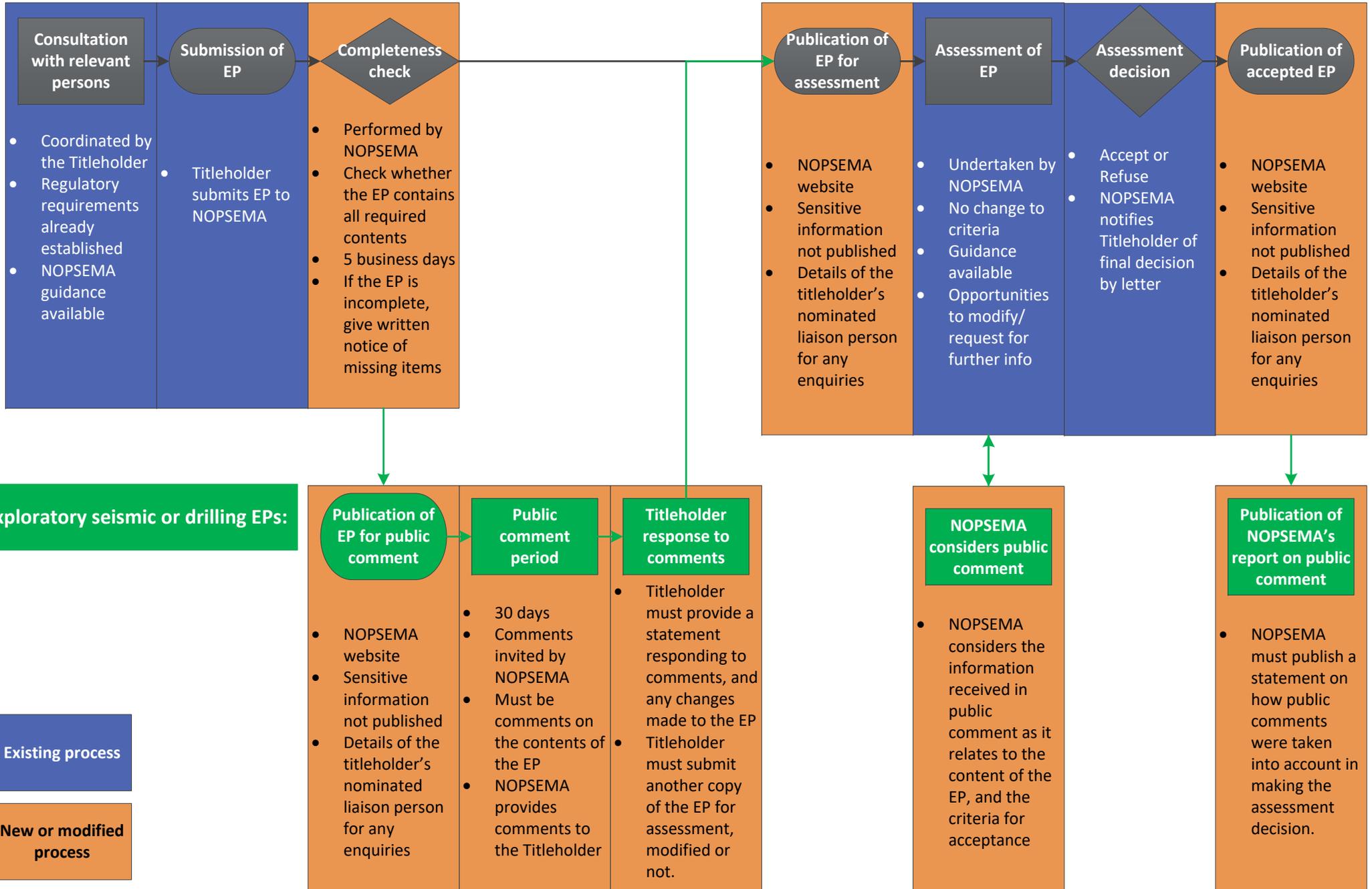
NOPSEMA welcomes feedback on the proposals above via email: environment@nopsema.gov.au

Links

NOPSEMA’s existing policies and guidance are available at:

<https://www.nopsema.gov.au/environmental-management/environment-resources/>

Attachment A – Proposed amendments to the EP assessment process



Attachment B – Mock new layout for NOPSEMA website



National Offshore Petroleum Safety and Environmental Management Authority

Home | About Us | Careers | Contact us



Home | About | Safety | Well Integrity | Environment | Community Information | Resources | News & Media | Contact

ENVIRONMENT PLANS

Free text search

Activity type

Submitted by

Status

Commonwealth waters adjacent to

Title (or other instrument)

Region

Submitted From:

To:

Decision From:

To:

Sort By

Sort Direction



Search

Clear

Subscribe

Open for comment

Have your say on environment plans undergoing public comment

Under assessment

View environment plans currently being assessed by NOPSEMA

Underway offshore

View the environment plans for permissioned exploration and development activities

Historical

Download past environment plans for activities that have now ended

Attachment C – Example of an online public comment form

Home About Us Careers Contact us

National Offshore Petroleum Safety and Environmental Management Authority

Home | About | Safety | Well Integrity | Environment | Community Information | Resources | News & Media | Contact

[Environment](#) » [Assessment process](#) » [Offshore project proposals](#) » [Offshore project proposals - public comment](#) » Public Comments for Barossa Area Development

PUBLIC COMMENTS

First name (required)

Last name (required)

Email address

This will allow the proponent to contact you if necessary, for clarification on your comment.

I consent to my personal information being provided to the proponent.
Withholding the name may reduce the proponent's ability to address the issue you are commenting on.
If you uncheck this option, NOPSEMA will withhold the above details but will provide the text of your comment and/or any attachments in full.

I consent to my name appearing in the published summary of consultation.

I am commenting on behalf of an organisation.

Comment on proposal including any objections or claims

Attach files

You may attach up to 5 files of up to 20MB each. If you have more than 5 attachments or any that are larger than 20MB please contact NOPSEMA via information@nopsema.gov.au.

The following file types are accepted: doc, docx, xls, xlsx, ppt, pptx, png, gif, jpg, jpeg, pdf, zip.

Add attachment

Submit

Privacy notice