

## Workshop Outcomes – NOPSEMA Response

### Background

On Tuesday 20 March 2012, NOPSEMA instigated an industry workshop with the purpose of informing titleholders and operators involved in offshore petroleum activities of the regulator's expectations for the preparation and management of oil spill contingency plans (OSCPs).

NOPSEMA coordinated this facilitated workshop to increase awareness around submission issues related to planning and documentation. The objective was to assist operators with knowledge sharing and to provide an opportunity for industry participants to work collaboratively on addressing the common issues raised.

This important information and consultation workshop was designed to assist operators plan future submissions and to help in prioritising future regulatory effort. The session was facilitated by the Australian Marine Oil Spill Centre (AMOSC) as the peak industry oil spill response organisation in Australia.

The workshop produced six suggested actions for consideration by NOPSEMA and a further six suggested actions for industry consideration (**Appendix 2**). The written outcomes from the workshop were provided to NOPSEMA and supplied to workshop attendees on 27 March.

### Purpose

The purpose of this document is to record NOPSEMA's response to the suggested actions from the industry (**Appendix 1**) and communicate to attendees and the wider industry the accepted actions that NOPSEMA commits to progress.

### Implementation Plan

NOPSEMA agrees to the following commitments:

1. Publish an explanatory note by 30 April 2012 to outline the respective responsibilities and expectations of AMSA and NOPSEMA in preparedness and response to significant oil spill incidents
2. Communicate to industry the outcomes of discussion between the Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) and NOPSEMA, as and when details for regulatory efficiency are progressed
3. Publish, by 30 April 2012, NOPSEMA's review process for environment plans accepted by the Designated Authorities for which NOPSEMA now has regulatory responsibility.
4. NOPSEMA, following consolidation of stakeholder feedback, will publish by 30 June 2012 revision 2 of its OSCP guidance
5. NOPSEMA will liaise with the Australian Petroleum Production and Exploration Association (APPEA) on the structure, type, frequency and content of future information seminars.

**Attachment 1**

<i>What the government needs to do:</i>			
What	Suggested Action	NOPSEMA Response	NOPSEMA Action
<p><b>1. The roles of NOPSEMA and AMSA need to be clarified;</b></p> <p><b>a. there seems to be 2 differing sets of instruction around the submission of, and approvals/consultation around OSCP</b></p> <p><b>b. The role of the EPBC and the involvement of SEWPaC in OSCP is not clearly understood</b></p>	<p>NOPSEMA and AMSA to progress into MoU. Government to produce guideline around responsibilities.</p>	<p>The OPGGS(E)R requires an OSCP to be submitted as part of an EP. The submission and acceptance process for an EP is detailed within the OPGGS(E)R and NOPSEMA assessment policies. NOPSEMA and AMSA are developing an Explanatory Note to document the responsibilities of both agencies in relation to OSCP and the interface between the agencies, with consideration of the National Plan arrangements.</p> <p>NOPSEMA encourages operators to be familiar with the stakeholder consultation requirements of the regulations [Division 2.2A; Regulation 11A][Regulation 16(b)] post 1 April.</p> <p>Operators should note that whilst there may be EPBC referrals and multiple consultations with other agencies/organisations there is only one acceptance required under the <i>OPGGSA</i> and its regulations.</p> <p>Other regulatory requirements are for those agencies to consider. The Environment Regulations clearly state that all legislative requirements and arrangements must be detailed in the environment plan submission.</p>	<p>NOPSEMA and AMSA will finalise Explanatory Note and publish to website by 30 April 2012.</p> <p>NOPSEMA will progress actions under the Government response to the Montara Commission of Inquiry (Rec. 99 &amp; 100)</p>
<p><b>2. The legislated role of NOPSEMA is generally understood – can the issue of security and security/safety zones also come under a 1 regulator approach?</b></p>	<p>NOPSEMA to advise</p>	<p>Queries regarding changes to the legislation (including agency functions) should be communicated to RET as the portfolio agency.</p>	<p>NOPSEMA to advise RET.</p>
<p><b>3. Can the actual recommendations from the Montara IAT and Borthwick inquiries be reassessed to ensure the intent to implement one regulator for offshore petroleum has been met?</b></p>	<p>NOPSEMA to consider and advise</p>	<p>NOPSEMA, as an independent authority, is implementing the agreed response to these recommendations, as directed by the Australian Government. The implementation plan to address the recommendations is coordinated by RET as the Commonwealth Government portfolio agency.</p> <p>NOPSEMA is identified as the regulator for offshore petroleum safety, well integrity and environmental management. NOPTA is the titles administrator.</p>	<p>NOPSEMA to advise RET.</p>

<i>What the government needs to do:</i>			
What	Suggested Action	NOPSEMA Response	NOPSEMA Action
<b>4. Can the approvals process be promulgated? Can the 'risk register (screening matrix)' also be made public?</b>	NOPSEMA to advise	<p>The process for acceptance of an Environment Plan is described within the Regulations and NOPSEMA assessment policies, available on the website. This question is assumed to relate specifically to the review process for environment plans accepted by the Designated Authorities for which NOPSEMA now has regulatory responsibility.</p> <p>Information on the amended regulations for this process and how NOPSEMA will apply it will be published on NOPSEMA's website. Affected operators will be formally notified of a request to submit a proposed revision under these regulations.</p>	Available on the NOPSEMA website prior to 30 April 2012.
<b>5. This 'workshop' or seminar was adjudged to be successful as part of the education process needed around this type of change; more guidance and education of this type is encouraged.</b>	NOPSEMA to advise	<p>NOPSEMA appreciates the feedback on this workshop and will continue to engage with operators through similar forums.</p> <p>Similar workshops (EP &amp; OSCP) will be held in Eastern Australian States in mid-April 2012. NOPSEMA will undertake additional environmental focused events throughout 2012 and will provide email invitations and website notices for upcoming events. Events will differ in format and include feedback on draft guidelines, and performance summaries.</p> <p>If industry sees value in holding capacity building sessions it is suggested that operators pursue this through APPEA. NOPSEMA would be happy to contribute the regulators perspective in such and industry coordinated event. Suggest inclusion in Attachment 2 (Industry Actions).</p> <p>OSCP Guidance Note (Rev 0 Interim Guidance) was released 1 January 2012 and Rev 1 (Consultation Draft) was developed based on initial informal feedback and made available to stakeholders on 6 March 2012. Revision 2 will consider comments received from industry and other stakeholders throughout March/April and will be released in Q2 2012. Any feedback on NOPSEMA process or guidance can be provided by email to <a href="mailto:information@nopsema.gov.au">information@nopsema.gov.au</a></p>	<p>OSCP Guidance Note Revision 2 to be released by 30 June 2012.</p> <p>NOPSEMA will notify industry and other stakeholders of upcoming events.</p>

<i>What the government needs to do:</i>			
What	Suggested Action	NOPSEMA Response	NOPSEMA Action
<b>6. Note should be made of how to introduce major change to the ‘culture’ around plans and contingency plans; this means transitional arrangements including education should be factored into any further forecast change</b>	NOPSEMA to note	<p>NOPSEMA establishment was communicated through cabinet on 25 May 2011 and liaison with industry throughout the implementation of environment management was conducted from October 2011 onwards. Further consultation and production of extensive guidance material, developed in liaison with industry, and was published in draft prior to commencing regulation and as interim guidance on 1 January.</p> <p>It should be noted that NOPSEMA is applying the OPGGS(E)R 2009 as compiled on 1 January 2012. Transitional arrangements in relation to consultation expectations were specified under the legislation, allowing a transitional period until 1 April 2012. NOPSEMA has legislated functions that require it to secure compliance against environmental management law.</p> <p>NOPSEMA notes reference to cultural change which may be needed to adjust to this transition and future transitions. If operators also consider it of value they should pursue actions to implement. NOPSEMA does not have legislated functions to provide cultural change facilitation services. Suggest inclusion in Attachment 2 (Industry Actions).</p>	No further action.



**Attachment 2**

<i>What the industry needs to do:</i>			
What	Suggested Action	Industry Response	Industry Action
<b>1. Share the lessons learnt from the EP/OSCP process to increase quality, commitment and mutual aid around the planning requirements and processes</b>	Either; APPEA Environment sub-committee or; AMOSC to hold/convene quarterly meetings		
<b>2. Industry is keen to 'share' services with government on mutual areas of preparedness &amp; response including trajectory modelling, oiled wildlife response, aerial surveillance etc.</b>	AMOSC to advise further		
<b>3. OSROs to provide companies with 'proof' of capability</b>	OSROs welcome audits and suggest that audits should be assigned to one company to undertake per year; this includes all 'third parties' named in the company's OSCP's		
<b>4. Develop a shared resources list around people available for spill response</b>	AMOSC/APPEA environmental committee		
<b>5. Share lessons around OSCP development (credible scenarios)</b>	Industry to commence quarterly meetings to table common issues such as risks, and credible scenarios		
<b>6. Create a forum around collective industry involvement</b>	Either APPEA Environmental committee or industry convened quarterly meetings		