NOPSEMA
Overview of OPGGS Environment Regulations

WA Marine Biosecurity Workshop
16 August 2013
• NOPSEMA environmental management function established 1 Jan 2012
• Result of Montara Commission of Inquiry
• Australian Government response to establish single national regulator
• Objectives-based regime – flexibility and continual improvement
Vision

A safe and environmentally responsible Australian offshore petroleum industry

Mission

To independently and professionally regulate offshore safety, integrity and environmental management
Commonwealth *Offshore Petroleum and Greenhouse Gas Storage Act 2006*

Schedule 3 – OHS law

**Safety regulations**

Wells via resource mgt regulations

**Environment regulations**
Jurisdiction for Environment

Commonwealth Waters
NOPSEMA

State Waters
Relevant State/NT Minister
unless
powers are conferred to NOPSEMA *

* Currently no conferrals for Environment
Scope - what requires an Environment Plan?

- Petroleum and greenhouse gas storage activities
Petroleum development life cycle

**Seismic / other surveys:** Environment Plan (EP)

**Exploration**
- award title
- acreage release & bid
- EPBC Act referral(s) (and EIA)
- EPBC Act decision
- conditions of approval/compliance

**Development**
- Construction
- Operations
- Decommissioning
- title surrender
- field development plan
- Construction, Production: SC, EP, PSZ
- Decommissioning: SC, EP, AAUWA

**Construction Operations Decommissioning**
- NOPSEMA [OPGGS Act]

**Drilling:** SC, EP, WOMP, AAUWA

**Seismic / other surveys:** Environment Plan (EP)

**NOPSEMA**
- NOPSEMA [OPGGS Act]

**SEWPAC**
- SEWPAC [EPBC Act]
Legal framework

- A ‘General Duties’ regime for offshore petroleum and greenhouse gas storage operations
- Performance-based, but with some prescriptive elements
- An independent and professional safety and environmental management Authority
- Operator best placed to manage risk
- An operator’s management plan, accepted by NOPSEMA is used as a permissioning document:
  - Environment plan (EP)
  - Environment Plan used to demonstrate how the activity and impacts will be managed and to ensure compliance
Independent statutory authority

NOPSEMA

State/NT Ministers for Resources

Commonwealth Minister for Resources

NOPSEMA Advisory Board
Chair

NOPSEMA CEO

Department of Resources, Energy & Tourism
Secretary

National Offshore Petroleum Titles Administrator (NOPTA)

Joint Authority

OPGGS Act 2006

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Joint Authority

OPGGS Act 2006
Assessment
- Independent, sampled evaluation of an operator’s submission against the regulations
- Challenge operators: “Have you done enough?”

Inspection
- Independent, sampled inspection of the petroleum activity against the accepted permissioning document (eg EP) and regulations
- Challenge operators: “Are you doing what you said you would do?”

Investigation
- Independent inspection to determine what went wrong and determine whether enforcement/prosecution is required
- Challenge operators: “What wasn’t done? What can we learn?”

Enforcement
- Take action within powers under the Act and regulations to secure compliance
Object of Regulations:

Petroleum activity carried out in an offshore area is:

• consistent with the principles of ecologically sustainable development; and

• in accordance with an accepted environment plan that has appropriate environmental performance objectives and standards as well as measurement criteria for determining whether the objectives and standards are met.
Content requirements of the EP

• Environmental assessment
  – Describe activity
  – Describe environment
  – Detail and evaluate impacts and risks
  – Develop environmental performance objectives, standards and measurement criteria
  – Consider other legislation and requirements that are relevant to environmental management of the activity

• Implementation strategy for the EP
• Reporting arrangements
• Consultation outcomes
Consultation process in the offshore petroleum EP regime

Operators

1. **PLANNING STEPS**
   - Review the legislative requirements & guidance
   - Identify the risks, stakeholders & stakeholder issues
   - Evaluate the risks and identify potential controls
   - Consider feedback, response & actions in absence of feedback
   - Submit EP (&OSCP) to NOPSEMA for assessment
   - Commence activity and revise

Stakeholders

Planning: communication with ‘relevant persons’ on impacts relating to functions, activities or interests

Implementation: ongoing consultation

NOPSEMA

Assessment of submission

Monitor & enforce
Relevance to marine pest risks

• No prescriptive requirements for how marine pest risks should be managed
• Regulations require consideration of other legislation and “requirements that are relevant to the environmental management of the activity”
• Objectives based regime – flexible based on nature and scale of activity and encourages innovation
• Robust framework for managing marine pest risks
• Environment Regulations have recently undergone a review process.
• Issues paper was published for public comment: http://www.ret.gov.au/resources
• The proposed amendments are subject to parliamentary review process – timing uncertain.