

# Recent Amendments to Offshore Petroleum Environment Regulation

Presentation to National Environmental Law  
Association

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- Background to OPGGS (Environment) Regulation amendments
  - Montara Commission of Inquiry
  - Environment Regulation Review
  - Streamlining regulatory processes
- Key regulatory amendments
- Other legislative amendments
- What it means - improved environmental outcomes

- Montara well-head blow-out – 21 August 2009, well-kill 3 November.
- Government established Commission of Inquiry – reported 17 June 2010



- Government accepted or noted 102 of 105 recommendations
  - Strong support of an ‘objective-based’ regime
  - Improvements in monitoring of impacts
  - Stronger accountability for titleholder



- OPGGS (Environment) Regulations – first enacted 1999 (as PS(LA) Env Regulations)
- Department of Industry review in 2012
- Issues Paper released for industry and public comment – end 2012
- Key themes:
  - Titleholder responsible for submission and compliance with EP
  - Clarified content requirements of EP
  - Greater transparency in assessment process

- Part of broader Government agenda to reduce regulatory burden
- Task force established October 2013
- Strategic assessment under EPBC Act with goal to endorse NOPSEMA's environmental authorisation regulatory process
- Key objectives:
  - Reduced duplication and overlap in regulatory approvals processes
  - Increased clarity and certainty in decision-making processes
  - Retaining strong environmental safeguards

- **Clarification of titleholder obligations**
  - Titleholder responsible for all aspects of EP compliance - not activity operator
- **EP content requirements clarified**
  - Oil Pollution Emergency Plan contents + testing
  - Monitoring over life of activity and during pollution incident
- **Transparency of assessment**
  - Titleholder and activity information published on submission of EP
  - EP summary must contain response to consultation

- **Clarification of requirements for environmental performance and incident reporting**
  - Including provision of reportable incident reports to Titles Administrator and State/Territory
- **Strengthening of requirements for oil pollution emergency planning**
  - Name change to align with OPRC convention
  - Reinforcement and clarification of response, testing and monitoring arrangements
- **Strengthening environmental requirements**
  - No planned activities within a World Heritage property
  - Submission of Offshore Project Proposal



- Strengthening of requirements relating to:
  - Polluter pays principle via financial assurance amendments to OPGGS Act
    - Potential for subsequent regulatory amendments to further clarify requirements
  - Compliance measures amendments to OPGGS Act
    - single class of NOPSEMA inspector, increased and enhanced range of tools available to secure compliance

- Improved preparedness to respond to incidents
- Clarification of requirements to monitor effects of oil pollution
- Environmental regulatory requirements – clarified, simplified and consolidated
- Duties and responsibilities of titleholders - clarified and strengthened

- Removed duplication in environmental regulation, strong environmental safeguards remain
  - Referral of offshore petroleum activities under the EPBC Act NOT required
- Improved transparency in decision making
- Strengthened requirements for engagement with effected parties (relevant persons)
- Titleholders have clarity, certainty and consistency in their engagement with the Commonwealth

# Questions?

- Background
- Key legislative amendments
- Outcomes for environment and industry