

NOPSEMA Program Review Report: Response to Observations and Improvements

Conclusions of the Reviewer:

Overall, the Reviewer determined that the Program commitments have been met during the review period; and the required processes and procedures are in place for Program commitments to continue to be met in the future.

As the Reviewer determined that the Program commitments had been met, formal recommendations for modification of management arrangements have not been proposed. However, a number of suggestions for refinement of management arrangements (Opportunities for Improvement) have been proposed, as well as additional considerations outside of the scope of the Review (recorded as Observations) to further support meeting the Program commitments on an ongoing basis. A summary of the outcomes of the Review, the main findings underpinning those outcomes and NOPSEMA's responses to observations and opportunities for improvement are provided below.

Review Outcome	Underlying Findings	Response
Commitments under NOPSEMA Program		
Commitment 1.1 NOPSEMA will not accept an EP that involves the activity or part of the activity, other than arrangements for environmental monitoring or responding to an emergency, being undertaken in any part of a declared World Heritage Property within the meaning of the EPBC Act.		
<p>Review outcome Commitment met</p> <p>Observation 1 (O-1): Consider communicating more broadly the applicability of Commitment 1.1 and 1.2 to offshore petroleum activities to increase awareness and understanding amongst agency personnel, titleholders and stakeholders.</p>	<p>The EPBC Act addresses environmental management around the concept of impact (specifically around the concept of significant impact), whereas the Regulations treat all impacts and environmental risks consistently, and instead address environmental management around the concept of an activity type.</p> <p>While there has been discussion regarding what NOPSEMA considers an activity with respect to this commitment, and some suggestions from stakeholders that this be clarified, the Reviewer has not identified any EPs submitted and accepted for activities proposed to occur within the boundaries of a WHP, whereby the objectives of the Program have been met.</p>	<p>NOPSEMA will review and update the EP Content Requirement Guidance Note in the context of the Program and the review report regarding commitment 1.1 and 1.2 to assist titleholders and stakeholders understanding. The updated Guidance Note will be published by end September 2015.</p> <p>Internal assessment procedures will also be updated to better identify the Program commitments by end September 2015.</p>
<p>Observation 2 (O-2): Consider process (through liaison with titleholders or update of Guidance note) to enable relevant DOE personnel to be available to titleholders to provide the relevant advice on matters protected under Part 3 of the EPBC Act and associated plans of management.</p>	<p>In light of this, the Reviewer considers that this commitment has been met, with the following observations (O-1 and O-2) identified which intend to address stakeholder feedback gathered during the Review.</p>	<p>NOPSEMA will incorporate a reference to the Australian Government Guidance within the EP Content Requirement Guidance Note to provide a single point of information for titleholders in preparing environment plan submissions by end September 2015.</p> <p>NOPSEMA will provide support as requested to DOE on any proposed amendments to Australian Government Guidance relating to Australian Government agencies' roles and relevance under the OPGGS Act.</p>

Review Outcome	Underlying Findings	Response
<p>Commitment 1.2, 2.1, 3.1, 4.1, 4.2, 5.1, 6.1 NOPSEMA will not accept an EP that proposes activities that will contravene a plan of management for a matter protected under Part 3 of the EPBC Act or proposes unacceptable impacts to a matter protected under Part 3 of the EPBC Act.</p>		
<p>Review outcome Commitment met</p> <p>Improvement 1 (I-1): NOPSEMA to update advice documents to provide a more direct pathway from the EP Content Requirement Guidance Note to the reference list of EPBC Act information to consider during the preparation of submissions that include activities that may impact matters protected under Part 3 of the EPBC Act.</p>	<p>The Reviewer considers that NOPSEMA maintains appropriate procedures and levels of competency amongst personnel based on a thorough competency assessment framework, in order to meet this commitment. Furthermore, the review of case studies (#3-7) demonstrated that NOPSEMA has not accepted EPs for activities that contravene a plan of management for a matter protected under Part 3 of the EPBC Act or result in unacceptable impacts to a matter protected under Part 3 of the EPBC Act.</p>	<p>NOPSEMA will incorporate EPBC Act information within the EP Content Requirement Guidance Note to provide a single point of information for titleholders in preparing environment plan submissions. The updated Guidance Note will be published by end September 2015.</p>
<p>Improvement 2 (I-2): The level of detail with regards to the application of specific plans of management related to matters protected under Part 3 of the EPBC Act as part of the assessment of impacts, and in the ALARP and acceptability justification contained in EPs is not recorded in RMS in a consistent manner for all case studies. NOPSEMA should consider setting expectations and standards within internal documentation referred to by the assessment teams to ensure that greater consistency in records</p>	<p>The Reviewer is aware that NOPSEMA has developed a Petroleum Environmental Inspections Policy (PL0973 - Petroleum environmental inspections Policy), and has implemented monitoring and enforcement strategies to ensure compliance with the OPGGS Act and associated regulations, based on a risk- based methodology , including consideration of:</p> <ul style="list-style-type: none"> the environment that may be affected by planned activities and/or unplanned events 	<p>NOPSEMA will update internal procedures to ensure findings related to matters protected under the EPBC Act are appropriately recorded in RMS by end September 2015.</p>

Review Outcome	Underlying Findings	Response
is achieved.	<p>including matters protected under Part 3 of the EPBC Act;</p> <ul style="list-style-type: none"> • socio-economic values and sensitivities; • target hydrocarbon type (where applicable); • industry trends in recordable and reportable environmental incidents. 	
<p>Observation 1: Refer O-1 above.</p>	<p>The scope of the review did not, however, include investigation of the inspection process.</p>	<p>Refer response to O-1 above.</p>
<p>Observation 3 (O-3): Follow-up inspections should include focus areas, targeting key threats to matters protected under Part 3 of the EPBC Act (vessel movements, noise emissions near values and sensitivities deemed sensitive to noise etc.).</p>	<p>As such the Reviewer considers that this commitment has been met. Based on the assessment of performance under this commitment, two opportunities for improvement (I-1 and I-2) and five observations (O-1, O-3, O-4, O-5 and O-6) were identified.</p>	<p>Noted. Existing NOPSEMA inspection processes take a risk-based approach to identifying topics for inspection, including consideration of potential impacts and risks to matters protected under Part 3 of the EPBC Act.</p>
<p>Observation 4 (O-4): It was recognised during interviews that, although communication and information exchanges between parties has occurred during the Review period, there is a need for closer relationships to be developed. The Reviewer noted that increased communication has been reported over the last quarter of the Review period, and it is anticipated that such communication lines would be fostered over time.</p>		<p>NOPSEMA and DOE have agreed in principle to review current administrative arrangements under the Program to incorporate findings of the Program Review. Through implementation of the revised administrative arrangements NOPSEMA and DOE will continue to foster effective working relationships.</p>

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<p>Observation 5 (O-5): Consider the benefit in providing publically additional detail regarding the progress of the authorisation process for submitted EPs.</p>		<p>NOPSEMA will consider the options for publishing additional information related to the status of submitted environment plans after lodgement, within legislative constraints, as part of NOPSEMA's existing consultation and transparency work program.</p>
<p>Observation 6 (O-6): DOE to consider available mechanisms to enable more effective identification by titleholders, stakeholders and NOPSEMA assessment officers of the plans of management relevant to a particular petroleum activity, based on the specific characteristics of that activity (e.g. geography, type of activity, affected matters protected under Part 3 of the EPBC Act).</p>		<p>Noted.</p>
<p>Commitment 1.3, 1.5, 2.2, 2.4, 3.2, 4.3, 4.5, 5.3, 6.2, 6.3, 6.4, 6.6 If there is no plan of management for a matter protected under Part 3 of the EPBC Act, then NOPSEMA will take all reasonable steps to ensure that any accepted EP is not inconsistent with the relevant management principles. NOPSEMA will have regard to any relevant documentation (e.g. conservation advice, bioregional plan) and not act inconsistently with these in deciding whether or not to accept an EP. In undertaking assessments, NOPSEMA will have regard to relevant policy documents, guidelines and plans of management on the Department of the Environment website.</p>		
<p>Review outcome Commitment met</p> <p>Improvement 2: Refer I-2 above.</p>	<p>Reference to documentation relevant to matters protected under Part 3 of the EPBC Act was evident in NOPSEMA's internal standard operating procedures. Furthermore, the Reviewer also noted that the team approach applied to the authorisation process, whereby at least two Environment Division staff members are required to undertake the EP assessment, as well as the</p>	<p>Refer response to I-2 above.</p>
<p>Improvement 3 (I-3): Provide a reference to the Australian Government</p>		<p>NOPSEMA will incorporate a reference to the Australian Government Guidance within the EP</p>

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<p>Guidance relating to Australian Government agencies' roles and relevance under the OPGGS Act, within the Environment Plan Content Requirements Guidance Note, to increase awareness of titleholders of the availability of Department of Environment to provide advice related to matters protected under Part 3 of the EPBC Act.</p>	<p>several endorsements required throughout the authorisation process by Representatives of NOPSEMA (RON), delivers a thorough and comprehensive assessment of offshore petroleum activities.</p> <p>The review of the case studies (#8-9) demonstrated a thorough authorisation process with detailed findings, including reference to management documentation relevant to matters listed under Part 3 of the EPBC Act recorded in RMS by the assessment team.</p>	<p>Content Requirement Guidance Note to provide a single point of information for titleholders in preparing environment plan submissions by end September 2015.</p>
<p>Observation 7 (O-7):</p> <p>NOPSEMA, and by association, titleholders, rely on information that is available publically, and this information can be broad and difficult to interpret within the context of a specific activity. DOE may consider the issue of publically available advice on standards and best practice applicable to matters protected under Part 3 of the EPBC Act to guide titleholders and stakeholders with ALARP and acceptability criteria applicable to petroleum activities.</p>	<p>While it was possible to identify examples in the case studies of NOPSEMA implementing their authorisation process to meet the Program commitments, in some instances the consideration of all the relevant plans for management were not documented in either the accepted EP summaries or the corresponding NOPSEMA assessment notes contained in RMS and responses to titleholders.</p>	<p>Noted.</p>
<p>Observation 8 (O-8):</p> <p>Further clarification on the applicability of the Transitional Management Arrangements for CMR would benefit titleholders and stakeholders in understanding the requirements applicable to the undertaking of oil and gas activities.</p>	<p>As an example, one accepted EP related to a case study identified the potential for shoreline impacts from a spill of hydrocarbons to a Ramsar wetland. One of the management plans relating to this wetland was referenced in the EP, but there was no evidence whether the titleholder or NOPSEMA, in determining acceptability, considered this (and other) management plans. The Reviewer notes however, that the values of the wetland, and the</p>	<p>Noted. NOPSEMA, in consultation with DOE, is developing a new Guidance Note to assist titleholders and stakeholders in understanding the transitional management arrangements for Commonwealth Marine Reserves as they apply to offshore petroleum activities under the NOPSEMA Program.</p>

Review Outcome	Underlying Findings	Response
	<p>particular requirements of the related management plans were captured in the assessment and proposed management of the activity contained in the EP, even though there was no visible written reference made to these documents in the related assessment documentation.</p> <p>This has been noted as an observation only, in that consideration of management plan contents and requirements by both the titleholder and Regulator should be more visible and consistently recorded in assessment documentation.</p> <p>In light of this, the Reviewer considers that this commitment has been met. Based on the assessment of performance under this commitment, two opportunities for improvement (I-2 and I-3) and two observations (O-7 and O-8) were identified.</p>	
<p>Commitment 1.4, 2.3, 3.3, 4.4, 5.2, 6.5 NOPSEMA will develop guidance (that will be updated from time to time) that titleholders should have regard to in the preparation of their EPs.</p>		
<p>Review outcome Commitment met</p> <p>Improvement 1: Refer I-1 above.</p>	<p>The Reviewer has reviewed guidance developed and updated through the Review period which has been published on the NOPSEMA website for access by titleholders. In particular, the Environment Plan Content Requirements Guidance Note (GN1344) refers to the consideration of</p>	<p>Refer response to I-1 above.</p>

Review Outcome	Underlying Findings	Response
<p>Improvement 3: Refer I-3 above.</p>	<p>relevant values and sensitivities related to matters protected under Part 3 of the EPBC Act. The Guidance Note also refers to the Streamlining Environmental Regulation of Petroleum Activities in Commonwealth Waters Information Paper (IP1382), which lists the relevant guidance documents to be considered by titleholders in the preparation of EPs.</p> <p>Interviews with titleholders confirmed that they are familiar, to varying degrees, of the various guidance documents related to the authorisation process under the Regulations. It seems however that familiarity and experience with the authorisation process however varied based on the maturity of the titleholder (i.e. number of years operating in Australia and number of EPs submitted since NOPSEMA's inception), as well as the level of environmental management knowledge available to the titleholder either in-house or through consultant resources, with only limited influence provided by the guidance available publically.</p> <p>For those titleholders with less experience with the authorisation process, it was evident that the information contained in Information Paper IP1382, although related to matters protected under Part 3 of the EPBC Act, was not immediately recognised as a source of information to be</p>	<p>Refer response to I-3 above.</p>

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	<p>considered during the preparation of EPs.</p> <p>Based on the contents of the reviewed guidance available to titleholders, and feedback provided by titleholders, the Reviewer considers that this commitment has been met, with two opportunities for improvement (I-1 and I-3) relating to the assessment of performance against this Program commitment identified.</p>	
<p>Commitment 7.2 Prepare amendments to NOPSEMA's existing advice documents to reflect consideration of matters protected under Part 3 of the EPBC Act.</p>		
<p>Review outcome Commitment met</p> <p>Improvement 1: Refer I-1 above.</p>	<p>The Performance Report for EPBC Streamlining (28 February 2014 to 30 June 2014) sighted by the Reviewer reported compliance with this commitment. The Report detailed that existing NOPSEMA advice material was reviewed and updated to incorporate consideration of matters protected under Part 3 of the EPBC Act. This included updates to the following:</p> <ul style="list-style-type: none"> NOPSEMA Assessment Policy (PL0050); 	<p>Refer response to I-1 above.</p>

Review Outcome	Underlying Findings	Response
	<ul style="list-style-type: none"> Environment Plan Content Requirements Guidance Note (GN1344). <p>The NOPSEMA Assessment Policy and the Environment Plan Content Requirements Guidance Note were both updated on 28 February 2014. These contain specific details around the inclusion of assessment of matters protected under Part 3 of the EPBC Act.</p> <p>However, the Review team found (and it was raised by a number of titleholders through interviews) that the specific details around inclusion of assessment of matters protected under Part 3 of the EPBC Act are not easily accessible via NOPSEMA’s advice documents. This information is provided in the Information Paper IP1382 “Streamlining environmental regulation of petroleum activities in Commonwealth waters” Rev 0 February 2014. This particular advice document does not appear to be routinely utilised by titleholders, and as such the links are not easily obtainable.</p> <p>In light of this, the Reviewer considers that although this commitment has been met, one opportunity for improvement (I-1) was identified.</p>	

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<p>Commitment 7.3 Develop specific advice document (s) that titleholders should consider in the preparation of their OPPs and EPs, to make reference to consideration of the matters protected under Part 3 of the EPBC Act. This advice should include references to relevant guidance documents to be considered by titleholders in preparing Offshore Project Proposals and EPs such as EPBC Act guidance documents.</p>		
<p>Review outcome Commitment met</p> <p>Improvement 1: Refer I-1 above.</p>	<p>The Performance Report for EPBC Streamlining (28 February 2014 to 30 June 2014) sighted by the Reviewer reported that NOPSEMA developed guidance in consultation with DOE to ensure that this commitment was met. The following documents were published between February and June 2014:</p> <ul style="list-style-type: none"> • NOPSEMA Assessment Policy (PL0050) • Streamlining Environmental Regulation of Petroleum Activities in Commonwealth Waters Information Paper (IP1382) • Offshore Project Proposal Content Requirements Guidance Note (GN1346) • Environment Plan Content Requirements Guidance Note (GN1344) • Environment Plan Summaries Guidance Note (GN1348) <p>The Streamlining Information Paper is the document that provides links to relevant DOE guidance documents. These references are not</p>	<p>Refer response to I-1 above.</p>
<p>Improvement 3: Refer I-3 above.</p>		<p>Refer response to I-3 above.</p>
<p>Observation 6: Refer O-6 above.</p>		<p>Refer response to O-6 above.</p>
<p>Observation 7: Refer O-7 above.</p>		<p>Refer response to O-7 above.</p>

Review Outcome	Underlying Findings	Response
	<p>specified in the EP Content Guidance Note and as such may not be obvious to titleholders (see previous discussion regarding Commitment 7.2).</p> <p>A number of interviews with titleholders revealed that (although outside of the scope of this review) some of the EPBC Act guidance documents are very broad and the advice and expectations for management may not be obvious for titleholders.</p> <p>The Reviewer considers that while the commitment to develop specific advice documents has been met, two opportunities for improvement (I-1 and I-3) and two observations (O-6 and O-7) were identified.</p>	
<p>Commitments under the Administrative Arrangements for the NOPSEMA Program</p>		
<p>Commitment 8.2.1 The parties agree to maintain regular contact at an officer level to ensure the effective operation of the endorsed NOPSEMA Program through teleconferences and written dialogue.</p>		
<p>Review outcome Commitment met</p> <p>Improvement 4 (I-4): Examine further opportunities to share resources and or information between NOPSEMA and DOE where relevant.</p>	<p>Examples of engagement between DOE and NOPSEMA were identified in the Review, with NOPSEMA undertaking frequent visits to Canberra over this time. The majority of engagements were at the higher managerial officer levels. Some formal workshops were undertaken including two occasions where the NOPSEMA environmental management authorisation process was presented in detail to DOE personnel.</p>	<p>NOPSEMA has agreed in principle with DOE to review current administrative arrangements under the Program to incorporate findings of the Program Review. This will include clarifying the timing and mechanisms for regular officer level contact.</p>

Review Outcome	Underlying Findings	Response
	<p>Interviews with NOPSEMA and DOE personnel indicated that NOPSEMA is currently considering accessing third party specialist advice (AAD acoustic experts) and have been meeting with DOE and AAD at during the Review period to address related procurement matters.</p> <p>Interviews also identified an instance where a required notification from NOPSEMA to DOE did not occur within the expected timeframe. This related specifically to the notification of a seismic activity within a 'Biologically Important Area'. This particular issue was discussed and resolved at officer levels at the time, to ensure that future notification and liaison between NOPSEMA and DOE occurs in a timely manner.</p> <p>While the Review determined that the commitment has been met, it was found through interviews with both DOE and NOPSEMA representatives that further opportunities to share resources and knowledge would be welcomed by all parties.</p> <p>In light of this, the Reviewer considers that this commitment has been met, with one opportunity for improvement (I-4) relating to the assessment of performance against this commitment identified.</p>	
<p>Commitment 8.4.6</p>		

Review Outcome	Underlying Findings	Response
<p>NOPSEMA will notify the Department of the Environment when an EP has been accepted by NOPSEMA covering seismic activities that have interacted with 'Critical Habitat', 'habitat critical to the survival of species' or 'Biologically Important Areas' for cetaceans, pinnipeds and marine turtles at biologically important time as identified in Recovery Plans, Marine Bioregional Plans (prepared under the EPBC Act) and the Conservation Values Atlas.</p>		
<p>Review outcome Commitment met</p> <p>Improvement 5 (I-5): Review the search criteria applied for the EP submission and summaries search tool and consider functionalities to allow searches such as using radius/coordinates or environmental features (e.g. BIA, WHP, CMR) as references.</p>	<p>Other than the reported delay in notification relevant to the first instance of 'acceptance of an EP with potential for interaction', the Reviewer is aware that notification between NOPSEMA and DOE regarding interactions of petroleum activities with matters protected under Part 3 of the EPBC Act occur as part of various mechanisms (e.g. Quarterly Ministers Report, EP submission tool). Although it is outside of the Review period, it is worth noting that DOE has collaborated with NOPSEMA to develop the current online submission search tool to enhance the capacity for DOE to be notified of any specific interactions.</p>	<p>Noted. NOPSEMA will consider further functionality of the search tool within legislative, technical and budgetary constraints.</p>
<p>Observation 6: Refer O-6 above.</p>	<p>As such the Reviewer considers that this commitment has been met. Based on the assessment of performance under this commitment, one opportunity for improvement (I-5) and one observation (O-6) were identified.</p>	<p>Refer response to O-6 above.</p>

Review Outcome	Underlying Findings	Response
<p>Commitment 8.4.7 The objective (of above notification) is to provide targeted projects for the Department to review through publically available EP summaries.</p>		
<p>Review outcome Commitment met</p> <p>Observation 9 (O-9): As part of the review and acceptance process for EP summaries, NOPSEMA should ensure that sufficient content related to matters protected under Part 3 of the EPBC Act provided in the EP (e.g. plans of management used in the assessment of impacts and risks) is presented in the EP summaries prepared by titleholders, to provide both DOE and stakeholders with visibility and certainty that the assessed and accepted EP had appropriate consideration for matters protected under Part 3 of the EPBC Act.</p>	<p>The Review found there to be no reported occurrences of where this notification triggered further review of the activity EP summaries.</p> <p>However the timing of release of more detailed information about the assessment was reported to be not ideal to manage external queries regarding consideration of targeted projects. For example, it was reported that the EP submission page (and more recently, the EP submission search tool) does not provide a sufficient level of detail to DOE to manage queries from third parties with regards to potential impacts to WHP or CMR, including unplanned events, such as hydrocarbon spills that may extend into the boundaries of a designated conservation area. It was noted that, although outside of the scope of the Review, NOPSEMA has implemented the requirement to submit additional information on submission of an EP for petroleum activities, including maps and description of activity. This information is yet to be tested to confirm whether it provides a sufficient level of detail to support DOE with its reporting obligations.</p>	<p>NOPSEMA will provide further detail in the EP Summary Guideline to assist titleholders preparing summaries to provide sufficient content regarding matters protected under Part 3 of the EPBC Act by end September 2015.</p> <p>Additionally, NOPSEMA will consider updating internal assessment procedures for EP summaries.</p>
<p>Observation 10 (O-10): Examine whether the release of information on submission (rather than acceptance) on NOPSEMA's website meets the needs of DOE for stakeholder management purposes and international reporting obligations.</p>	<p>In light of this, the Reviewer considers that this commitment has been met, with two observations</p>	<p>NOPSEMA will seek input from the DOE to further understand their needs with regard to the timing and detail of information provided.</p>

Review Outcome	Underlying Findings	Response
	(O-9 and O-10) relating to the assessment of performance against this commitment identified.	
<p>Commitment 8.4.8 NOPSEMA will notify the Director of National Parks (through the Department of the Environment) of any accepted EPs covering activities in proclaimed CMR.</p>		
<p>Review outcome Commitment met</p> <p>Improvement 5: Refer I-5 above.</p>	<p>The Review found that this requirement is clearly specified in the NOPSEMA Standard Operating Procedures (SOP).</p> <p>Through interviews, the Review found that the Commonwealth Marine Branch is aware of the EP submission page (and more recently, the EP submission search tool developed by NOPSEMA, post the review period). There are further discussions underway with NOPSEMA with regards to specific search criteria related to CMR, such that they can be notified immediately on acceptance of an EP which triggers this commitment.</p>	<p>Refer response to I-5 above.</p>
<p>Observation 8: Refer O-8 above.</p>	<p>In light of this, the Reviewer considers that this commitment has been met, with one opportunity for improvement (I-5) and one observation (O-8) relating to the assessment of performance against this commitment identified.</p>	<p>Refer response to O-8 above.</p>

Review Outcome	Underlying Findings	Response
<p>Commitment 8.5.2 The Department of the Environment will continue to encourage industry to provide information to expand online references through its communications networks.</p>		
<p>Review outcome Commitment met</p> <p>Improvement 6 (I-6): Examine ongoing opportunities for further data sharing between NOPSEMA, DOE, DOIS and titleholders.</p>	<p>Through interviews with DOE representatives and titleholders, the Review found that DOE continues to encourage the reporting of marine mammal sightings to the Australian Marine Mammal Database, and that this was being maintained as a commitment in EPs.</p> <p>DOE also reported that if a titleholder had information that would be of broader use, DOE may encourage publication. There were however no reported cases of where this has happened.</p> <p>Further discussions with DOE also indicated that the National Environmental Research Programme (NERP), in place since 1989 through former initiatives, supports data sharing and facilitate closer liaison amongst government agencies to support the management of matters protected under Part 3 of the EPBC Act.</p> <p>In light of this, the Reviewer considers that this commitment has been met, with one opportunity for improvement (I-6) relating to the assessment of performance against this commitment.</p>	<p>NOPSEMA will continue to support DOE in encouraging titleholders to provide information to expand online references.</p>

Review Outcome	Underlying Findings	Response
<p>Commitment 8.8.2 Australia will report on major developments proposed adjacent to a World Heritage Property.</p>		
<p>Review outcome Commitment not triggered</p> <p>Improvement 7 (I-7): NOPSEMA to consider notifying DOE when an EP is submitted to NOPSEMA for assessment that includes unplanned activities occurring within the boundaries of a WHP or proclaimed Marine Reserve, to support DOE in meeting their reporting obligations.</p>	<p>Through interviews with DOE representatives and titleholders, the Review found that DOE continues to encourage the reporting of marine mammal sightings to the Australian Marine Mammal Database, and that this was being maintained as a commitment in EPs.</p> <p>DOE also reported that if a titleholder had information that would be of broader use, DOE may encourage publication. There were however no reported cases of where this has happened.</p>	<p>Noted. Whilst the commitment relates to major developments for which NOPSEMA notifies DOE of any offshore project proposals regardless of proximity to a WHP, NOPSEMA will discuss with DOE the extension of existing automatic notifications to capture environment plans adjacent to WHP during the revision of the current administrative arrangements.</p>
<p>Observation 11 (O-11): The review identified that the trigger for reporting to DOE on proposed major developments adjacent to a WHP is not clear to the agencies concerned, both in terms of what constitute ‘major developments’ and to what extent the proximity trigger is applicable. NOPSEMA could consider the requirement for reporting to DOE as part of the consultation requirements associated with proposed petroleum activities.</p>	<p>Further discussions with DOE also indicated that the National Environmental Research Programme (NERP), in place since 1989 through former initiatives, supports data sharing and facilitate closer liaison amongst government agencies to support the management of matters protected under Part 3 of the EPBC Act.</p> <p>In light of this, the Reviewer considers that this commitment was not triggered during the Review period. However one opportunity for improvement (I-7) and one observation (O-11) relating to the assessment of performance against this commitment has been identified.</p>	<p>NOPSEMA will discuss with DOE the extension of its existing automatic notification system to ensure DOE are notified of any activities, including major developments, adjacent to a WHP which may trigger international reporting obligations.</p>
<p>Commitment 8.11.3</p>		

Review Outcome	Underlying Findings	Response
Where assessments relate to plans of management for CMR, NOPSEMA will have regard to the representative values of the reserves.		
<p>Review outcome Commitment met</p> <p>Observation 8: Refer O-8 above.</p>	<p>Although informal mechanisms seem to be in place to account for the appropriate management considerations for CMR, further clarification is deemed to be necessary to ensure that information is disseminated to titleholders and stakeholders to ensure expectations for management are clearly communicated.</p> <p>Notwithstanding this, the case studies reviewed supported the Reviewer’s position that this commitment has been met, with one observation (O-8) relating to the assessment of performance against this commitment identified.</p>	<p>Refer response to O-8 above.</p>
Commitment 8.12.1-8.12-4		
The Department of the Environment will maintain an ongoing dialogue with NOPSEMA, and vice versa to identify and progress further streamlining. Future opportunities for further streamlining can be explored and both parties agree to keep each other informed. NOPSEMA will continue to administer its legislative obligations under current arrangements.		
<p>Review outcome Commitment met</p> <p>Observation 12 (O-12): There may be further opportunities to examine the streamlining of conditions set for projects accepted prior to 28 February 2014.</p>	<p>The Review found that NOPSEMA, DOE and DOIS as well as state and territory representatives maintain ongoing consultation around the streamlining process.</p> <p>Further opportunities for streamlining the regulatory arrangements for petroleum activities are currently being examined, this includes working with officials from states and territories to further streamline offshore petroleum approval processes in their coastal waters. The streamlining</p>	<p>Noted. NOPSEMA will collaborate with DOE to examine further opportunities for streamlining to achieve the common goal of improving regulatory efficiency whilst maintaining strong environmental safeguards.</p>

Review Outcome	Underlying Findings	Response
	<p>process involves:</p> <ul style="list-style-type: none"> • Making amendments to relevant state/territory legislation that applies to coastal waters to ensure the laws substantially correspond to the provisions under the OPGGS Act, and to confer the powers and functions on NOPSEMA for offshore petroleum operations in designated coastal waters. • Undertaking of a strategic assessment, in accordance with the provisions of Part 10 of the EPBC Act, for each conferring jurisdiction's coastal waters. <p>In addition it was found during interviews that DOE have had discussions with NOPSEMA about further streamlining of conditions set for offshore petroleum activities; this includes petroleum activities currently undergoing assessment under the EPBC Act (noting that these particular activities were referred under the EPBC Act prior to Program implementation), and for petroleum activities governed by prior EPBC Act approvals and associated conditions.</p> <p>In light of this, the Reviewer considers that this commitment has been met, with one observation (O-12) relating to the assessment of performance</p>	

Review Outcome	Underlying Findings	Response
	against this Program commitment identified.	

Findings – No observations or improvements provided

Commitment 7.1 Agree and enter into the administrative arrangements with the Department of the Environment for the transfer of relevant information regarding the administration of the Program.	
Review outcome Commitment met	<p>A Performance Report for EPBC Streamlining, sighted by the Reviewer, was presented to the Minister for the Environment Hon Greg Hunt MP for the period 28 February 2014 - 30 June 2014. In this report NOPSEMA reported on the compliance with the commitments specified in the Program Report. This report specifically informs that the Administrative Arrangements between DOE and NOPSEMA were finalised and agreed to in July 2014.</p> <p>These arrangements are detailed in the document 'Administrative Arrangements between DOE and NOPSEMA to implement the endorsed NOPSEMA Program' which was provided to the Reviewer during the Review.</p> <p>In light of this, the Reviewer considers that this commitment has been met. No opportunities for improvement and/or observations relating to the assessment of performance against this Program commitment have been identified.</p>
NOPSEMA Comment	None
Commitment 8.1.1 NOPSEMA's role is to ensure and demonstrate to the Department of the Environment that the Program commitments relating to the protection of EPBC Act matters are met.	
Review outcome Commitment met	<p>This general commitment is outlined within the Administrative Arrangements. Review against this commitment is outlined in the detailed review in <i>Sections 3.1, 3.2 and 3.3.</i></p>
NOPSEMA Comment	None



Commitment 8.1.2

The Department of the Environment’s role is to ensure compliance with the NOPSEMA Program and class of actions approval. The Department of the Environment’s role is also to update relevant policies, plans and guidelines that support the Program.

Review outcome

Commitment partially met

Review of documentation available for the Review highlighted that the sole mechanism for DOE to formally monitor compliance with the Program is through the undertaking, completion and endorsement by the Minister of the Environment of the Review. As the Review will only be complete once endorsement has been achieved, it is not possible for the Reviewer to determine at this stage whether part of this commitment has been met. DOE has however access to other indirect mechanisms to monitor compliance during implementation of the Program, through the review of information published on the NOPSEMA website (both guidance and EP submission updates), Quarterly Ministers Report and Annual Report provided by NOPSEMA to DOE.

The Reviewer noted that DOE information updates which contained information such as details of new listed species, or the release of updated plans such as the Grey Nurse Recovery Plan were provided regularly to NOPSEMA. These were internally circulated to NOPSEMA assessment officers for their information and future consideration.

In light of this, the Reviewer considers that this commitment has been partially met. No opportunities for improvement and/or observations relating to the assessment of performance against this commitment were identified.

During interviews, the Reviewer noted several examples of well-developed communication channels at Program officer levels of the DOE and NOPSEMA, with regular interactions reporting as required under the Program through a range of mechanisms, including formal updates, workshops and information sharing sessions as well as informal discussions on a monthly basis.

NOPSEMA comment

NOPSEMA notes that the ‘partially met’ finding relates to the completion and outcome of this review. As such, it was not possible for the Reviewer to determine full compliance at the time of issuing the report to NOPSEMA.

Commitment 8.3.1

The parties commit to resolve disputes at the lowest level possible. The nominated contact officers will undertake to resolve the issue.

Review outcome

The review of all documentation conducted as part of the Review did not identify any evidence of disputes between the relevant parties

<p>Commitment not triggered</p>	<p>under the Program.</p> <p>In interviews with both the DOE and NOPSEMA, the Reviewer asked whether there had been any occasions during the 12 month Review period where disputes arose. Interviewed personnel did not report any dispute between NOPSEMA and DOE requiring dispute resolution over the Review period.</p> <p>In light of this, the Reviewer considers that this commitment has not been triggered. Opportunities for improvement and/or observations relating to the assessment of performance against this commitment were not identified.</p>
<p>NOPSEMA Comment</p>	<p>None</p>

Commitment 8.4.1

The parties agree to notify each other in a timely manner, about knowledge and information of potential relevance to the other agency's regulatory responsibilities.

<p>Review outcome Commitment met</p>	<p>The Reviewer sighted evidence that information relevant to either NOPSEMA or DOE's regulatory responsibilities was shared with the relevant party. Different mechanisms were identified, including inclusion of relevant information in the Quarterly Ministers Report, and/or email notification related to the implementation of new, or updates to existing, management documentation, as reported in previous sections. In addition, although outside of the Review period, it is worth highlighting the implementation of the new EP submission search tool on NOPSEMA's website, allowing timely and consistent reporting of information relevant to DOE's regulatory responsibilities, such as international reporting obligations.</p> <p>With respect to post decision notifications, NOPSEMA's work procedures were found to include notification requirements to the DOE for particular issues, including the notification of activities proposed to occur in CMR.</p> <p>During interviews with NOPSEMA personnel, it was evident that the key mechanism for assessment teams to access information that might be relevant during NOPSEMA's assessment was via searches of the publically available information on DOE's website. However interviews also noted some occurrences of discussions between NOPSEMA and DOE personnel aimed at clarifying information of relevance to assessments of specific EPs (i.e. Transitional Arrangements for CMR).</p> <p>Interviews also determined that in some instances, there may be material that is relevant to NOPSEMA's regulatory responsibilities that is not publically available, and as such may not be given consideration in their assessment of an activity. This included the example of the Blue Whale Recovery Plan, which had been previously released for comment, but had not been updated and issued in the 12 month</p>
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	<p>period. As such, the requirements that are outlined in this plan are not visible to both NOPSEMA and titleholders, and may not be considered in the management of the activity.</p> <p>However the timing of release of more detailed information about the assessment was reported to be not ideal to manage external queries regarding consideration of targeted projects. For example, it was reported that the EP submission page (and more recently, the EP submission search tool) does not provide a sufficient level of detail to DOE to manage queries from third parties with regards to potential impacts to WHP or CMR, including unplanned events, such as hydrocarbon spills that may extend into the boundaries of a designated conservation area. It was noted that, although outside of the scope of the Review, NOPSEMA has implemented the requirement to submit additional information on submission of an EP for petroleum activities, including maps and description of activity. This information is yet to be tested to confirm whether it provides a sufficient level of detail to support DOE with its reporting obligations.</p> <p>In general, the Reviewer considers that this commitment has been met for both parties. Opportunities for improvement and observations relating to the assessment of performance against this commitment were not identified.</p>
<p>NOPSEMA Comment</p>	<p>None</p>

<p>Commitment 8.4.2</p>	
<p>The Department of the Environment will notify NOPSEMA of any expected changes to plans of management and other external publications.</p>	
<p>Review outcome Commitment met</p>	<p>The Reviewer found that the DOE provide regular written and verbal updates to NOPSEMA. Correspondence was sighted during the review between a NOPSEMA manager and a DOE Director which provided an update of DOE policies, plans etc. including status of CMR.</p> <p>Interviews identified there is a good level of communication at the higher levels of DOE and NOPSEMA, with regular interactions at the Manager/Director level and formal updates provided. There was less interaction reported at the lower levels.</p> <p>In light of this, the Reviewer considers that this commitment has been met. Opportunities for improvement and observations relating to the assessment of performance against this commitment were not identified.</p>
<p>NOPSEMA Comment</p>	<p>None</p>

Commitment 8.4.3



The Department of the Environment will be available to provide specialist expertise as required.	
Review outcome Commitment met	<p>Although initially identified through interviews with DOE and NOPSEMA personnel, the Reviewer further examined the content of a Consultation Guidance note issued by DOE and available on their website, highlighting the roles and responsibilities of DOE in the provision of specialist advice related to matters protected under Part 3 of the EPBC Act for consideration in the preparation of EP.</p> <p>Through interviews, the Review found that in the 12 month Review period, NOPSEMA have made requests to the DOE for specialist expertise and the DOE have provided advice. This includes a request for and provision of advice from the DOE in relation to whale strandings that occurred during the Review period.</p> <p>In light of this, the Reviewer considers that this commitment has been met. Opportunities for improvement and/or observations relating to the assessment of performance against this commitment were not identified.</p>
NOPSEMA Comment	None

Commitment 8.4.4	
The provision of expert advice from the Australian Antarctic Division (AAD) relating to cetaceans, marine mammals and acoustic disturbance will be provided on a fee-for-service arrangement as agreed in writing between NOPSEMA and the Chief Scientist of the AAD.	
Review outcome Commitment partially met	<p>Through interviews with NOPSEMA and DOE representatives, it was evident that the AAD has been used to provide expert advice relating to cetaceans and acoustic disturbance on ad-hoc basis during the Review period.</p> <p>Although the Review confirmed that no formal fee-for-service arrangement had been made over the course of the Review period, the Review established that NOPSEMA and DOE were currently in the process of setting up formal arrangements to access third party (AAD acoustic experts) advice.</p> <p>In light of this, the Reviewer considers that this commitment has been partially met. Opportunities for improvement and observations relating to the assessment of performance against this commitment were not identified.</p>
NOPSEMA Comment	NOPSEMA will continue to work collaboratively with the Australian Antarctic Division to finalise arrangements for the provision of advice under the administrative arrangements.

Commitment 8.4.5 NOPSEMA will notify the Department of the Environment of any expected changes to legislation or regulations that may impact an ability to act in accordance with the NOPSEMA Program.	
Review outcome Commitment met	<p>The Review found that DOE were notified of changes to NOPSEMA legislation including the financial assurance requirements for the Regulations via updates to the NOPSEMA website and the NOPSEMA newsletter “The Regulator, Issue 6”. No changes to legislation occurred however that could have impacted on the ability of NOPSEMA to act in accordance with the Program.</p> <p>In light of this, the Reviewer considers that this commitment has been met. Opportunities for improvement and/or observations relating to the assessment of performance against this commitment were not identified.</p>
NOPSEMA Comment	None
Commitment 8.4.9 Status of major investigations will be reported quarterly through NOPSEMA's Quarterly Minister Report.	
Review outcome Commitment not triggered	<p>The Review found through interview with the DOE that Quarterly Ministers Reports were being provided to the DOE. It was established however that no major investigations occurred in the last 12 months. Although reportable incidents were reported to NOPSEMA during the Review period, as indicated by statistics published on their website, NOPSEMA has procedures in place to determine which reportable environmental incidents may result in a major investigation being initiated.</p> <p>Further discussions with NOPSEMA and DOE regarding this topic indicated that reporting requirements to DOE related to future major investigations will be further discussed between NOPSEMA and DOE and will be addressed through amendments to the Administrative Arrangements.</p> <p>In light of this, the Reviewer considers that this commitment has not been triggered. Opportunities for improvement and/or observations relating to the assessment of performance against this commitment were not identified.</p>
NOPSEMA Comment	None
Commitment 8.4.10 NOPSEMA shall provide additional information on investigation upon request, in accordance with the NOPSEMA Information Sharing Policy.	

<p>Review outcome Commitment met</p>	<p>The Review found that NOPSEMA and DOE have worked collaboratively on the investigation of whale strandings during the Review period. Both parties provided information on request in relation to the investigation.</p> <p>In light of this, the Reviewer considers that this commitment has been met. Opportunities for improvement and/or observations relating to the assessment of performance against this commitment were not identified.</p>
<p>NOPSEMA Comment</p>	<p>None</p>

Commitment 8.5.1

Access to online data sources will be maintained by Department of the Environment - these include the Conservation Values Atlas, Protected Matters Search Tool, Species Profile and Threats Database and National Marine Mammal Database.

<p>Review outcome Commitment met</p>	<p>The Review found that the DOE maintain sources of online data including the Protected Matters Search Tool, various lists, recovery plans etc. For example, the Conservation Values Atlas was reported to have been updated within the Review period.</p> <p>Various titleholders reported in interviews, and it was evident from the EP submissions, that these data sources are accessed routinely for use in the assessment of offshore petroleum activities.</p> <p>In light of this, the Reviewer considers that this commitment has been met. Opportunities for improvement and/or observations relating to the assessment of performance against this commitment were not identified.</p>
<p>NOPSEMA Comment</p>	<p>None</p>

Commitment 8.5.3

NOPSEMA will encourage titleholders to provide environmental and activity data direct to the Department of the Environment to expand online data sources in its guidance and communications to industry.

<p>Review outcome Commitment met</p>	<p>The Review found that NOPSEMA provide encouragement to titleholders to report marine mammal sightings to the Australian Marine Mammal Database, and that this was being maintained as a commitment in EPs, as sighted in EPs reviewed as part of the selected case studies.</p>
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	In light of this, the Reviewer considers that this commitment has been met. Opportunities for improvement and/or observations relating to the assessment of performance against this commitment were not identified.
NOPSEMA Comment	None

Commitment 8.6.1	
The Department of the Environment will provide timely responses to information requests as required.	
Review outcome Commitment met	<p>During interviews with DOE and NOPSEMA representatives, the Review found that there were no reported instances of requested information being provided in an untimely manner.</p> <p>In light of this, the Reviewer considers that this commitment has been met. Opportunities for improvement and/or observations relating to the assessment of performance against this commitment were not identified.</p>
NOPSEMA Comment	None

Commitment 8.6.2	
The Department of the Environment will endeavour to provide sufficient early notification of information requests requiring NOPSEMA input.	
Review outcome Commitment met	<p>The Review found that there were no reported instances of requested information being provided in an untimely manner.</p> <p>In light of this, the Reviewer considers that this commitment has been met. Opportunities for improvement and/or observations relating to the assessment of performance against this commitment were not identified.</p>
NOPSEMA Comment	None

Commitment 8.7.1	
The Program also requires NOPSEMA to provide an annual report on the Program, highlighting: the decisions made under the Program, the findings of compliance inspections, environmental incidents reported by titleholders and any investigations underway for the previous year.	

<p>Review outcome Commitment met</p>	<p>The Review found that NOPSEMA provides an annual report on the Program, highlighting the decisions made under the Program, the findings of compliance inspections, environmental incidents reported by titleholders and any investigations underway for the previous year.</p> <p>This report is provided to the Minister for Industry and Science, and the Minister for the Environment and published on the NOPSEMA website. The first report is available on the NOPSEMA website, and covered the period from the 28 February 2014 to 30 June 2014.</p> <p>In light of this, the Reviewer considers that this commitment has been met. Opportunities for improvement and/or observations relating to the assessment of performance against this commitment were not identified.</p>
<p>NOPSEMA Comment</p>	<p>None</p>

<p>Commitment 8.7.2</p>	
<p>NOPSEMA to provide Quarterly Ministers Reports</p>	
<p>Review outcome Commitment met</p>	<p>The Review found through interview with the DOE that Quarterly Ministers Reports were being provided to the DOE. Further discussion found that there was some initial feedback provided by the DOE to NOPSEMA on the format of the first report and it was updated accordingly.</p> <p>In light of this, the Reviewer considers that this commitment has been met. Opportunities for improvement and/or observations relating to the assessment of performance against this commitment were not identified.</p>
<p>NOPSEMA Comment</p>	<p>None</p>

<p>Commitment 8.8.1</p>	
<p>Offshore petroleum activities are not permitted inside World Heritage Property.</p>	
<p>Review outcome Commitment met</p>	<p>Based on a review of the case studies, no activities submitted and accepted during the Review period have been proposed to be undertaken in a WHP.</p> <p>During the Review it was found through interviews with NOPSEMA officers that there were occasions in the Review period where activities</p>

	<p>were proposed that appeared would be undertaken inside a WHP. In all instances, the activities were redefined and corresponding EPs were modified or withdrawn such that this did not eventuate.</p> <p>In light of this, the Reviewer considers that this commitment has been met. Opportunities for improvement and/or observations relating to the assessment of performance against this commitment were not identified.</p>
NOPSEMA Comment	None

<p>Commitment 8.8.3 NOPSEMA will advise the Department of the Environment the details of an OPP submission accepted for public exhibition at least two business days prior to publication under the Regulations, if planned activities from the proposal could impact on the Outstanding Universal Values of a World Heritage Property, to allow time for appropriate liaison by the Department of the Environment with the WHC and WH properties committees as appropriate.</p>	
<p>Review outcome Commitment not triggered</p>	<p>The Review found, that during the Review period, there were no OPP submissions.</p> <p>In light of this, the Reviewer considers that this commitment was not triggered during the Review period. Opportunities for improvement and observations relating to the assessment of performance against this commitment were not identified.</p>
NOPSEMA Comment	None

<p>Commitment 8.8.4 NOPSEMA will notify the Department of the Environment as soon as reasonably practicable of any changes or likely changes to the ecological character of a Ramsar wetland and will provide a summary of corrective action planned or taken.</p>	
<p>Review outcome Commitment not triggered</p>	<p>The Review found, that during the Review period, there have been no instances of any changes or likely changes to Ramsar wetlands as a result of accepted activities.</p> <p>In light of this, the Reviewer considers that this commitment was not triggered during the Review period. Opportunities for improvement and observations relating to the assessment of performance against this commitment were not identified.</p>
NOPSEMA Comment	None



Commitment 8.9.1

NOPSEMA publishes an annual offshore performance report that includes regulatory data such as incidents, inspections and enforcement.

Annual Offshore Performance Report is to be provided to the Ministers of the Environment, Industry and published on NOPSEMA's website. As well as to the Department of the Environment.

<p>Review outcome Commitment met</p>	<p>The Review found that NOPSEMA publishes an annual offshore performance report which includes data and regulatory information collected by NOPSEMA on injuries and fatalities, incidents, inspections, assessments, investigations and enforcements from offshore petroleum operations in the authority's jurisdiction.</p> <p>The last report was found to be published in April 2014 and is available on NOPSEMA's website.</p> <p>In light of this, the Reviewer considers that this commitment has been met. Opportunities for improvement and/or observations relating to the assessment of performance against this commitment were not identified.</p>
<p>NOPSEMA Comment</p>	<p>None</p>

Commitment 8.10.1

If NOPSEMA is notified of an environmental reportable incident that, in NOPSEMA's determination, could have potentially significant impacts on an EPBC Act matter covered by the Program, NOPSEMA will notify the Department of the Environment within 14 days of receiving the notification from the titleholder. NOPSEMA will keep Department of the Environment informed of updates and investigations related to these incidents until issue is resolved.

<p>Review outcome Commitment not triggered</p>	<p>The Review found there was no instance of an environmental reportable incident that, in NOPSEMA's determination, could have potentially significant impacts on an EPBC Act matter covered by the Program occurring in the Review period. The Reviewer noted that reportable incidents are made publically available in NOPSEMA's annual offshore performance report, available on their website. In accordance with NOPSEMA's internal standard operating procedures, not all reportable environmental incidents require further investigation. NOPSEMA has procedures in place to determine which reportable environmental incidents may result in a major investigation being initiated.</p> <p>The Reviewer considers that this commitment has not been triggered during the Review period. Opportunities for improvement and/or observations relating to the assessment of performance against this commitment were not identified.</p>
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NOPSEMA Comment	None
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Commitment 8.10.2

The Program commits to an initial review following the first year of implementation and then five-yearly reviews of the operation of the Program.

Review outcome Commitment met	<p>The initial Program review (this Review) is currently underway.</p> <p>In light of this, the Reviewer considers that this commitment has been met. Opportunities for improvement and/or observations relating to the assessment of performance against this commitment were not identified.</p>
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NOPSEMA Comment	None
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Commitment 8.11.1

The Department of the Environment will share internal and external guidance with NOPSEMA to support the commitment under the Program to have regard to relevant policy documents, guidelines, Statements of Outstanding Values, Ramsar information sheets, Ecological Character descriptions, gazettal instruments, and plans of management the Department of the Environment holds.

Review outcome Commitment met	<p>The Review found that DOE make available all relevant information on the DOE website.</p> <p>The Regulatory Streamlining Information Paper (IP1382) provides a list of all relevant documentation to support NOPSEMA’s assessment of EPs. This information links to a range of information available on DOE’s website.</p> <p>Evidence was also sighted of email communications between DOE and NOPSEMA regarding the implementation of new, or updates of existing, plans of management (as described in previous sections).</p> <p>In light of this, the Reviewer considers that this commitment has been met. Opportunities for improvement and/or observations relating to the assessment of performance against this commitment were not identified.</p>
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NOPSEMA Comment	None
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Commitment 8.11.2	
NOPSEMA will consider relevant policy documents, guidelines, plans of management and other online data sources available on the Department of the Environment website or provided directly by the Department of the Environment when preparing guidance material.	
Review outcome Commitment met	<p>The Review found that NOPSEMA hold detailed procedures and work instructions to guide assessment teams in conducting their assessment. NOPSEMA’s internal Environment Plan Assessment procedure provides for assessments relating to matters protected under the EPBC Act, whereby consideration should be given to the Program commitments provided in the Regulatory Streamlining Information Paper (IP1382).</p> <p>NOPSEMA’s detailed procedures and work instructions demonstrate genuine consideration of the matters protected under Part 3 of the EPBC Act.</p> <p>In light of this, the Reviewer considers that this commitment has been met. Opportunities for improvement and/or observations relating to the assessment of performance against this commitment were not identified.</p>
NOPSEMA Comment	None

Commitment 8.11.4	
When preparing external guidance, NOPSEMA will prepare EPBC Act relevant content in consultation with the Department of the Environment.	
Review outcome Commitment met	<p>The Review found that the NOPSEMA Guidance Notes, originally published prior to the streamlining initiative were updated on 28 February 2014 and contain some high level references to the assessment of matters protected under Part 3 of the EPBC Act.</p> <p>In addition, more detailed notes regarding the streamlining process were prepared based on the outcomes of the Strategic Assessment led by the multi-agency task force. This is presented in the publication IP1382 Streamlining environmental regulation of petroleum activities in Commonwealth Waters.</p> <p>Given the involvement of the taskforce in development of IP1384, and the collaboration in development of the Consultation Guidance Note, the Reviewer considers that this commitment has been met. Opportunities for improvement and/or observations relating to the assessment of performance against this commitment were not identified.</p>
NOPSEMA Comment	None

Out of scope themes identified from feedback received during review	
<ul style="list-style-type: none"> • Understanding of authorisation process and supporting guidance • Consultation • ALARP/Acceptability criteria • Lack of transparency of NOPSEMA and the authorisation process • Lack of transparency of decision making process 	<p>Although out of scope, identified themes presented in Table 4.2 are deemed pertinent for consideration by NOPSEMA within the context of continuous improvement initiatives relevant to the Program.</p>
<p>NOPSEMA Comment</p>	<p>Although outside the specific scope of the review, NOPSEMA recognises the importance of this additional feedback from review participants. In response to this and other feedback, NOPSEMA is implementing a range of initiatives to improve administration of the stakeholder consultation and transparency aspects of environmental management regulation. These initiatives are expected to ensure that affected persons are appropriately consulted and build confidence in, and familiarity with, NOPSEMA’s decision making processes.</p>