

Operator nomination, registration and deregistration

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1. Purpose

This policy document provides an overview of the general principles that the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) applies when receiving operator nominations, and registering or deregistering an operator. This policy has been drafted with consideration of the relevant legislation. The operator of a facility is the person who has the day-to-day management and control of the facility and its operation, and is registered as the operator by NOPSEMA. Note: Facilities include licensed pipelines.

Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (OPGGs Act), and the relevant State and Northern Territory equivalents, where powers have been conferred on NOPSEMA, place duties on the operator of a facility. The Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009 (Safety Regulations), and the relevant State and Northern Territory equivalents also place regulatory obligations on operators. This policy describes the principles that NOPSEMA will apply when administering the nomination, registration and deregistration of operators in accordance with the abovementioned legislation. This policy assigns responsibilities and defines review processes to ensure its effective implementation.

2. Scope

This policy applies to the operator nomination, registration and deregistration under the Safety Regulations and the relevant state and Northern Territory equivalents, where powers have been conferred on NOPSEMA.

3. Relevant legislation

Offshore Petroleum and Greenhouse Gas Storage Act 2006.

Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009

It should be noted that dependant on the location of a facility, state or territory legislation may apply which may or may not mirror the Commonwealth legislation. For simplicity this policy only makes explicit reference to the Commonwealth legislation, however, this policy will be applied equally, regardless of jurisdiction, where powers have been conferred on NOPSEMA.

4. NOPSEMA's legislative obligation

NOPSEMA has a legislated function under Section 646 of the OPGGS Act to provide advice on occupational health and safety matters relating to offshore petroleum operations or offshore greenhouse gas storage operations. As part of this legislated function, NOPSEMA is committed to being responsive to operators' information needs during the safety case assessment process. This includes engagement with the operator from the early stages of introduction to the regime through to commencing activities. Where appropriate, NOPSEMA will develop a safety case engagement plan in accordance with N-04300-SOP0112 and N-04300-FM0784.

4.1 Operator nomination and registration

A facility owner or titleholder may give NOPSEMA a written notice nominating a person to be the operator of a facility or proposed facility Safety Regulations [regulation 2.1(1)].

It is NOPSEMA policy that for licensed pipelines located in Commonwealth waters, or relevant State or Northern Territory designated coastal waters where powers have been conferred on NOPSEMA (e.g. Victorian designated coastal waters), the operator nomination must be made by the pipeline licensee.

When a written notice nominating a person to be the operator for a facility is received, NOPSEMA:

- Must accept the nomination of a person as the operator if it is satisfied that the person has, or will have, the day-to-day management and control of the facility or proposed facility and operations at the facility or proposed facility [Safety Regulations, regulation 2.3(1)].
- Must reject the nomination, if not satisfied of the matters identified above [Safety Regulations, regulation 2.3(3)].
- Must register the nominee as the operator of the facility or proposed facility if the nomination is accepted [Safety Regulations, regulation 2.3(4)].

When accepting or rejecting the nomination, NOPSEMA must notify the owner or titleholder who made the nomination and the nominee [Safety Regulations, regulation 2.3(5)]. If the decision is a rejection, the reasons must be given.

4.2 Operator deregistration

NOPSEMA has legislative requirements relating to removal of operators from the register, including:

- NOPSEMA must remove the operator's name from the register on receipt of a written notice to do so from the owner or titleholder who nominated the person to be the operator, or the operator [Safety Regulations, regulation 2.4(3)].
- NOPSEMA may remove an operator's name from the register if it believes, on reasonable grounds, that the operator does not or will not have the day-to-day control of the facility and its operations [Safety Regulations, regulation 2.4].

There are natural justice provisions within the regulations should NOPSEMA propose to remove an operator from the register. These require NOPSEMA to give notice of its intention to the person who nominated the operator. These parties have a period of 30 days in which to make representations to NOPSEMA on why the operator should not be removed, or to nominate an alternate operator.

4.3 Register maintenance

In addition to the above legislative requirements, NOPSEMA must maintain a register of operators [Safety Regulations, regulation 2.4(1)] (Operator Register). NOPSEMA will publish the names of operators and facilities, including the operator's address, on its website at nopsema.gov.au.