

Performance Report

EPBC Streamlining

1 July 2020 to 30 June 2021

Presented to: The Hon. Sussan Ley MP, Environment Minister



NOPSEMA

Australia's offshore
energy regulator

In February 2014, NOPSEMA was endorsed as the sole environmental management regulator for petroleum activities in Commonwealth waters. This report provides a summary of NOPSEMA's performance under the streamlined environmental authorisation arrangements for the period 1 July 2020 to 30 June 2021. Further information about the endorsed Program is available at nopsema.gov.au.

| Submission type | Category | Number |
|--|--|--------|
| Offshore project proposal¹ | Accepted for public comment ² | 1 |
| | Accepted ³ | 3 |
| | Assessments in progress – suitability for publication ⁴ | 1 |
| | Assessments in progress – for acceptance ⁴ | 0 |
| Environment plan | Accepted ³ | 35 |
| | Assessments in progress ⁴ | 9 |
| | Decisions - Refuse to accept ⁵ | 0 |
| | Assessments stopped/cancelled ⁵ | 3 |
| | Acceptances that pose unacceptable impacts to matters protected under Part 3 of <i>Environment Protection and Biodiversity Conservation Act 1999</i> | 0 |

- The offshore project proposal (OPP) process streamlines decision-making on the overall environmental acceptability of offshore projects in Commonwealth waters and is designed to deliver equivalent environmental outcomes to the environmental impact assessment process under the EPBC Act.*
- NOPSEMA publishes OPPs that are open for public comment following its decision that the OPP is suitable for publication. The public then have an opportunity to review and provide comment on the OPP. Based on year of acceptance for public comment (1 July 2020 - 30 June 2021)*
- The final accepted OPP. Based on year of completion (1 July 2020 - 30 June 2021)*
- Based on year of submission (1 July 2020 - 30 June 2021)*
- Based on year of completion (1 July 2020 - 30 June 2021)*

The endorsed Program requires that a review takes place every five years after the initial review, that was undertaken one year after the Program arrangements came into effect. The first five-yearly review of the Program was carried out during 2020 as a part of the routine Operational Review of NOPSEMA. The combined Program and NOPSEMA Operational Review was conducted by Deloitte, which was engaged as the independent reviewer by the Department of Industry, Science, Energy and Resources, following consultation with the Department of Agriculture, Water and the Environment (DAWE) for the Program component. The reviewer's full report was tabled in Parliament on 22 July 2021. NOPSEMA will support the Government in developing and implementing the response to any recommendations pertaining to the Program that are contained in the reviewer's report.

In June 2021, the Senate Environment and Communications References Committee published the report on its inquiry into the impact of seismic testing on fisheries and the marine environment. NOPSEMA provided a written submission to the Committee and on 18 March 2021 provided evidence at one of the Committee's public hearings. The inquiry findings and recommendations are relevant to a wide range of matters, including some covered by the Program. Accordingly, NOPSEMA will be working with the Australian Government to develop and implement responses to relevant inquiry recommendations as appropriate.

During the reporting period, NOPSEMA continued to implement the Program Administrative Arrangements. This included sharing information with DAWE about NOPSEMA's regulatory activities such as offshore project proposal and environment plan assessments, inspections, investigation and enforcement actions. NOPSEMA also engages with DAWE on a range of matters, including to ensure clarity and consistency of approaches to application of EPBC Act policies and instruments, such as Recovery Plans.

NOPSEMA continues to apply and improve its regulatory practice to ensure that Program objectives are being met. Under contract, NOPSEMA also continues to provide regulatory advice to DAWE in relation to assessments of offshore energy projects under the EPBC Act and in support of potential environmental assessment/management policy review.

NOPSEMA has contractual arrangements in place with the Australian Antarctic Division and utilised these provisions to seek specialist marine mammal advice during the reporting period.