

Consultation with Commonwealth agencies with responsibilities in the marine area

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Introduction

The National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) is responsible for regulating environmental management arrangements for offshore petroleum and greenhouse gas activities in Commonwealth waters covered by the Offshore Petroleum and Greenhouse Gas Storage Act 2006. This includes activities in the Commonwealth Marine Area protected by the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Petroleum and greenhouse gas activities undertaken in Commonwealth waters¹ do not require individual referral, assessment or approval under the EPBC Act, provided they are undertaken in accordance with the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023 (Environment Regulations) and additional commitments described in the [Program report - Streamlining offshore petroleum environmental approvals](#). This is because the NOPSEMA EPBC Act Program, comprising the Environment Regulations and NOPSEMA EPBC Act Program commitments, has been endorsed by the Commonwealth Minister for the Environment under Part 10 of the EPBC Act as meeting the requirements of that Act.

Purpose

When developing or revising an environment plan (EP) in accordance with the Environment Regulations, titleholders must consult with relevant Australian Government agencies with responsibilities in the Commonwealth marine area. This guidance seeks to assist titleholders in determining which agencies may be considered relevant for the purposes of statutory consultation, and should be read in conjunction with the N-04750-GL2086 – Consultation in the course of preparing an environment plan.

This guidance does not preclude the need for titleholders to consider the requirements for consultation with other Australian Government agencies and state or Northern Territory agencies, where there are relevant agency interests. It remains the titleholder's responsibility to identify and appropriately consult with relevant agencies. This is because under the Environment Regulations and NOPSEMA EPBC Act Program, in the course of preparing the EP, the titleholder must consult with each Department or agency of

¹ Subject to the following exclusions:

- actions that have, will have or are likely to have a significant impact on the environment on Commonwealth land;
- actions taken in any area of sea or seabed that is declared to be a part of the Great Barrier Reef Marine Park under the *Great Barrier Reef Marine Park Act 1975* (Cth);
- actions that have, will have or are likely to have a significant impact on the world heritage values of the Great Barrier Reef World Heritage property or on the national heritage values of the Great Barrier Reef National Heritage place;
- actions taken in the Antarctic; and
- actions that are injection and/or storage of greenhouse gas.

the Commonwealth to which the activities to be carried out under the EP, or revision of the EP, may be relevant.

Parties proposing to undertake a petroleum activity within the Perth Treaty Area should ensure that they are aware of, and in compliance with, all laws and regulations of Australia and other relevant countries. Any consultation with potentially affected parties must be undertaken according to those regimes, as required.

Consultation process

A titleholder's request to consult with an Australian Government agency should be submitted to the appropriate point of contact for the agency (see the table for details). The consultation request should provide sufficient information to allow the relevant agency to make an informed assessment of how their functions, interests or activities may be impacted by the proposed petroleum or greenhouse gas activity.

The Environment Regulations also require the titleholder to provide a reasonable period for consultations carried out in preparation of the EP. What constitutes a reasonable period may differ among Departments and agencies and could be influenced by scope and complexity of the activity and its impacts and risks, and how these relate to the responsibilities of the Department or agency. Departments and agencies will, in most cases, respond to consultation requests within 10 business days of receipt. For more complex or detailed consultation requests, a longer processing time may be required, and the titleholder will be advised of this within the initial 10 business day period. General notifications will not be considered as consultation requests.

Agencies may provide comments or advice on control measures that should be considered by titleholders to manage the potential impacts and risks of a petroleum activity. However, it is NOPSEMA's role to determine whether proposed control measures are appropriate to the nature and scale of the proposed petroleum activity.

Australian Government agency interests

DEPARTMENT OF CLIMATE CHANGE, ENERGY, THE ENVIRONMENT AND WATER – EPBC Act administration and the Australian Antarctic Division

Role in the Commonwealth marine area

The Department of Climate Change, Energy, the Environment and Water (DCCEEW) administers the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), the *Underwater Cultural Heritage Act 2018* (see further information for underwater cultural heritage below) and the *Environment Protection (Sea Dumping) Act 1981* (see further information for sea dumping below), all of which have some application in the Commonwealth marine area*.

EPBC Act administration

Overview, including NOPSEMA EPBC Act Program administration

DCCEEW ensures the objectives of the EPBC Act are being met. DCCEEW is also responsible for monitoring the state of the environment, in particular matters protected under national environment law. To support these roles, DCCEEW develops policy and guidance on the protection and conservation of matters protected under the EPBC Act, including the Commonwealth marine area, Ramsar wetlands and threatened, migratory and marine species. Up to date information on relevant public policy, guidance, management plans and search tools are available on the DCCEEW's website at www.dcceew.gov.au.

DCCEEW has also ensured that the objectives of the EPBC Act are being achieved through the strategic assessment and endorsement of the NOPSEMA EPBC Act Program under Part 10 of the EPBC Act. Under this arrangement, DCCEEW is a strategic assessment partner working with NOPSEMA to administer and support the NOPSEMA EPBC Act Program, including through development and publication of policies, guidance and environmental information, and the sharing of information relevant to the responsible environmental management of offshore petroleum activities.

Under the NOPSEMA EPBC Act Program, DCCEEW and NOPSEMA also work collaboratively to clarify EPBC Act-related policy, when asked directly by industry and/or where a need is identified by the agencies.

Permits

DCCEEW is responsible for considering applications for and issuing wildlife permits under the EPBC Act. Titleholders who hold existing permits under the Part 13 of the EPBC Act should consult with DCCEEW as a relevant agency when

developing environment plans (EPs) for activities to which the permit relates. For titleholders who do not hold an existing permit, a new permit and associated consultation with the DCCEEW is not required provided all relevant environmental impacts and risks for the activity are evaluated and demonstrated to be acceptable and reduced to as low as reasonably practicable in an EP accepted by NOPSEMA.

Data management

In addition, information collected by industry or the research sector on species, biologically important areas or key ecological features should be submitted to DCCEEW for internal quality assurance review and, where relevant, incorporation in policy documents or support tools, such as the conservation values atlas. This ensures the best available information is publicly accessible and the environmental information baseline remains current. Industry and researchers are encouraged to refer to the biologically important areas protocol in preparing data for submission.

Australian Antarctic Division

The Australian Antarctic Division (AAD), encompassing the Australian Marine Mammal Centre, is also part of DCCEEW's Environment portfolio. Of particular relevance to the offshore petroleum industry, AAD provides the *Cetacean Sightings Application* to assist industry with its reporting obligations under the EPBC Act.

Data collected during seismic surveys should be submitted within two months of the completion of a survey and should follow the format of the *Cetacean Sightings Application*. It is AAD's expectation that sightings, ship strikes, and entanglements that occur during offshore oil and gas activities will be reported in accordance with Section A.4 of *EPBC Act Policy Statement 2.1 on the Interaction between offshore seismic exploration and whales*.

In addition to reporting tools for sightings of cetaceans, AAD also hosts reporting tools for *Ship Strikes* and *Entanglements*. All reports are collated into the national marine mammal database. This database can provide industry, researchers, and the public with summarised information on the biology of marine mammals and will assist with data-driven management and conservation decisions. Questions regarding reporting formats and requests to access data should be sent to sightingsdata@aad.gov.au. The *Cetacean Sightings Application*, online reporting tools, and downloadable forms are available at data.marinemammals.gov.au.

**For activities that may impact on Commonwealth marine reserves specifically, see Director of National Parks.*

Where the Department is a relevant agency under the Environment Regulations

As DCCEEW's functions, interests and activities have been incorporated in the requirements of the NOPSEMA EPBC Act Program, DCCEEW is not considered a relevant agency for consultation purposes under the Environment Regulations, with the exception of its legislative functions below and where a titleholder is the holder of an existing Part 13 permit.

Contact

For enquiries to DCCEEW about EPBC Part 13 permits contact: EPBC.Permits@environment.gov.au.

For enquiries to DCCEEW about EPBC referrals contact: EPBC.Referals@environment.gov.au.

DEPARTMENT OF CLIMATE CHANGE, ENERGY, THE ENVIRONMENT AND WATER – Underwater cultural heritage

Role in the Commonwealth marine area

DCCEEW administers the *Underwater Cultural Heritage Act 2018* (UCH Act). DCCEEW regulates activities in relation to protected underwater cultural heritage (UCH) within Australian waters including the Commonwealth marine area.

Certain UCH sites and associated artefacts are automatically protected for the purposes of the UCH Act and this protection is in effect whether these matters are located or unlocated. The automatic protection under the UCH Act is extended to all remains of shipwrecks and submerged aircraft and their associated articles, which have been in Commonwealth waters for 75 years or more.

The Minister for the Environment may also declare UCH sites and associated material to be protected for the purposes of the UCH Act if the article is determined to have heritage significance in accordance with the criteria specified in the Underwater Cultural Heritage Rules 2018. In addition to the general protection provided to UCH, the UCH Act provides that an area containing protected underwater heritage may be declared to be a 'protected zone'. These zones may be established for a number of reasons including conservation, management or public safety considerations. For example, sites may contain unexploded military ordnance or unstable structures; or require active management because the underwater heritage and its environment are particularly fragile or sensitive. The conduct that is prohibited in each zone is also tailored to suit individual protective or environmental conditions. Entry to some protected zones requires a permit to be obtained, which will specify the conditions of entry.

When undertaking actions in the Commonwealth marine environment, titleholders and their contractors must adhere to all requirements of the UCH Act including:

- do not take actions that impact on underwater heritage without a permit;

- observe the requirements of protected zones and obtain a permit to enter or operate in a protected zone if its required; and
- provide a notification of the discovery of any suspected underwater heritage identified during the course of the activity within 21 days of the discovery.

To apply for a permit to enter or operate in a protected zone, apply for a permit to impact protected UCH, to notify the discovery of suspected UCH, and for other information about Australia's protected UCH, visit the Australian Underwater Cultural Heritage Database (AUCHD) which can be accessed through DCCEEW's website at www.dcceew.gov.au/parks-heritage/heritage/underwater-heritage/auchd.

To avoid breaching the UCH Act, pre-works desktop assessment, geophysical survey, ground-truthing and, in certain circumstances, archaeological investigation may be necessary to demonstrate that no UCH will be adversely impacted by a proposal. DCCEEW supports a collect once, use many times principle for information that may be used to support environmental impact assessments. The due diligence obligations under the UCH Act can usually be met by engaging a suitably qualified expert to review existing data, input on survey program design, interpret any data collected and make recommendations about appropriate mitigation and management measures.

Where the Department is a relevant agency under the Environment Regulations

DCCEEW is a relevant agency for consultation where:

- an activity has the potential to directly, or indirectly, adversely impact protected UCH (see section 30(2) of the UCH Act), whether located or unlocated; and/or
- an activity or part of the activity is proposed within an underwater heritage protected zone (for details on the locations of protected zones, refer to DCCEEW's website at www.dcceew.gov.au/parks-heritage/heritage/underwater-heritage/protected-zones).

Contact

For enquiries to DCCEEW about UCH contact: UnderwaterHeritage@environment.gov.au.

DEPARTMENT OF CLIMATE CHANGE, ENERGY, THE ENVIRONMENT AND WATER – Sea dumping

Role in the Commonwealth marine area

DCCEEW has responsibility for regulating the loading and dumping of waste at sea in Australian waters (this includes Commonwealth waters). DCCEEW has responsibility for the *Environment Protection (Sea Dumping) Act 1981* (Sea Dumping Act), which implements Australia's commitments as a contracting party to the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972.

Under the Sea Dumping Act, titleholders may require a sea dumping permit during any phase of offshore works that is not exploration, exploitation or offshore processing. If a titleholder proposes to leave property, partially or wholly, in-situ, or dispose of property at a different site, or create an artificial reef, a permit under the Sea Dumping Act may be required.

Under the Sea Dumping Act, "dumping" includes:

- deliberate disposal into the sea of wastes or other matter from platforms, vessels or other man-made structures at sea;
- deliberate disposal into the sea of platforms or other man-made structures at sea;
- any storage of wastes or other matter in the seabed or subsoil thereof from platforms, vessels or other man-made structures at sea; and
- abandonment or toppling at site of platforms or other man-made structures at sea.

Titleholders are recommended to contact DCCEEW's sea dumping section to clarify their obligations early in their decommissioning planning phases. When consulting with DCCEEW's sea dumping section, a sufficient level of summarised technical detail should be provided upfront prior to any meeting, in order for the sea dumping section to understand the proposal and provide clear advice.

Further information regarding proposals for dumping and abandonment of offshore oil and gas platforms and structures at sea is available on DCCEEW's website at www.dcceew.gov.au/environment/marine/sea-dumping/dumping-abandonment-structures.

Where the Department is a relevant agency under the Environment Regulations

DCCEEW is a relevant agency for consultation where loading and dumping is proposed within the meaning of the Sea Dumping Act.

Contact

For enquiries to DCCEEW about obligations under the Sea Dumping Act, including in relation to sea dumping permit requirements, contact: seadumping@dcceew.gov.au.

DIRECTOR OF NATIONAL PARKS

Role in the Commonwealth marine area

The Director of National Parks (DNP) is the statutory authority responsible for administration, management and control of Australian marine parks (AMPs). Under the EPBC Act and subordinate regulations, a range of activities undertaken in an AMP requires approval from the DNP. Petroleum and greenhouse gas activities undertaken in an AMP are assessed by NOPSEMA in accordance with the NOPSEMA EPBC Act Program. Additional assessment by the DNP is therefore not necessary as the NOPSEMA EPBC Act Program considers impacts on marine reserve values.

The DNP has authorised offshore petroleum and greenhouse gas exploration activities to occur in certain marine park zones (IUN VI) by issuing class approvals. The class approvals require that titleholders have an accepted EP and operate in accordance with the EP for the allowable activities accepted by NOPSEMA. Additional assessment by the DNP is not necessary if the activity is authorised by a class approval. For details about the locations of AMPs and the class approvals see: parksaustralia.gov.au/marine.

The objectives for managing AMPs include to provide for the protection and conservation of biodiversity and other natural, cultural and heritage values, and the ecologically sustainable use and enjoyment of natural resources. The DNP's responsibilities for the management of AMP requires an awareness of activities that occur in AMPs and an understanding of potential benefits, impacts and risks to the values of those AMPs.

Consistent with requirements of the Environment Regulations, the DNP expects that impacts and risks to the values of an AMP associated with offshore petroleum and greenhouse gas activities will be of an acceptable level and reduced to as low as reasonably practicable.

NOPSEMA has published guidance in consultation with the DNP and Parks Australia that outlines key considerations during the preparation of EP submissions for activities that are within, or have the potential to impact on the values of

an AMP (see the [Petroleum activities and Australian marine parks guidance note](#)). The purpose of the guidance is to explain the key management arrangements and requirements that are relevant to titleholders and their activities within AMPs. NOPSEMA will continue to work with the DNP to update the guidance to reflect changes to management arrangements for AMPs as required.

Further information on the DNP's expectations for consultation by titleholders on matters relating to offshore petroleum and greenhouse gas activities (including timeframes and what constitutes sufficient information) can be obtained by emailing: marineparks@environment.gov.au.

Where the Department is a relevant agency under the Environment Regulations

The DNP is a relevant agency for consultation where:

- the activity or part of the activity is within the boundaries of a proclaimed Australian marine park;
- activities proposed to occur outside a reserve may impact on the values within an Australian marine park; and/or
- an environmental incident occurs in Commonwealth waters surrounding an Australian marine park and may impact on the values within the park.

Contact

For enquiries to the DNP contact: marineparks@environment.gov.au.

DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY– Fisheries

Role in the Commonwealth marine area

The Department of Agriculture, Fisheries and Forestry (DAFF) has primary policy responsibility for promoting the biological, economic and social sustainability of Australian fisheries. DAFF provides policy advice to the Australian Government on a range of economic and environmental fisheries issues, including the conservation of marine ecosystems and biodiversity that support commercially valuable fisheries resources.

It is DAFF's expectation that proposed actions must conform to the principles of ecologically sustainable development, including minimising habitat loss and degradation of Commonwealth fisheries. This includes appropriate management or mitigation if the proposed action creates the:

- threat of serious or irreversible environmental damage to Australian fisheries;

- possibility that the health, diversity and productivity of the environment is threatened or has the potential to be degraded; and/or
- potential that the long-term and short-term economic, environmental, social and equity considerations are reduced or degraded.

The Commonwealth has generally limited its jurisdiction to commercial fishing, with state and territory fisheries departments assuming responsibility for recreational fishing. In general terms, state/territory laws apply to coastal waters (up to three nautical miles) and Commonwealth laws apply from those waters out to the limit of the Australian fishing zone (200 nautical miles), the boundary of Australia's exclusive economic zone.

Activities such as seismic surveys, drilling, exploration, geotechnical surveys, construction and installation of sub-sea infrastructure have the potential to affect commercially important fish species, their prey and habitats, and the business activities of commercial fishers.

Where the Department is a relevant agency under the Environment Regulations

DAFF is a relevant agency for consultation where an activity has the potential to negatively impact on fishing operations and/or fishing habitats in Commonwealth waters by:

- disrupting existing fishing activities;
- causing declines in valuable fisheries resources in the area; and/or
- damaging habitat or marine eco-systems on which valuable fisheries resources depend.

Also refer to the following guidance published on DAFF's website clarifying consultation expectations during the preparation of EPs: www.agriculture.gov.au/agriculture-land/fisheries/environment/opgga.

Contact

For enquiries to DAFF about fisheries contact: Petroleum&Fisheries@agriculture.gov.au

DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY – Biosecurity (vessels, aircraft and personnel)

Role in the Commonwealth marine area

DAFF administers the *Biosecurity Act 2015* (Biosecurity Act). The Biosecurity Act has jurisdiction within Australian territory and does not encompass the full extent of the Commonwealth marine area.

DAFF has inspection and reporting requirements to ensure that all conveyances (vessels, installations and aircraft) arriving in Australian territory comply with international health regulations and that any biosecurity risk is managed. The biosecurity risk of each conveyance entering Australian territory is assessed to determine if the risk is unacceptable and if required necessary action is taken to manage the risk.

Offshore petroleum and greenhouse gas activities conducted outside of Australian territory will not come into the control of DAFF. However, a conveyance which leaves Australian territory (not subject to biosecurity control) and interacts with an offshore installation or vessel associated with petroleum and greenhouse gas activities will become an exposed conveyance. In the context of interactions with offshore petroleum and greenhouse gas activities, a conveyance is a vessel or aircraft.

A conveyance becomes exposed by being in physical contact with, in close proximity to, or being contaminated by an offshore installation or vessel. When the exposed conveyance returns to Australian territory, it becomes subject to biosecurity control and must arrive at a first point of entry, pre-arrival report and notify if it intends to unload goods. DAFF acknowledges that there are many conveyance interactions outside Australian territory that present minimal biosecurity risk. DAFF's approach is that when these low-risk interactions occur the exposed conveyance should not become subject to biosecurity control when returning to Australia, not have to arrive at a first point of entry or pre-arrival report or notify to unload goods.

The Biosecurity (Exposed Conveyances – Exceptions from Biosecurity Control) Determination 2016 (the Determination) gives effect to DAFF's policy approach. The Determination is a legislative instrument made under section 192(6) of the Biosecurity Act. Where a conveyance can meet the conditions of the Determination, it is exempted from being subject to biosecurity control when returning to Australian territory and can return to any port. Additionally, the conveyance qualifies for exceptions to pre-arrival reporting and notification to unload goods under the Biosecurity Regulations 2016.

Where the Department is a relevant agency under the Environment Regulations

DAFF is a relevant agency for consultation where an activity involves:

- the movement of aircraft or vessels between Australia and offshore petroleum activities either inside or outside Australian territory;
- the exposure of an aircraft or vessel (which leaves Australian territory not subject to biosecurity control) to offshore petroleum activities;
- the movement of goods or personnel to or from offshore petroleum activities;
- an aircraft or vessel seeking permission to return to a non-first point of entry after exposure to offshore petroleum activities;
- wanting to satisfy the Director of Biosecurity that the biosecurity risk of its installation is acceptable, to enable exposed conveyances to access exemptions under the Determination; and/or
- wanting consideration to enter into an approved arrangement to manage the biosecurity risk of its installation or vessel involved in offshore petroleum or greenhouse gas activities.

Contact

For enquiries to DAFF about biosecurity risks for conveyances associated with offshore petroleum and greenhouse gas activities contact: SeaportsProgram@agriculture.gov.au

DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY – Biosecurity (marine pests)

Role in the Commonwealth marine area

DAFF has primary policy and regulatory responsibility for managing marine pest biosecurity through administering the Biosecurity Act. DAFF's principal functions with respect to marine pest biosecurity are to:

- reduce the likelihood of the entry and establishment of exotic marine pests;
- provide national leadership in the response to new marine pest incursions and in the management of established marine pests, in cooperation with state and territory governments, and with industry stakeholders; and

- represent Australia's interests in the establishment of international guidelines and conventions relating to marine pests.

DAFF provides national leadership in management of established marine pests, and in responding to incursions of exotic marine pests. DAFF also represents Australia at the International Maritime Organisation (IMO) on ballast water and biofouling matters. Ballast water and biofouling are internationally recognised as major pathways for the global spread of marine pests and there are legislative requirements for ballast water and biofouling management under the Biosecurity Act that DAFF are responsible for implementing and enforcing. This includes the [Australian Ballast Water Management Requirements](#) and [Australian Biofouling Management Requirements](#) that prescribe how ballast water and biofouling should be managed by operators prior to entering and within Australian territorial seas in order to comply with the Biosecurity Act.

It is DAFF's expectation that all suspected or confirmed marine pest detections, whether on offshore installations, vessels or the surrounding environment, should be reported within 24 hours to the relevant jurisdictional biosecurity agency. For guidance on reporting suspected or confirmed marine pest detections, as well as contact details for jurisdictional biosecurity agencies, visit the [report a pest page](#) on the [marine pest website](#).

Where the Department is a relevant agency under the Environment Regulations

DAFF is a relevant agency for consultation where an activity has the potential to introduce and/or transfer marine pests into Australian waters.

Also refer to the following guidance published on DAFF's website clarifying consultation expectations during the preparation of EPs: www.agriculture.gov.au/biosecurity-trade/aircraft-vessels-military/vessels/marine-pest-biosecurity#offshore-consultation-guidance-for-environmental-plans-and-offshore-project-proposals.

Contact

For enquiries to DAFF about marine pest biosecurity contact: pestsmarine@aff.gov.au

AUSTRALIAN FISHERIES MANAGEMENT AUTHORITY

Role in the Commonwealth marine area

The Australian Fisheries Management Authority (AFMA) is responsible for the implementation of Commonwealth fisheries policy. In managing Commonwealth fisheries, AFMA pursues objectives as outlined in the *Fisheries Management Act 1991*, *Fisheries Administration Act 1991* and *Torres Strait Fisheries Act 1984*. In managing

Commonwealth fisheries, AFMA applies the principles of ecologically sustainable development and complies with the relevant sections of the EPBC Act.

AFMA manages Commonwealth fisheries in consultation with the fishing industry and other user groups, such as those that represent traditional fishing, recreational fishing and the environmental non-government organisations. These management processes are used to implement controls, such as limits on catch or effort levels, and regulations of fishing methods in order to manage Australia's fisheries in a sustainable way.

AFMA ensures that any broad-scale impacts of offshore petroleum industry development on commercial fishing in Commonwealth waters are considered in decision making by the Department of Industry, Science and Resources. AFMA provides comment on the annual offshore petroleum exploration acreage release prior to their release (this information is made available to operators as part of the release area notices).

AFMA has developed guidelines which outline AFMA's approach to consultation and engagement with the petroleum industry (available at www.afma.gov.au/sustainability-environment/petroleum-industry-consultation). AFMA has also developed information for fishing operators who want to find out more about petroleum industry activities.

AFMA expects petroleum titleholders to consult directly with fishing operators about all activities and projects which may affect day to day fishing activities. AFMA provides a Fisheries Consultation Directory of contacts for fishing industry associations in each fishery. Another option for petroleum titleholders is to access the names and addresses of individual Commonwealth statutory fishing right, fishing permit and high seas permit holders from the Public Register, which can be obtained by contacting AFMA Licensing.

Where AFMA is a relevant agency under the Environment Regulations

AFMA is a relevant agency for consultation where:

- an activity can impact or has the potential to impact on fisheries resources in AFMA managed fisheries; and/or
- an activity interacts with other legislation administered by AFMA, for example the *Fisheries Management Act 1991* or *Torres Strait Fisheries Act 1984*.

Contact

For enquiries about potential impacts on fisheries resources or interactions with legislation administered by AFMA contact: petroleum@afma.gov.au

AUSTRALIAN MARITIME SAFETY AUTHORITY

Role in the Commonwealth marine area

The Australian Maritime Safety Authority (AMSA) is a statutory authority and its principal functions are to:

- promote maritime safety and protection of the marine environment;
- prevent and combating ship-sourced pollution in the marine environment;
- provide infrastructure to support safe navigation in Australian waters; and
- provide a national search and rescue service to the maritime and aviation sectors.

AMSA delivers a range of navigational services, primarily aimed at the levy-paying commercial shipping industry. These services provide ships with the ability to navigate safely around Australia's coastline and to and from its ports.

AMSA also implements and enforces a range of legislation relevant to the Commonwealth marine area which gives effect to Australia's obligations under various international treaties and conventions including the International Convention for the Prevention of Pollution from Ships (MARPOL) and the International Convention for the Safety of Life at Sea (SOLAS) 1974. Commonwealth legislation includes the *Navigation Act 2012*, the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (National Law) and the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*. AMSA also actively engages in the work of the International Maritime Organisation.

Where AMSA is a relevant agency under the Environment Regulations

AMSA is a relevant agency for consultation:

- where a proposed activity including, but not limited to, geotechnical exploration, geophysical exploration, drilling, coring, offshore laydowns and/or fixed or floating construction, may impact on the safe navigation of commercial shipping in Australian waters;
- for the supply of historical commercial shipping tracks and other related spatial information via spatial@amsa.gov.au;

- when establishing, changing or discontinuing any aids to navigation, whether on fixed or floating structures. Aids to navigation include buoys, beacons (including radar beacons or RACONS) and any automatic identification system (AIS) used as an aid to navigation;
- for any other aspect involved in marine spatial planning and the management of common water space in Commonwealth waters; and/or
- when titleholders have questions about the application of MARPOL in relation to vessels.

Contact

For enquiries in relation to navigation contact: nauticaladvice@amsa.gov.au or amsaconnect@amsa.gov.au.

For enquiries about the application of MARPOL in relation to vessels contact: environmentalstandards@amsa.gov.au.

DEPARTMENT OF DEFENCE (including the Australian Hydrographic Office)

Role in the Commonwealth marine area

The Department of Defence (DoD) utilises several maritime exercise areas in Australian waters to perform a unique role in support of Australia's strategic and national security interests. DoD's role requires not only naval warfare capabilities, but also disaster relief, search and rescue, fisheries protection and border patrol training capabilities.

It is important for DoD to continue to utilise its offshore training areas, manage potential conflict between the presence of the resources sector with DoD training and operational requirements, and manage the risk of unexploded ordnance in areas where offshore petroleum activities may take place.

The Australian Hydrographic Office (AHO) is part of DoD and is the entity responsible for the provision of hydrographic services to Australia, under the Safety of Life at Sea (SOLAS) Convention and the *Navigation Act 2012*. This includes the publication and distribution of nautical products and other information required for the safety of ships navigating in Australian waters.

Where Defence is a relevant agency under the Environment Regulations

DoD is a relevant agency for consultation where:

- a proposed activity may impact DoD training and operational requirements;

- a proposed activity encroaches on known training areas and/or restricted airspace; and/or
- there is a risk of unexploded ordnance in the area where the activity is taking place.

AHO is a relevant agency for consultation when nautical products or other maritime safety information is required to be updated.

Contact

For enquiries to DoD contact: offshore.petroleum@defence.gov.au.

For enquires to AHO contact: datacentre@hydro.gov.au.

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE

Role in the Commonwealth marine area

The Department of Foreign Affairs and Trade (DFAT) promotes and protects Australia's interests internationally and contributes to global stability and economic growth. DFAT works with other government agencies to ensure that Australia's pursuit of its global, regional and bilateral interests is coordinated effectively.

Australia shares maritime boundaries with a number of other countries including Indonesia, Timor Leste, Papua New Guinea and New Zealand. DFAT manages Australia's relationships and interaction with the governments of our neighbouring countries.

DFAT has no direct role in the management of the Commonwealth marine area but has an interest in ensuring that consultation with foreign entities, both private and government, is effective and is aligned with Australia's interests. Titleholders may wish to notify DFAT if they are planning to conduct consultations with any of the aforementioned parties.

Where the Department may be consulted

DFAT is a relevant agency for consultation where:

- a proposed activity may cross into or impact on waters of a specific country or region outside of Australia's maritime jurisdiction; and/or

- a proposed activity poses any oil spill or other environmental risks that could result in impacts to other international jurisdictions where persons or organisations that may be impacted by a proposed activity include foreign individuals or governments.

Contact

For enquiries to DFAT contact: DFAT switchboard (02) 6261 1111.

Titleholders will need to identify the specific country or region of particular concern relating to their proposed environment plan and ask to be referred to the responsible DFAT Officer for that country or region.

CLEAN ENERGY REGULATOR

Role in the Commonwealth marine area

The Clean Energy Regulator (CER) administers schemes legislated by the Australian Government for measuring, managing, reducing or offsetting Australia's carbon emissions. These include:

- National Greenhouse and Energy Reporting Scheme, under the *National Greenhouse and Energy Reporting Act 2007* (NGER Act);
- The Safeguard Mechanism, underpinned by the NGER framework;
- ACCU Scheme (formerly the Emissions Reduction Fund), under the *Carbon Credits (Carbon Farming Initiatives) Act 2011*;
- Renewable Energy Target, under the *Renewable Energy (Electricity) Act 2000*; and
- Australian National Registry of Emissions Units, under the *Australian National Registry of Emissions Units Act 2011*.

Some of these requirements may apply to an activity contained in an EP, and therefore the EP must describe them and demonstrate how they will be met (Regulation 21(4) of the OPGGS Environment Regs). Titleholders should also provide relevant information about the activity and its emissions to the CER through consultation, including information that describes how the titleholder intends to comply with the requirements.

This information may include details of:

- Expected facility boundaries, emissions intensities, production rates.
- Existing or expected Safeguard Mechanism production variables and all applicable decline rates.
- New fields for LNG production and expected reservoir CO₂.
- Proposed use of features such as multi-year monitoring periods.
- Major abatement projects proposed to be used to reduce emissions intensities through time
- Expectations and requirements for the use of Safeguard Mechanism Credits (SMCs) or Australian Carbon Credit Units (ACCUs), and key strategies to ensure sufficiency of supply to meet requirements.
- Details of any activities being proposed in an EP or associated with a project that may generate SMCs or ACCUs, and expected fate of credits generated.

Where the Department is a relevant agency under the Environment Regulations

The CER is a relevant agency for consultation where the EP includes:

- A change to an existing NGER-reporting facility or activity that triggers an EP revision².
- A revision for an existing Safeguard-covered facility or activity.
- Construction, installation or operation of a new facility or activity that is expected to trigger the Safeguard Mechanism.
- A greenhouse gas appraisal or storage activity.

Contact

NGER Reporting Branch: cer-nger-reporting@cer.gov.au

² under Regulation 39 of the OPGGS Environment Regulations.

Related documents

N-04750-PL1347 – Environment assessment policy

N-04750-GL1721 – Environment plan decision making guideline

N-04750-GL2086 – Consultation in the course of preparing an environment plan

N-04750-GN1344 – Environment plan content requirements guidance note

N-04750-GN1785 – Petroleum activities and Australian marine parks guidance note