

## General Direction – s 574

*Offshore Petroleum and Greenhouse Gas Storage Act 2006 (Cth)*

Direction No: 1898

To Santos NA Barossa Pty Ltd, SK E&S Australia Pty Ltd and Santos Offshore Pty Ltd:

### **Issue of Direction/s - section 574 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006***

I, Cameron Charles Grebe, Head of Division – Environment, Renewables and Decommissioning and delegate of the National Offshore Petroleum Safety and Environmental Management Authority (**NOPSEMA**), make this instrument under section 574 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (the Act).



Cameron Grebe

**Head of Division – Environment, Renewables and Decommissioning**

13 January 2023

### **1. Commencement**

This direction takes effect on the date of signature.

### **2. Application**

This direction applies to Santos NA Barossa Pty Ltd (ACN 109 974 932), SK E&S Australia Pty Ltd (ACN 158 702 071) and Santos Offshore Pty Ltd (ACN 005 475 589), the registered holders of Pipeline Licence NT/PL5 (**registered holders**).

### **3. Direction**

- a. The registered holders are given the directions contained in Schedule 1.
- b. Each direction in Schedule 1 is a separate direction.

## Schedule 1

### *Direction 1*

The registered holders must notify NOPSEMA of any future activities covered by the Barossa Gas Export Pipeline Installation Environment Plan (**EP**) that are to commence at least 10 days before the activity commences.

### *Direction 2*

The registered holders must undertake and complete an assessment to identify any underwater cultural heritage places along the Barossa pipeline route (**Pipeline Route**) to which people, in accordance with Indigenous tradition, may have spiritual and cultural connections that may be affected by the future activities covered by the EP (the **assessment**), as follows:

- a) The assessment is to be undertaken by suitably qualified and independent experts with relevant experience and research credentials (**experts**).
- b) In undertaking the assessment, the experts must:
  - i. obtain information from people and /or organisations who have, in accordance with Indigenous tradition, spiritual and cultural connections to any underwater cultural heritage places along the Pipeline route that may be affected by the activities; and
  - ii. record and have regard to the information obtained.
- c) The assessment must be recorded in a report that is to be provided on completion to:
  - i. people and/or organisations who provided information under paragraph (b)(i) above; and
  - ii. NOPSEMA.

### *Direction 3*

Following the completion of the assessment required by Direction 2, if any underwater cultural heritage places along the Pipeline Route to which people, in accordance with Indigenous tradition, may have spiritual and cultural connections are identified that may be affected by future activities covered by the EP, the registered holders must update the EP.<sup>1</sup> This must include relevant content as required under regulation 13 and regulation 14 of the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009 (Environment Regulations)*, including details and evaluation of impacts and risks (the **evaluation**) of future activities, including:

- a. the methods and results of the evaluation on any identified underwater cultural heritage places along the Pipeline Route to which people, in accordance with Indigenous tradition, may have spiritual and cultural connections identified in undertaking Direction 2;

---

<sup>1</sup> The requirement to “update” means to internally revise the previously accepted environment plan. An update is not required to be submitted to NOPSEMA except as required by the Environment Regulations

- b. details of the control measures (if any) adopted to demonstrate that the environmental impacts and risks of the activity will be reduced to as low as reasonably practicable (**ALARP**) and be of acceptable levels;
- c. a description of any other legislative requirements that apply to the activity and a demonstration of how those will be met; and
- d. how any information obtained from people and / or organisations who provided information under paragraph 2(b)(i) above, has been taken into account in the evaluation, and in determining control measures.

***Direction 4***

The registered holders must submit progress reports to NOPSEMA detailing progress in undertaking the actions required by Directions 2 and 3 every 7 days from the date of this Direction, until those Directions have been met.



## Explanatory Statement

On 9 March 2020, NOPSEMA accepted the EP (Revision 3, Document Number BAA-100 0329 Dated 7 February 2020) prepared by ConocoPhillips Australia Exploration Pty Ltd. The EP includes the activity of construction of the Barossa Gas Export Pipeline from the Barossa Field to a tie-in at the existing Bayu Undan Pipeline. The proposed pipeline route's closest point to shore is approximately 7 km off the western parts of the Tiwi islands.

In May 2021, a change in titleholders occurred and Santos Barossa NA Pty Ltd (**Santos**) was listed as a titleholder for pipeline licence NT/P5 and updated the EP through an internal management of change (**MOC**) process in September 2021.

On 21 and 22 December 2022, NOPSEMA conducted an environmental inspection on Santos' registered business premises, at short notice, relating to potential environmental impacts and risks of the activity not previously identified in the EP.

During the inspection, NOPSEMA Inspectors identified that the registered holders planned to commence the construction activity (for the pipeline) at the end of January 2023.

NOPSEMA Inspectors also identified more information was required to be obtained by the registered holders regarding consideration of environmental impacts and risks of the activity to any underwater cultural heritage places along the Barossa Pipeline Route to which people, in accordance with Indigenous tradition, may have spiritual and cultural connections.

On 22 December 2022, Santos wrote to NOPSEMA determining to undertake its MOC process in relation to the environmental impacts and risks of the activity not previously identified in the EP.

The registered holders also gave an undertaking not to commence pipeline construction until its MOC process had been completed, and NOPSEMA had inspected that process. NOPSEMA notes this undertaking is consistent with regulation 8 of the Environment Regulations.

In issuing this General Direction, NOPSEMA has taken into account the submissions made by the registered holders, after two opportunities were provided for them to comment on drafts of the General Direction.

NOPSEMA nevertheless determined that this General Direction is required to ensure that any environmental impacts or risks to underwater cultural heritage places along the Barossa Pipeline Route to which people, in accordance with Indigenous tradition, may have spiritual and cultural connections not provided for in the EP in force, are identified and reduced to ALARP and are of an acceptable level.

In accordance with regulation 17(6) of the Environment Regulations, titleholders are required to submit a proposed revision of the EP for an activity before or as soon as practicable after: (a) the occurrence of a significant new environmental impact or risk, or significant increase in an existing environmental impact or risk, not provided for in the EP; or (b) the occurrence of a series of new environmental impacts or risks, or a series of increases in existing environmental impacts or risks, which, taken together, amount to the occurrence of a significant new environmental impact or risk or a significant increase in an existing environmental impact or risk.

## Notes

### ***Breach of a direction***

Under sub section 576(1) of the Act, if a person is subject to a general direction under section 574 and the person engages in conduct that breaches that direction, the person commits an offence:

**Fault-based offence** – 5 years imprisonment or 2,000 penalty units, or both (10,000 penalty units for a body corporate).

**Strict liability offence** – 100 penalty units (500 penalty units for a body corporate).

**Civil penalty provision** – 525 penalty units (2,625 penalty units for a body corporate).

**Continuing offences** – a person who commits a fault-based or strict liability offence commits a separate offence in respect for each day during which the offence continues. The maximum penalty for each day that the offence continues is 10% of the maximum penalty that can be imposed in respect to that offence.

**Continuing contraventions of civil penalty provisions** – a person who contravenes the civil penalty provision commits a separate contravention in respect for each day during which the contravention continues. The maximum civil penalty for each day that the contravention continues is 10% of the maximum civil penalty that can be imposed in respect to that contravention.

