

Notification and reporting of environmental incidents

Document No: N-03300-GN0926 A710941

Date: 07/09/2023

1. General

- The titleholder has a duty to notify and report environmental incidents to the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) under Regulations 26, 26A, 26AA and 26B of the Commonwealth Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009.
- Regulation 26 requires the titleholder to notify NOPSEMA orally of a **reportable** environmental incident as soon as practicable but not later than two (2) hours after the first occurrence of the incident or after the time that the titleholder becomes aware of the incident.
- Regulation 26(6) requires the titleholder to give a written record of the notification to NOPSEMA, the Titles Administrator and the Department of the responsible State or Northern Territory Minister as soon as practicable after the oral notification.
- Regulation 26A requires the titleholder to give NOPSEMA a written report of a **reportable** incident as soon as practicable but not later than three (3) days after the first occurrence of the incident.
- Regulation 26A(5) requires titleholders to give a copy of the written report to both the Titles Administrator and the Department of the responsible State or Northern Territory Minister within seven (7) days of giving the written report to NOPSEMA.
- Regulation 26B requires the titleholder to submit a **recordable** environmental incident report not later than 15 days after the end of each calendar month.
- Failure to notify and report environmental incidents to NOPSEMA are ***offences of strict liability***.
- The titleholder remains responsible for making notifications and other reports to other persons or organisations as may be required.

To make an oral notification to NOPSEMA of a reportable environmental incident call:

1300 674 472

A **reportable** environmental incident is defined in Regulation 4 as:

“Reportable incident, for an activity, means an incident relating to the activity that has caused, or has the potential to cause, moderate to significant environmental damage.”

The potential of an incident to cause moderate to significant environmental damage is determined during the preparation of an Environment Plan (EP). An EP should contain clear definitions of what is considered to be a reportable incident for a particular activity and should be referred to prior to notification of a reportable incident to NOPSEMA.

If in doubt, notify NOPSEMA.

A **recordable** environmental incident is defined in Regulation 4 as:

“Recordable incident, for an activity, means a breach of an environmental performance outcome or environmental performance standard, in the EP that applies to the activity, that is not a reportable incident.”

This Guidance Note and others on the NOPSEMA website are intended to provide general guidance to the industry as to the approach that NOPSEMA takes in carrying out its regulatory functions and exercising powers under the Commonwealth *Offshore Petroleum and Greenhouse Gas Storage Act 2006* and Regulations under that Act. The Guidelines should not be relied on as advice on the law, nor treated as a substitute for legal advice in any relevant situation.

2. Information Required for Environmental Incident Reporting

1. Material facts and circumstances must be described, including:
 - a. The activity name, site/facility name or location where the incident occurred.
 - b. Name and business address of the titleholder of the petroleum activity.
 - c. Time and date of incident.
 - d. Names and contact details of any witnesses.
 - e. Name/position/telephone number of person submitting these details.
 - f. Brief description and cause (if known) of the incident.
 - g. Work/activity being undertaken at time of incident.
 - h. For a fluid and/or gas escape:
 - i. Estimated quantity and duration of escape; and
 - ii. Composition of fluids or gases that escaped (including known toxicity information)
 - i. Environment Plan that this incident is being reported against.
 - j. Details of the extent of the impact – including type of any environmental damage and/or areas at risk.
 - k. Any impacts to Part 3 protected matters under the *Environment Protection and Biodiversity Conservation Act 1999*.
2. Action taken to avoid or mitigate impact:

Immediate actions taken to avoid or mitigate adverse environmental impacts of the reportable incident.
3. Corrective actions:

Corrective actions taken, or proposed, to stop, control or remedy the reportable incident.
4. Action to prevent a similar incident:

Actions taken, or proposed, to prevent a similar incident occurring in the future.

3. Notification of Reportable Environmental Incidents

3.1. Notification of Reportable Environmental Incident within 2 hours

When notifying NOPSEMA of a reportable environmental incident the titleholder must provide all the details that it knows or is able, by reasonable search or enquiry, to find out, as listed above in items 1 to 4. It is understood details might be limited at this early stage.

The NOPSEMA notification phone line is available to titleholders 24 hours a day. It will either be answered directly or the caller can leave a voice message, following which they will receive a call back.

Titleholders should **not** make notifications via the NOPSEMA general switchboard or their focal point specialist.

Titleholders are also required to give a written record of the notification to NOPSEMA, as well as the Titles Administrator (NOPTA) and the Department of the responsible State or Northern Territory Minister as soon as practicable after the oral notification.

4. Reporting of Reportable and Recordable Environmental Incidents

4.1. Written Reportable Incident Reports required within 3 days

A written report must be provided to NOPSEMA as soon as practicable, but in any case, within 3 days of a reportable environmental incident unless otherwise agreed by NOPSEMA. The 3 day written report must include items 1 to 4. Titleholders may wish to utilise the NOPSEMA report form (N-03300-FM0831) available from the NOPSEMA Website: www.nopsema.gov.au

If NOPSEMA is not satisfied that the written report meets the requirements of the Regulations NOPSEMA may request, by notice in writing, additional written reports from the titleholder. The notice must identify the information to be contained in the report or matters to be addressed and specify when the report must be given to the Regulator.

4.2. Written Recordable Incident Reports required each calendar month

A written report of all recordable incidents that occurred during any calendar month must be provided to NOPSEMA as soon as practicable but not later than 15 days after the end of the calendar month. The written report must contain a record of all recordable incidents during that month including details of items 1 to 4.

A Titleholder may wish to utilise the Recordable Environmental Incident Monthly Report template (N-03300-FM0928) available from the NOPSEMA Website: www.nopsema.gov.au

If no recordable incidents have occurred during any particular month a nil incident report should be submitted to NOPSEMA.

All written notifications and reports to NOPSEMA must be submitted to submissions@nopsema.gov.au or via secure file transfer at <https://securefile.nopsema.gov.au/filedrop/submissions>
[NOTE: This guidance note relates to the Environment Regulations in place from 28 February 2014. For environment plans accepted under the old regulations, refer to the previous incident reporting requirements.]

