



Environmental Defenders Office

What you need to know about offshore oil and gas (petroleum)

Disclaimer: This factsheet is a guide only and is designed to give readers a plain English overview of the law. It does not replace the need for professional legal advice in individual cases. To request free initial legal advice on a public interest environmental or planning law issue, please visit our [website](#).

While every effort has been made to ensure the information is accurate, the EDO does not accept any responsibility for any loss or damage resulting from any error in this factsheet or use of this work.

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Overview

Australian waters have large reserves of oil and gas (collectively referred to as petroleum) under the seabed. Companies can explore for and extract petroleum if they have permission to do so. The science is clear that this industry, which has numerous environmental, economic, and social impacts, needs to be wound down. Yet companies are seeking to expand their operations and develop new petroleum fields.

This factsheet explains how offshore petroleum exploration and production is assessed and approved in Australia's Commonwealth waters, including opportunities for the community to have a say on these projects.

Separate assessment processes apply to activities that take place in State and Territory waters. This fact sheet does not cover those processes.

This factsheet uses lots of terms that may be unfamiliar to the average reader. We have defined these terms in the [Key Terms](#) section.

Types of approvals

Companies require permission (in the form of a petroleum title) to explore for, and extract, offshore petroleum. The types of petroleum titles available are:

- Exploration permits; and
- Production licences.

This fact sheet will explain each of these in detail.

In addition, a company will need an approved environment plan for each activity and, in some cases, an approved offshore project proposal.

A range of other approvals is often necessary before a petroleum activity can commence, including an oil pollution emergency plan.

Key terms

NOPSEMA	<p>The National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) is an independent agency responsible for regulating certain aspects of offshore petroleum activities in Commonwealth waters, such as:</p> <ul style="list-style-type: none"> • health and safety • environmental management • well integrity <p>By law, offshore petroleum activities cannot commence before NOPSEMA has assessed and accepted detailed risk management plans.</p>
Joint Authorities	<p>Joint Authorities are responsible for deciding whether to grant a petroleum title over Commonwealth waters.¹ The Joint Authority is made up of the responsible Commonwealth Minister and the relevant State or Territory Minister.² For the area offshore of Tasmania, the Joint Authority is the Commonwealth Minister <i>only</i>.³ As of April 2023, the responsible Commonwealth Minister is the Minister for the Department of Industry, Science and Resources.</p>
NOPTA	<p>The National Offshore Petroleum Titles Administrator (NOPTA) supports the Joint Authority by keeping a register of petroleum titles and managing confidential data from petroleum companies.⁴</p>
Commonwealth waters	<p>The offshore area surrounding Australia – which starts at 3 nautical miles from shore and extends to approximately 200 nautical miles from shore.⁵</p>
Petroleum	<p>Includes gas, condensate, and oil.</p>
Petroleum title	<p>A petroleum title grants a company the <i>right</i> to explore for (exploration permit) or extract (production licence) petroleum. However, titles alone do not authorise petroleum activities.</p>

¹ *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (Cth) (**OPGGGS Act**) Part 1.3

² OPGGS Act s 56(2)

³ OPGGS Act s 56(2A)

⁴ OPGGS Act Part 6.10

⁵ OPGGS Act s 8 – Definition of ‘offshore areas’

Company	A company that has applied for or has been granted an offshore petroleum title. Note that multiple companies can hold a petroleum title as a joint venture.
Activity (Petroleum)	An activity is any petroleum operation or works in Commonwealth waters, such as seismic surveying, drilling, installation of production facilities, pipelines and decommissioning. Every activity requires an approved environment plan.
Offshore Project Proposal	An approved Offshore Project Proposal is required for petroleum activities that will impact matters of national environmental significance (under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth)). Matters of national environmental significance include federally listed threatened species and ecological communities, World Heritage values, National Heritage and Commonwealth Heritage places.
Environment Plan	An environmental assessment of petroleum activities that sets out all potential environmental impacts and risks and how these will be managed by the company. An approved environment plan is required before petroleum activities can commence.
Relevant persons	A person or group whose functions, activities or interests are affected by an environment plan.
Environment that May be Affected (EMBA)	Description of the largest spatial extent where unplanned events, such as a petroleum spill, could impact the environment and other values such as cultural and social values. Usually depicted as a map in an environment plan.
Petroleum Activity Area (PAA)	Description of the offshore area where petroleum activities will take place.
Production facility	Infrastructure that allows companies to drill for and extract petroleum. Infrastructure can either be fixed to the ocean floor, such as an offshore oil rig, or it can be floating. Floating production and storage offloading facilities (FPSO) are commonly used in Australia and can generally be described as a large shipping tanker.
Hydrocarbon release	A petroleum leak or spill. Often referred to in environment plans.
ALARP	The environmental regulations require environmental impacts and risks to be reduced 'as low as reasonably practicable'. This requirement is abbreviated to ALARP .

Environmental performance

Companies must set standards for environmental management as part of their environmental plan. Environmental performance refers to their compliance with these standards.

Exploration

What is exploration?

Exploration involves looking for petroleum reserves underneath the ocean floor. The aim of exploration is to understand whether there is enough petroleum to justify full-scale production. To explore for petroleum in Commonwealth waters, a company will require an exploration permit.

Exploration will usually involve either seismic blasting (also known as seismic surveying) or appraisal drilling. Each of these activities carries risks, which must be considered in an environment plan.

Impacts and risks associated with exploration

Seismic blasting

Seismic blasting (or seismic surveying) involves sending loud, low-frequency pulses of sound into the water over large areas and sometimes for several months, to generate detailed images of the underlying ocean floor.⁶ These blasts have the potential to impact marine animals which communicate within the same sound range, including mammals, turtles, fish and invertebrates.

Potential impacts to marine animals include death, communication problems, abandonment of their habitat, reduced reproductive rates and behavioural changes due to stress.⁷

Whales and dolphins are particularly sensitive to noise impacts due to the importance of sound in their lives, which they use to communicate with each other and locate food.

These impacts can have flow-on effects for people, particularly First Nations communities with cultural and spiritual connections to Sea country. Industries such as tourism and commercial fisheries could also be affected by changes in the amount and location of marine life.

Exploration (appraisal) drilling

⁶ NOPSEMA, *Environment and Communications Reference Committee – Inquiry into the impact of seismic testing on fisheries and the marine environment* (Submission, December 2019) 5

<<https://www.nopsema.gov.au/sites/default/files/documents/2021-06/A706091.pdf>>.

⁷ Ibid, 23-24.

To access petroleum reserves under the ocean floor, companies must drill down (sometimes more than a kilometre) to access the petroleum. This core hole becomes a well through which the petroleum can be brought to the surface for testing and appraisal. The drilling process can disturb the ocean floor, including important habitats for marine animals.

Drilling can also lead to petroleum or 'hydrocarbon' spills. Drilling exploration wells carries an increased risk of a spill as the petroleum reserve releases enormous pressure once it's intercepted by the drilling equipment.⁸ This is known as a well-blowout.

Large spills can have catastrophic consequences for both people and the natural environment.

For people, large spills can damage coastal communities and industries that rely on the marine environment, including tourism and commercial fisheries. Petroleum spills can also harm cultural heritage sites and First Nations peoples' physical and spiritual connections to affected areas.

For marine life, spills can smother (and kill) plants and animals and coat beaches and rocky shore habitats with toxic oil or gas condensate. These devastating impacts can last years after a single incident.⁹

Montara Oil Spill

Spills from offshore drilling activities have occurred in Australian waters. For example, the 2009 Montara Wellhead Platform blowout released approximately 64 tonnes of crude oil per day into the Timor Sea for 74 days.¹⁰ The spill harmed marine life, including turtles, sea snakes and migratory birds.¹¹ It also killed seaweed crops in Indonesia, which resulted in a successful class action against the company, PTTEP.¹²

Assessment process for exploration

⁸ Tina Soliman Hunter, *Offshore petroleum drilling and risk: a study of proposed deep-sea exploration drilling in Commonwealth Regulated Waters of the Great Australian Bight* (Aberdeen University Centre for Energy Law Report, April 2019) 11.

⁹ Bill McCormick, 'Marine oil pollution', *Parliament of Australia* (Web Page, 05 December 2018) <https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BriefingBook43p/marineoilpollution>.

¹⁰ Ibid.

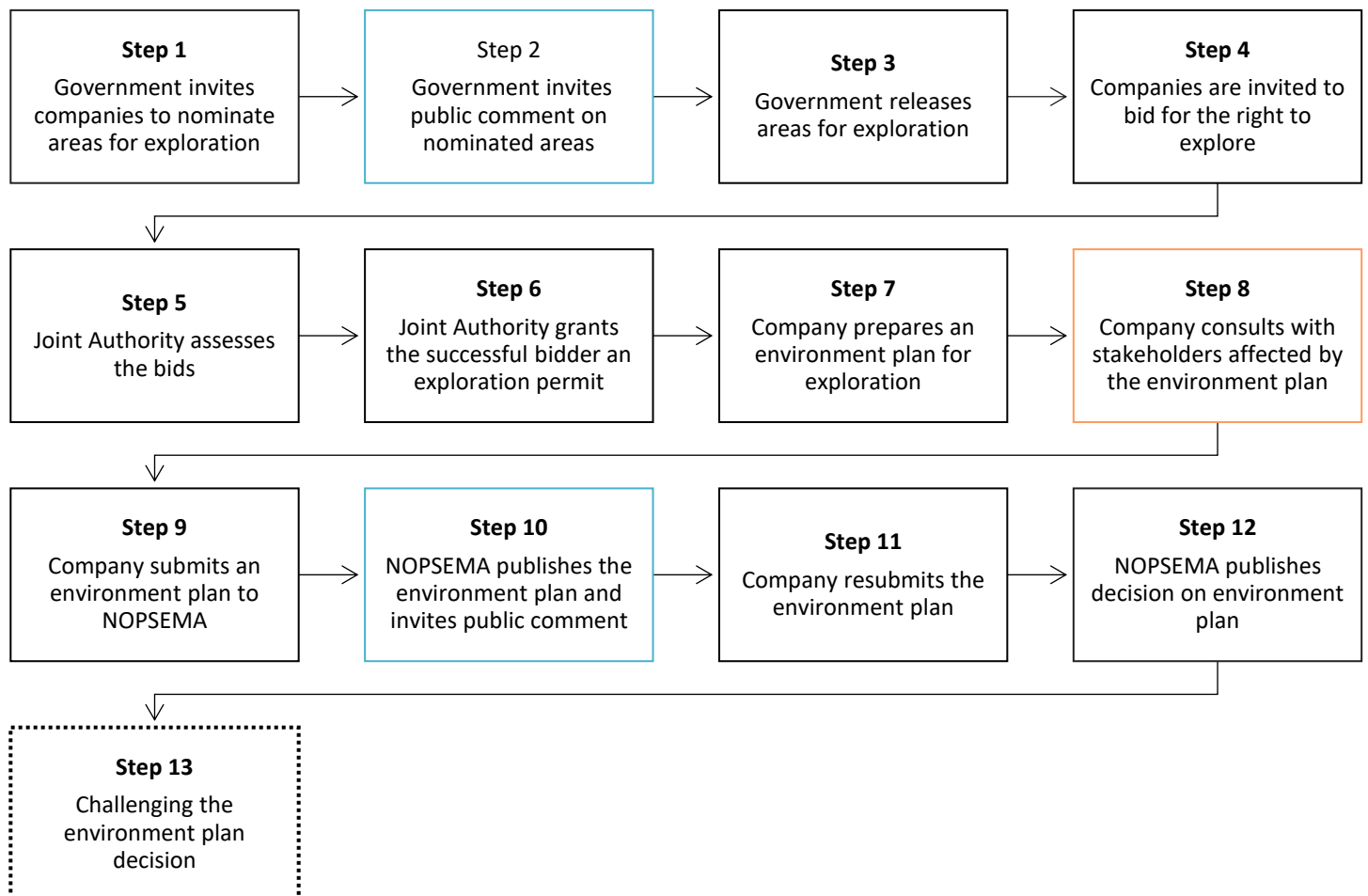
¹¹ Department of Climate Change, Energy the Environment and Water 'Montara Oil Spill' (Web Page, 10 October 2021) <<https://www.dcceew.gov.au/environment/marine/marine-pollution/montara-oil-spill#what-other-wildlife-was-affected>>.

¹² *Sanda v PTTEP Australasia (Ashmore Cartier) Pty Ltd (No 7) [2021] FCA 237 (19 March 2021)*

Before a company can explore for petroleum, it must go through the following assessment and consultation process.

Key

blue- consultation opportunities for the public
 orange – consultation opportunities for ‘relevant persons’
 dotted line – optional steps in the assessment process



Step 1. Government invites companies to nominate areas for exploration

The Australian Government invites companies to participate in the Offshore Petroleum Exploration Acreage Release Program (**Acreage Release**) each year.

Companies can nominate areas of the ocean that they want to explore, and the Government will then consider these nominations when deciding which offshore areas to release for exploration.

Proposed release areas are published in the Australian Petroleum News (**APN**), a digital newsletter published by the Department of Industry, Science and Resources (**Department**).

N.B. To be added to the APN mailing list, email petroleum.exploration@industry.gov.au

Step 2. Government invites public comment on nominated areas

Although the Government is not required by law to consult the public on Acreage Releases, the Department allows various stakeholders to comment on nominated release areas and highlight how exploration in these areas may impact them.

This public comment opportunity is open for approximately six weeks in November/December of each year. Public comment is by way of written submissions. The Government will assess the issues raised in the submissions before deciding whether to release the nominated areas for exploration.

N.B. You can subscribe to the [Department's Consultation Updates](#) to be notified of upcoming public comment opportunities relating to Acreage Release.

Visit: The 2022 Offshore Petroleum Acreage Release [website](#) to find submissions made to previous rounds of Acreage Release.

Step 3. Government releases areas for exploration

Release areas are announced in the Australian Gazette or State/Territory Government Gazette, and an information package is made available to stakeholders via the Department's Acreage Release website.

Visit: The Department's Acreage Release [website](#).

Step 4. Companies are invited to bid for the right to explore

Once the areas are released, companies are invited to apply for an exploration permit by submitting a work program or a cash bid.¹³

Step 5. Joint Authority assesses the bids

The Joint Authority will assess applications based on certain selection criteria, including whether the company has the financial resources to carry out exploration.¹⁴

Step 6. Joint Authority grants the successful bidder an exploration permit

¹³ OPGGS Act ss 104, 110.

¹⁴ OPGGS Act s 104(4); 111(1B).

Successful applicants are offered an exploration permit which gives them exclusive rights to explore for petroleum resources in the area covered by the exploration permit.¹⁵ An exploration permit can be issued for up to 6 years and can be renewed.

Special Prospecting Authorities

A company can also apply for a special prospecting authority which allows it to explore for petroleum over areas not subject to an existing exploration permit or production licence. These special prospecting authorities can be granted for 180 days, and exploration is limited to surveying (drilling is not permitted).¹⁶

Step 7. Company prepares an environment plan for exploration

Before a company can explore for resources, it must prepare an environment plan.¹⁷ Environment plans are covered in detail under [Step 9](#) of this factsheet.

Step 8. Company consults with stakeholders affected by the environment plan

During the preparation of an environment plan, the company is required to consult with all “relevant persons”.

Relevant persons include certain Commonwealth and State and Territory government departments and people or organisations whose functions, interests or activities may be affected by the proposed activity.¹⁸

The purpose of consultation is to ensure the company identifies all potential risks and impacts to the environment and the measures it will take to address these.

What does ‘may be affected’ mean?

When preparing an environment plan, a company must describe the environment that may be affected by the activity (**EMBA**).¹⁹ This includes the environment that may be affected by any unplanned activities, such as a petroleum spill. This worst-case scenario EMBA covers the total extent of a potential spill area, meaning thousands of square kilometres of ocean and coastal environments may be affected (well beyond the immediate project location). Any person or organisation

¹⁵ OPGGS Act s 105; 113.

¹⁶ OPGGS Act s 230(2), 232.

¹⁷ *Offshore Petroleum and Greenhouse Gas (Environment) Regulations 2009* (Cth) (**OPGGS (E) Regulations**) cl 9(1).

¹⁸ OPGGS (E) Regulations cl 11A.

¹⁹ OPGGS (E) Regulations cl 13(2).

whose functions, interests or activities fall within this EMBA may be considered a relevant person.

What does ‘functions, interests or activities’ mean?

This question was considered by the Federal Court in the *Tipakalippa* case.²⁰

Santos NA Barossa Pty Ltd v Tipakalippa [2022] FCAFC 193

In this case, Mr Tipakalippa, a Munupi Senior Lawman and Tiwi Traditional Owner argued that Santos did not satisfy the requirements to consult with ‘all relevant persons whose functions, interests or activities may be affected by the proposed exploration’.

Santos’ Barossa Gas Project covers Sea Country that is important to the people of the Tiwi Islands. Santos’ environment plan did not include any consultation with the Tiwi people.

The Court found that the meaning of ‘functions, interests, or activities’ is broad and should not be limited to legal rights, such as property rights or financial interests.

The Tiwi islanders’ spiritual and cultural connections to Sea Country and marine resources were recognised by the Court as an ‘interest’, which made traditional owners of the Tiwi Islands ‘relevant persons’ for the purposes of consultation.

Who may be a relevant person?

The law doesn’t define whose functions, interests or activities may be affected, so this is left to the company to decide. In the past, the following people and organisations have been considered to be relevant persons for the sake of consultation:

Group	Examples of functions, interests or activities
First Nations communities	Cultural interests in Country, including Sea Country, based on traditional and spiritual connections. Also recognises Australia’s obligation under international law to consult all First Nations Peoples who may be

²⁰*Santos NA Barossa Pty Ltd v Tipakalippa [2022] FCAFC 193*

<<https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/full/2022/2022fcafc0193>>

	affected by an activity, including offshore petroleum activities. ²¹
Environmental organisations	Generally, the organisation must have more than a broad interest in the environment and/or offshore petroleum activities. ²² Rather, it should be specifically concerned about the protection of the marine environment that may be impacted, for example specific marine species that may be affected by the project.
Academics	Activities such as marine research or climate change research.
Commercial fisheries	Financial interest in an environment that supports marine life.
Tourism operators (onshore and offshore)	Financial interest in an environment that supports marine life. For example, whale-watching businesses are reliant on whale migration which can be impacted by seismic blasting.
Recreational marine users	Includes recreational fishers and surfers.
Community groups	Coastal communities and residents.
Local government	Coastal local governments have functions to protect and manage coastal areas.

This list should be used as a guide only and should not be considered a complete list of relevant persons.

How will you know if you've been identified as a relevant person?

Companies are responsible for identifying and notifying relevant persons that they may be affected by an environment plan.²³ You will only be notified of consultation if you are recognised by the company as a relevant person. Notification must be in a

²¹ Art. 32(2), UN Declaration on the Rights of Indigenous Peoples (UNDRIP) (adopted by Australia on 3 Apr. 2009) Although a company isn't bound to the same obligations as Australia, as a nation-state, the UNDRIP provides context on what should be required when consulting with First Nations people and communities.

²² NOPSEMA (2023) 'Consultation on onshore petroleum environment plans: information for the community' <<https://www.nopsema.gov.au/sites/default/files/documents/Consultation%20on%20offshore%20petroleum%20environment%20plans%20brochure.pdf>>

²³ OPGGS (E) Regulations cl 11A.

form that's readily accessible, for example, letters, emails or phone calls to you or your group.

How do you assert yourself as a relevant person?

Companies may also publish notices and factsheets about upcoming consultations on their website, or in newspapers or on radio. Some company websites allow you to subscribe to receive notifications of upcoming consultation opportunities.

If you become aware that a company is consulting on its environment plan and believe you are a relevant person but *have not* been notified of any consultation opportunities, you can write to the company and NOPSEMA and assert yourself as a relevant person. You will need to be able to talk about how your functions, interests or activities may be affected by the environment plan.

NB To provide feedback to NOPSEMA you can submit this [form](#), or send an email to feedback@NOPSEMA.gov.au.

How do you effectively engage in consultation?

If you're identified as a relevant person, the company must engage directly with you or your group to co-design the consultation process. Think about how you would like to be consulted, and put this to the company in strong, clear terms.

When co-designing consultation, you should consider:

Purpose of consultation

The purpose of consultation is to give relevant persons an opportunity to raise concerns about the potential impacts of the activity, including how the company plans to manage these impacts and any other risks. The purpose of consultation is not to determine whether there is broad public support or opposition to the project.

In other words, consultation is very targeted to particular issues.

Venue and mode

Consultation usually involves meeting with representatives from the company. Consider whether you'd like face-to-face or virtual meetings. If face-to-face is preferred, think about a place that minimises travel and cost for you or your group. Also, consider the timing of these meetings and whether a weekend or weekday is preferable.

Information to be provided

By law, a company is required to give you sufficient information to allow you to assess the impacts of an activity on your function, interests, or activities.²⁴

If the company has prepared a draft environment plan at this stage, you should ask to see it. If there is no draft environment plan, you may request information on the location of proposed exploration, exploration methods and timeframes, potential impacts of exploration on the environment and plans to minimise those impacts (see [Step 9](#) for a detailed overview of what a company must include in an environment plan for guidance).

Keep track of what information you have requested from the company and whether it has been provided to you.

Timeframe for consultation

By law, a company must give you a reasonable amount of time to consider the information provided during consultation.²⁵

Consider whether you will need a single meeting, or multiple meetings to give you time to consider the information before providing feedback. Consider whether you want to ask for time to make a written submission at the end of any meeting. You may also wish to engage an expert such as a lawyer or a scientist to review the information given to you during consultation before you can provide your feedback to the company.

Consulting with First Nations communities

Australia has obligations under the United Nations Declaration on the Rights of Indigenous People (**UNDRIP**). The UNDRIP requires countries to consult and cooperate with First Nations communities and obtain their ‘free and informed consent prior to the approval of any project affecting their lands or territories...’²⁶

While obligations under UNDRIP don’t strictly apply to the companies undertaking consultation,²⁷ these obligations should inform what NOPSEMA considers to be sufficient consultation, in terms of the information given and time provided for feedback.

Read: The [UNDRIP](#) to find out more about free, prior and informed consent.

²⁴ OPGGS (E) Regulations cl 11A(2).

²⁵ OPGGS (E) Regulations cl 11A(3).

²⁶ United Nations Declaration on the Rights of Indigenous People (2007) Art 32.

²⁷ UNDRIP applies to “states” or countries rather than third parties, e.g. oil and gas companies.

Attendance

Are there key people that must be in attendance? Is there anyone who shouldn't attend a particular meeting or should have separate meetings, for example, for cultural reasons?

Conduct of meetings

A company is already required by law to provide full text records of consultation and attach these to the draft environment plan.²⁸ However, you can also request an audio-visual recording of the meeting.

Also consider whether you require interpreters or legal representatives to be in the meeting.

This is not a complete list of considerations. There might be other important practices to you or your group that you should consider requesting from the company. If the company refuses to accept a request that is important to you and your group, consider seeking legal advice.

Read: NOPSEMA's [guideline](#) for consultation on offshore environment plans

Step 9. Company submits an environment plan to NOPSEMA

Once a company has finished consulting with relevant persons, it will submit an environment plan to NOPSEMA. The table below sets out the information an environment plan must include.²⁹ Keep this in mind when you review an environment plan. If any information is missing, you may raise this in your submissions to NOPSEMA (see [Step 10](#) for advice on how to write an effective submission).

Section of Environment Plan		What's included
Environmental assessment	Description of the activities	Proposed exploration activities including seismic surveying and drilling. Also outlines where and when these activities will be conducted.
	Description of the environment that may be affected	Areas that will be explored are referred to in the environment plan as petroleum activity areas (PAA). Environment plans will also include a map or description of the area that may be affected

²⁸ OPGGS (E) Regulations cl 16(b).

²⁹ OPGGS (E) Regulations Division 2.3 'Contents of an environment plan'.

		<p>by the worst-case scenario, such as a petroleum spill. This is called the environment that may be affected (EMBA). You'll want to consider both the PAA and EMBA when giving your feedback as part of the consultation.</p>
	<p>Direct environmental impacts and risks of the activities</p>	<p>Direct impacts to the PAA and the EMBA. The environment plan should consider impacts on the natural environment and on the social, economic, and cultural values of people and their communities.³⁰ This includes:</p> <ul style="list-style-type: none"> • Climate change and the emission of greenhouse gases through drilling (known as fugitive emissions) and processing. • Sea Country and other marine or terrestrial areas of significance to Aboriginal and Torres Strait Islander peoples. • Marine animals such as the Blue Whale, Southern Right Whale, Dugongs and Whale Sharks. • Critical marine habitat, key migration routes for wildlife and Biologically Important Areas (BIA) • Impacts on key species listed as threatened by the government • Impact of proposed seismic, drilling, production, transport, and decommissioning activities on Marine Park Areas (MPA)
	<p>Indirect environmental impacts and risk of the activities</p>	<p>Indirect impacts include those that fall outside the PAA or EMBA. For example, as exploration is a precursor to production, climate change may be considered an indirect impact.</p>

³⁰ Definition of 'environment' under the OPGGS Act.

	Environmental performance standards	How direct and indirect impacts will be managed to a level as low as reasonably practicable (ALARP) and to an acceptable level. This section also outlines how the company will continue to monitor its environmental impacts.
Implementation strategy for the environment plan	Consultation with relevant persons	Identifies relevant persons and the company's consultation strategy to give relevant persons <i>sufficient</i> information and time to engage in the consultation. Also outlines how relevant persons are identified. This is usually based on whether a person or group's interests, functions and activities fall within the PAA and EMBA.
	Roles and responsibilities	Key roles and responsibilities for company and contractor staff in conducting exploration.
	Oil pollution emergency plan	How a petroleum spill would be managed, including responding to the spill and monitoring its environmental performance.
Other information	Corporate environmental policy	An attached copy or link to the company's corporate environmental policy.
	Consultation report	A report on all consultation with relevant persons, including a summary of each person's claims or objections, and the company's response.

Step 10. NOPSEMA publishes the environment plan and invites public comment

While only 'relevant persons' need to be consulted during the preparation of an environment plan, anyone can comment on an exploration environment plan once it is published on NOPSEMA's website.³¹ The public comment period is open for 30 days.³² By law, NOPSEMA is required to consider these public comments when deciding whether or not to accept an environment plan.³³

³¹ OPGGS (E) Regulations cl 11B.

³² OPGGS (E) Regulations cl 11B(1).

³³ OPGGS (E) Regulations cl 11B (6).

N.B To be notified when an exploration environment plan is open for comment, subscribe to NOPSEMA's [mailing list](#)

Remember this step applies to exploration environment plans (exploration drilling and seismic blasting) **only**.

Anyone can make a submission

A submission is a written document that sets out your views on a proposal. Your aim is to persuade the decision-maker to make the decision you want them to make. The decision-maker is required to consider submissions before making a decision, but the decision still rests with them.

Use your time and resources carefully!

Writing submissions can be time consuming and laborious. As your submission may not change the outcome of a decision, you should carefully consider where you direct your time and resources, so you get maximum impact.

Consider networking with other individuals or organisations that have previously made submissions on offshore petroleum activities or who you know are working in this space. When a consultation opportunity arises, get in touch and see what concerns other people or groups will be raising. Instead of repeating these concerns, you can simply endorse their submissions and go about writing your own submission tailored to your key concerns and expertise.

How to make an effective submission

Introduce yourself or your group

Introduce yourself/your group and say why you are interested in the environment plan being considered. For example, you may be a traditional custodian of the Sea Country where the activity is proposed or a commercial fisher whose livelihood depends on a healthy ocean. Or you might be a member of the public who is concerned about the climate change impacts of fossil fuel projects.

Tell a quick story about who you are that connects the decision-maker, NOPSEMA, to the issue from your perspective. Why is this activity important to you? What experience or knowledge do you have that the decision-maker should be aware of?

Outline your key concerns

Your submission doesn't need to be long, and the shorter you can make it the better. Avoid using emotive or abusive language, as this can detract from your arguments.

When thinking about your key concerns, it helps to think about what NOPSEMA will have to consider when making a decision.

NOPSEMA considers things like:³⁴

- whether the environment plan is appropriate for the nature and scale of the project
- the environmental impacts and risks of the proposed project or activity
- the proposed measures for managing the environmental impacts and risks
- whether the impacts and risks have been reduced as low as reasonably practicable and to an acceptable level
- the proposed methods for monitoring the environmental performance of the project or activity

To be accepted by NOPSEMA, a company's environment plan must show that it has consulted with relevant persons and provided sufficient information and time for this consultation.³⁵

Therefore, the most important sections of the environment plan you should consider when drafting your submissions are the environmental assessment (impacts and risks associated with the activity) and the consultation report.

Make strong and clear recommendations

It is vital that you tell NOPSEMA what you want them to do. Criticism without suggested solutions is never received well. Make sure it is within the power NOPSEMA to grant your recommendations.

When deciding on an environment plan, NOPSEMA can accept, accept with conditions or limitations, or refuse the environment plan. You may therefore request that NOPSEMA refuse the environmental plan or, if it approves it – do so with your suggested conditions or limitations.

NOPSEMA is also able to request further information from the company. If you think the environment plan is lacking in information or includes information that is incorrect or incomplete, recommend that NOPSEMA use its powers to request the company to address those issues by providing additional information. This can also include requesting the company to conduct and report back on further consultation with relevant persons.

For example, you may find that the EMBA map crosses over an area with important cultural sites, or a tourism company may operate in that area. Check the environment plan's consultation section and ensure all relevant persons are identified. If individuals or groups are missing, you can raise this in your submission to NOPSEMA. If you believe you're a relevant person who was not consulted, write to the company and

³⁴ OPGGS (E) Regulations cl 10A.

³⁵ OPGGS (E) Regulations cl 11A (2)-(3).

NOPSEMA directly (see [Step 8](#) for guidance on how to identify yourself as a relevant person).

Remember that an environment plan must outline the direct as well as indirect impacts of the activity.

If you wish to raise climate change as an impact, you can ask NOPSEMA to request further information about the total greenhouse gas emissions, including methane emissions associated with exploration, and an estimate of greenhouse gas emissions associated with further production. Based on these estimates, you may request NOPSEMA reject the environment plan for the activity based on its contribution to global greenhouse gas emissions and climate change.

You could also raise the International Energy Agency's Net Zero Emissions by 2050 pathway, which recommends no new oil and gas fields.³⁶ Acknowledging that the activity may be accepted, you can request that NOPSEMA impose a condition that the company reduces its greenhouse gas emissions in line with meeting the temperature goal of Paris Agreement. These are examples of conditions to make the environmental impacts and risks of the activity meet the required standards of ALARP and acceptable. Connecting your recommendations back to these requirements strengthens the case for NOPSEMA to consider and implement them.

If you wish to raise impacts on marine species, particularly threatened species, it could be worthwhile requesting that NOPSEMA makes decisions that are consistent with the federal government's 'Threatened Species Action Plan: Towards Zero Extinctions'.³⁷

Use evidence or case studies or stories to support your arguments and recommendations

Wherever possible, back up your arguments with evidence. This could be knowledge you (or your group) possess, studies or reports written by others, information from government websites, court judgments or journal articles.

If the proposed exploration is offshore from where you live or in waters where you work, think of yourself as a local expert. For example, if you know whale sharks visit the area, but they are not mentioned in the environment plan, you should recommend NOPSEMA request further information from the company on how its activities will affect whale sharks and what it will do to manage these impacts.

Use your knowledge to ensure NOPSEMA has all of the relevant facts when making a decision. Use your perspective to help the NOPSEMA understand the values that you believe are important. For example, the economic value of gas and oil exploitation vs the economic, cultural and intrinsic value of a clean environment, tourism, fishing,

³⁶ International Energy Agency (2021) 'Net Zero by 2050: A Roadmap for the Global Energy Sector – Full Report'

³⁷ See: <https://www.dcceew.gov.au/environment/biodiversity/threatened/action-plan>

cultural heritage, threatened species, protected wildlife, Biologically Important Areas (BIA) and healthy communities.

Lodge your submission

Remember to lodge your submission in time, and in the proper format. For submissions on exploration environment plans, go to the NOPSEMA ‘Open for Comment’ page, and follow the prompts.

N.B. Environment plans that are open for public comment will appear [here](#).

Step 11. Company resubmits the environment plan

Within 12 months of the public comment period ending, the company must resubmit the environment plan to NOPSEMA along with a written statement outlining its response to the submissions received.³⁸ The environment plan, and the written statement, is then posted on the NOPSEMA website. Remember this step applies to exploration environment plans (exploration drilling and seismic blasting) **only**.

If NOPSEMA decides that the environment plan still does not meet the criteria for acceptance or requires further information, the company must resubmit the plan again.³⁹ There is no formal notification for this step, so it’s important to check the NOPSEMA website regularly. The website shows the **status** for each environment plan under assessment, and this will change from “with NOPSEMA” to “with titleholder” if a request for further information has been made.

Visit: The status of environment plans under assessment will appear [here](#).

Public comment on a ‘significantly modified’ environment plan

If a company resubmits an environment plan that is significantly modified or includes a new stage of seismic or exploration drilling activities, then NOPSEMA must invite further public comment on the resubmitted environment plan.⁴⁰ This only applies in limited circumstances.

Step 12. NOPSEMA publishes decision on environment plan

Once NOPSEMA has assessed the environment plan, it will decide to:⁴¹

- Accept the environment plan

³⁸ OPGGS (E) Regulations cl 11B (3).

³⁹ OPGGS (E) Regulations cl10 (2)-(3).

⁴⁰ OPGGS (E) Regulations cl 11C.

⁴¹ OPGGS (E) Regulations cl 10(4).

- Accept the environment plan with conditions, or
- Refuse the environment plan

If refused, a company can start over and submit a new environment plan, following the processes set out in [Steps 7 to 12](#).

N.B To be notified when an exploration environment plan is accepted by NOPSEMA, subscribe to NOPSEMA's [mailing list](#) .

Step 13. Challenging an environment plan

An aggrieved person (that is, a person whose interests are affected by the decision) can challenge NOPSEMA's decision in the Federal Court of Australia (**Federal Court**). This type of challenge is called judicial review, and it is only available if there is a [legal error](#) in the decision-making process.

For example, if NOPSEMA accepts an environment plan that doesn't address all the information that is required under the law or fails to consult with relevant persons (refer to [Step 9](#)), the Court *may* consider this to be a legal error.

If you think there may be grounds to challenge a decision, you should seek legal advice as soon as you're made aware of the decision. Once NOPSEMA publishes the decision, and a statement of reasons, you have 28 days to file an application for judicial review.⁴²

Note that judicial review is a complex process, involving tight timeframes and significant resources and costs. You should seek legal advice to determine whether you have grounds to challenge a decision and any risks associated with challenging a decision in Court.

The bottom line

- A company requires permission (in the form of an exploration permit, or in some cases, a special prospecting authority) and an accepted environment plan before it can explore for petroleum offshore.
- A company must identify and consult with relevant persons when preparing an environment plan.
 - If you are identified as a relevant person, consider how you'd like to be consulted and co-design the consultation process with the company based on this.

⁴² *Administrative Decisions (Judicial Review) Act 1977* (Cth), s 11(3). In practice, NOPSEMA generally publishes a statement of reasons for the decision to accept an environment plan. If NOPSEMA does not publish the statement of reasons, you can seek these within 28 days of the decision being made.

- If you are not identified as a relevant person, but believe your functions, interests, or activities will be affected by exploration, write to NOPSEMA and the company and assert yourself as a relevant person.
- Anyone can comment on an **exploration** environment plan within the timeframe set by NOPSEMA. Identify your key concerns in your submission and make strong, and clear recommendations to NOPSEMA on what decision you would like NOPSEMA to make with regards to the environment plan.

Production

What is production?

If petroleum in the form of oil or gas is found within an exploration permit area, the company will need to apply for a production lease to be able to extract the resource.

Risks and impacts associated with production

Production drilling

In addition to the exploration well, a company will drill several more wells to extract petroleum from under the ocean floor. Constructing these wells, using drilling equipment can damage the seabed including habitat for marine animals.

Drilling can also lead to petroleum spills. Large spills can have catastrophic consequences for both people and the natural environment.

For people, large spills can damage coastal communities and industries reliant on the marine environment, and harm cultural heritage sites and First Nations peoples' physical and spiritual connections to affected areas.⁴³

For marine life, spills can smother (and kill) plants and animals and coat beaches and rocky shore habitats with toxic oil or gas condensate. These devastating impacts can last years after a single incident.⁴⁴

Production facility

Once a company commits to full-scale production, a production facility is needed to extract and store petroleum. A pipeline or shipping container is also needed to transport the petroleum back to shore. This increases the risk of petroleum spills caused by a pipeline leak, rupture or a shipping accident. With more shipping

⁴³ Bill McCormick, 'Marine oil pollution', *Parliament of Australia* (Web Page, 05 December 2018) <https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BriefingBook43p/marineoilpollution>.

⁴⁴ Ibid.

containers in the area, marine animals, such as whales, are at risk of being struck or having their migratory pathway disturbed.⁴⁵

The production facility also generates significant noise which can impact marine animals within thousands of metres of the facility. Noise-sensitive species such as whales, dolphins and turtles can suffer behavioural changes (such as avoiding the area); problems communicating and navigating; and disruptions to reproduction due to noise emissions.

Greenhouse Gas Emissions and Climate Change

Greenhouse gas (**GHG**) emissions from petroleum activities, including those undertaken offshore, contribute to climate change both directly and indirectly.⁴⁶ Gas production processes release vast quantities of greenhouse gases in the form of carbon dioxide, nitrogen oxide and methane. Liquefying gas for export also requires large amounts of energy, which is most often provided by the consumption of fossil fuels. Indirectly, carbon dioxide is produced when the gas is burned for energy by consumers.⁴⁷

Currently, companies are only required to report on carbon dioxide emissions of activities. Given the increased potency of methane (the main component of gas), compared to carbon dioxide, it is likely that companies are significantly underreporting their GHG emissions.⁴⁸

Assessment process for production

The process for assessing petroleum production activities has a number of key steps (these steps continue on from the exploration process outlined above).

Key

blue – consultation opportunities for the public

⁴⁵The Senate, *Environment and Communications Reference Committee – Oil or gas production in the Great Australian Bight* (Submission, May 2017) 74-5

<https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/Oilorgasproduction45/Report>.

⁴⁶ ‘Greenhouse gas emissions and climate change – Managing industry greenhouse gas emissions’ *NOPSEMA* (Web Page, 13 June 2021) [1] <<https://www.nopsema.gov.au/offshore-industry/environmental-management/greenhouse-gas-emissions-and-climate-change>>; ‘Why is Gas Bad for Climate Change and Energy Prices’, *Climate Council* (Explainer, 30 June 2023) [2]

<<https://www.climatecouncil.org.au/resources/why-is-gas-bad-for-climate-change-and-energy-prices/>>.

⁴⁷ ‘Why is Gas Bad for Climate Change and Energy Prices’, *Climate Council* (Explainer, 30 June 2023) [2]

<<https://www.climatecouncil.org.au/resources/why-is-gas-bad-for-climate-change-and-energy-prices/>>.

⁴⁸ Natasha Schapova, ‘Methane emissions from offshore oil and gas severely under-reported, study finds’ *ABC Gippsland* (online, 3 February 2023) <<https://www.abc.net.au/news/2023-02-01/methane-emissions-from-offshore-oil-gas-energy-under-reported/101912200>>.

orange – consultation opportunities for ‘relevant persons’
 dotted line – optional steps in the assessment process



Step 14. Company applies for a petroleum production licence

During exploration, the company will try to understand the quantity and quality of petroleum in the area. If the petroleum is considered commercially viable,⁴⁹ the company can apply for a petroleum production licence.⁵⁰ A petroleum production licence gives the holder an exclusive right to recover the petroleum deposit.⁵¹

⁴⁹ OPGGS Act s 162 (5)(b).

⁵⁰ OPGGS Act s 168.

⁵¹ OPGGS Act s 161.

Otherwise, the holder of an exploration permit can apply for a retention licence which reserves the right over a deposit that is not commercially viable but likely to become so within 15 years.⁵²

Step 15. Joint Authority assesses the petroleum production licence application

The Joint Authority will assess petroleum production licence applications based on certain criteria, including whether the area contains petroleum, and whether the company has the financial resources to carry out production.⁵³

Step 16. Joint Authority determines the petroleum production licence application

If the Joint Authority is satisfied that the area contains petroleum and the company has the financial resources to support full-scale production, then a petroleum production licence will be granted. If the Joint Authority is not satisfied, then a petroleum production licence must be refused.

Step 17. Company submits an offshore project proposal

An offshore project proposal (**OPP**) is an environmental approval required for any recovery of petroleum. The OPP instrument was created, and currently functions in practice, as a substitute for an approval under the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (**EPBC Act**).

The EPBC Act applies to matters of national environmental significance (**MNES**).

MNES are nationally important animals, plants, habitats and places. They include:

- world heritage properties
- national heritage places
- wetlands of international importance (also known as Ramsar Wetlands)
- listed threatened species and ecological communities
- migratory species
- Commonwealth marine areas; and
- Greater Barrier Reef Marine Park.

The table below sets out the information an offshore project proposal must include.⁵⁴ Keep this in mind when you review an OPP. If any information is missing, you may raise this in your submission to NOPSEMA.

NOPSEMA also has a guide to the contents of offshore project proposals.

⁵² OPGGS Act s 148.

⁵³ OPGGS Act s 171.

⁵⁴ OPGGS (E) Regulations cl 5A.

Read: NOPSEMA's [guideline](#) for offshore project proposal requirements

Section of Offshore Project Proposal		What's included
Project description	Project overview	Activities proposed as part of the offshore project proposal, including any infrastructure that's required to support production. This includes an offshore production facility (floating vessel or a fixed platform), wells and pipelines.
	Project schedule and stages	Various stages of development, starting with drilling the wells and ending with decommissioning the wells, and the proposed timing of these stages.
	Project location	The offshore location, usually shown on a map and coordinates.
Description of the environment	Environment that may be affected (EMBA)	Any area that will hold a production facility, well or a pipeline is referred to as the Project Area. The OPP will also include an EMBA. An EMBA is a map or description of an area that may be affected by the worst-case scenario, such as a petroleum spill.
	Values and sensitivities of the environment	If and how the offshore project will affect heritage values of a declared World Heritage property or National Heritage place, the ecological character of a declared Ramsar Wetland, threatened species, migratory species, and any values within Commonwealth waters.
	Environmental impacts and risk	Environmental impacts may include climate change as a result of increased greenhouse gas emissions, injury or death of marine animals caused by water, noise and light pollution from production facilities and the consequences of these impacts on people's social, economic and cultural values.

		The risk of each impact must also be assessed.
	Environmental performance standards	Sets out how the company plans to monitor the environmental performance of the project.
Project alternatives	Compares and evaluates environmental impacts and risks from the project and its alternatives	The company must assess alternative ways to conduct the offshore project, or whether to go ahead with the project in light of the environmental impacts and risks it has identified.

Step 18. NOPSEMA publishes the offshore project proposal and invites public comment

Once NOPSEMA has decided that the offshore project proposal is complete,⁵⁵ it is uploaded to the NOPSEMA website.

Visit: The NOPSEMA [website](#) to view offshore project proposals.

Once it is uploaded, NOPSEMA will invite public comment, by way of written submission, for a period of four weeks.

N.B. To be notified of public comment opportunities for offshore project proposals, subscribe to NOPSEMA's [mailing list](#).

When drafting a submission, you should carefully consider whether the company has included all of the information listed under Step 17. If not, then recommend that NOPSEMA request this information before deciding on the offshore project proposal.

The most impactful submissions will focus on the criteria NOPSEMA must consider when deciding whether to accept or refuse the offshore project proposal. This includes:

- the environmental impacts and risks of the proposed project or activity.
- the proposed methods for monitoring the environmental performance of the project or activity.
- whether those methods are consistent with principles of ecologically sustainable development. That is, whether the offshore project proposal considers environmental, social and economic aspects of the project.
- Whether the project or activity would occur within a World Heritage property.

⁵⁵ Meets criteria under OPGGS (E) Regulations s 5C.

The last point would require NOPSEMA to refuse the offshore project proposal.⁵⁶

Refer to [Step 10](#) above for tips on how to write an effective submission. Remember to tailor it to the information included in the offshore project proposal.

Read: The EDO factsheet on '[What is ecologically sustainable development \(ESD\)?](#)'

Step 19. Company resubmits the offshore project proposal with a response to comments

The company must consider the submissions received during the public comment period.⁵⁷ Usually, a company will resubmit a revised offshore project proposal, which includes a summary of all the submissions, and the company's response. There is no requirement that NOPSEMA or the company notify you that the offshore project proposal has been resubmitted, so you must check the website regularly.

Visit: The NOPSEMA [website](#) to view offshore project proposals.

Step 20. NOPSEMA decides on an offshore project proposal

Once it has been resubmitted, NOPSEMA must decide within 30 days whether to accept or refuse the offshore project proposal. It is important to regularly check the NOPSEMA website for the decision and subscribe to any notifications where possible.

Step 21. Challenging an offshore project proposal

[Step 13](#) of this factsheet set out the type of legal challenge that may be available.

Step 22. Company prepares an environment plan for production activities

Before a company commences any petroleum production activities, it must prepare and submit an environment plan to NOPSEMA.⁵⁸

Step 23. Company consults with stakeholders affected by the environment plan

[Step 8](#) of this factsheet outlines the consultation requirements for 'relevant persons' when preparing an environment plan.

Step 24. Company submits an environment plan to NOPSEMA

⁵⁶ OPGGS (E) Regulations cl 5A.

⁵⁷ OPGGS (E) Regulations cl 5D(1).

⁵⁸ OPGGS (E) Regulations cl. 9(1).

[Step 9](#) of this factsheet outlines what must be included in an environment plan.

Remember that the risks and impacts associated with production are different to those associated with exploration. For example, a production environment plan will cover the impacts of offshore infrastructure, such as a floating or fixed production facility or a pipeline.

There will be more greenhouse gas emissions associated with production and the combustion of petroleum, and a greater contribution to global GHG emissions and climate change.

Step 25. NOPSEMA publishes the environment plan

If NOPSEMA considers the environment plan to be complete,⁵⁹ the plan will be published on the NPSEMA website.⁶⁰

N.B To be notified when a production environment plan is published by NOPSEMA, subscribe to NOPSEMA's [mailing list](#)

If you believe you are a relevant person (that is, your functions, interests or activities will be affected by the activities the subject of the environment plan) but have not been notified of any consultation opportunities, you can write to the company and NOPSEMA and assert yourself as a relevant person.

For the general public, there is no formal opportunity to comment on a production environment plan. However, you can raise concerns about the petroleum production activity/ies and the environment plan with the company and NOPSEMA directly. To do this, you can write a letter setting out your concerns with the environment plan and provide clear recommendations. There is no obligation in the Regulations for the company or NOPSEMA to respond to or take into account the concerns raised in this type of letter.

Remember to clearly set out your concerns and the evidence you have based these concerns on. For example, specific sections of the environment plan and/or the consultation report.

While the company and NOPSEMA are not obliged to respond, these concerns may factor into NOPSEMA's decision to accept or refuse an environment plan or seek further information before deciding on the environment plan. Refer to [Step 10](#) for advice on how to write effective submission and tailor your submission to the relevant production activities set out in the specific environment plan.

⁵⁹ OPGGS (E) Regulations cl 9AA.

⁶⁰ OPGGS (E) Regulations cl 9AB.

Step 26. NOPSEMA requests further information from the company on the environment plan

If NOPSEMA decides that the environment plan is still not complete, the company must resubmit the plan again.⁶¹ There is no formal notification for this step, so it's important to check the NOPSEMA website regularly. The website shows the **status** for each environment plan under assessment, and this will change from "with NOPSEMA" to "with titleholder" if a request for further information has been made.

Visit: The NOPSEMA [website](#) to view the status of environment plans under assessment.

Step 27. NOPSEMA publishes decision on environment plan

Once NOPSEMA has assessed the environment plan, it will decide to:⁶²

- Accept the environment plan
- Accept the environment plan with conditions, or
- Refuse the environment plan

If refused, a company can start over and submit a new environment plan, following the processes set out in [Steps 24 to 28](#).

N.B To be notified of accepted environment plans, subscribe to NOPSEMA's [mailing list](#).

Step 28. Challenging the environment plan decision

[Step 13](#) of this factsheet set out the types of legal challenge that may be available.

The bottom line

- Before a company can move to full scale production, it requires a petroleum production licence and an approved environment plan. If the project is likely to impact 'matters of national environment significance', it will also require an approved offshore project proposal.
- Anyone can comment on an offshore project proposal.
- Only relevant persons are consulted on a production environment plan. There are no opportunities for the general public to comment.

Decommissioning

⁶¹ OPGGS (E) Regulations cl 10 (2)-(3).

⁶² OPGGS (E) Regulations s 10(4).

What is decommissioning?

Decommissioning involves shutting down offshore petroleum activities, and removing infrastructure such as wells, production facilities and pipelines. Companies holding a petroleum title are legally required to remove any infrastructure when it's no longer in use.⁶³ However, there are exceptions if the company can demonstrate that an alternative approach delivers equal or better environmental outcomes compared to complete removal.

Decommissioning approaches include:

Infrastructure	Decommissioning approaches
Well	Plugging and abandoning the well is the most common approach and involves filling a well with cement or resin to prevent petroleum from leaking.
Production facility	Fixed or floating facilities can be broken up and disposed of on land, left on-site or placed in deep water to create an artificial reef, or re-used in another location or for another purpose.
Pipeline	Abandoning the pipeline on-site is the most common approach, or otherwise partial, or complete removal.

Risks and impacts associated with decommissioning

Decommissioning can pose several environmental and social risks, depending on the approach that is used. For example, petroleum (including natural gas) can leak from decommissioned wells that are incorrectly plugged or corroded over time. See the exploration and production sections of this factsheet for a detailed description of the impacts associated with petroleum spills.⁶⁴

Over time, production facilities become contaminated with petroleum or other chemicals that are used in petroleum production, such as fire retardants. Production facilities that are left on-site or placed in deep water to create artificial reefs are therefore at risk of leaking residual toxic chemicals into the ocean and impacting the surrounding marine environment.⁶⁵ Production facilities, including pipelines, can also be a navigational hazard for migrating wildlife such as whales, birds and other marine life as well as commercial and recreational fishers.

⁶³ OPGGS Act s 572(3).

⁶⁴ Australasian Centre for Corporate Responsibility (2023) 'Offshore oil and gas asset decommissioning' <<https://www.accr.org.au/research/offshore-oil-and-gas-asset-decommissioning/>>

⁶⁵ Ibid.

Assessment process for decommissioning

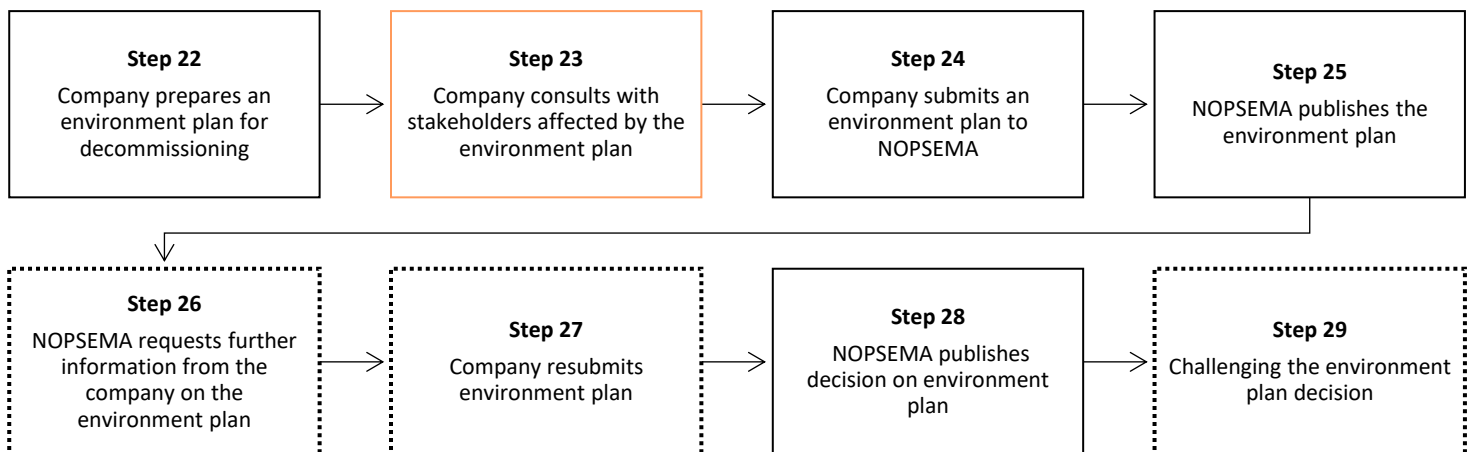
The process for assessing decommissioning activities has a number of key steps (these steps continue on from the production process outlined above).

Key

blue – consultation opportunities for the public

orange – consultation opportunities for ‘relevant persons’

dotted line – optional steps in the assessment process



Step 29. Company prepares an environment plan for decommissioning

Before decommissioning offshore infrastructure, a company must prepare and submit an environment plan to NOPSEMA.⁶⁶

Step 30. Company consults with stakeholders affected by the environment plan

Step 8 of this factsheet outlines the consultation requirements for ‘relevant persons’ when preparing an environment plan.

Step 31. Company submits an environment plan to NOPSEMA

Step 9 of this factsheet outlines what must be included in an environment plan.

Remember that the risks and impacts associated with decommissioning will be different to both exploration and production.

Step 32. NOPSEMA publishes the environment plan

⁶⁶ OPGGS (E) Regulations cl 9(1).

If NOPSEMA considers the environment plan to be complete,⁶⁷ the plan will be published on the NOPSEMA website.⁶⁸

N.B To be notified when a production environment plan is published by NOPSEMA, subscribe to NOPSEMA's [mailing list](#) .

If you believe you are a relevant person (that is, your functions, interests or activities will be affected by the activities the subject of the environment plan) but you have not been notified of any consultation opportunities, you can write to the company and NOPSEMA and assert yourself as a relevant person.

For the general public, there is no formal opportunity to comment on a decommissioning environment plan. However, you can raise concerns about decommissioning with the company and NOPSEMA directly. To do this, you can write a letter setting out your concerns with the environment plan and provide clear recommendations. There is no legal obligation for the company or NOPSEMA to take into account the concerns raised in this type of letter.

Remember to clearly set out your concerns and the evidence you have based these concerns on. For example, specific sections of the environment plan and/or the consultation report. While the company and NOPSEMA are not obliged to respond, these concerns may factor into NOPSEMA's decision to accept or refuse an environment plan or seek further information before deciding on the environment plan.

Refer to [Step 10](#) for advice on how to write effective submission and tailor your submission to decommissioning.

Step 33. NOPSEMA requests further information from the company on the environment plan

If NOPSEMA decides that the environment plan is not complete, the company must resubmit the plan.⁶⁹ There is no formal notification requirement for this step, and it is therefore important to regularly check the NOPSEMA website. The website shows the "status" for each environment plan under assessment, and this will change from "with NOPSEMA" to "with titleholder" if a request for further information has been made.

Visit: The NOPSEMA [website](#) to view the status of environment plans under assessment.

⁶⁷ OPGGS (E) Regulations cl 9AA.

⁶⁸ OPGGS (E) Regulations cl 9AB.

⁶⁹ OPGGS (E) Regulations cl 10 (2)-(3).

Within 30 days of the company resubmitting the plan, NOPSEMA must again decide whether to seek further information from the company.⁷⁰

There is no notification of this occurring and it is important to check the “status” of the environment plan on the NOPSEMA website for any change back to “with NOPSEMA”.

Step 34. NOPSEMA publishes decision on environment plan

Once NOPSEMA considers the environment plan to be complete, they will decide to:⁷¹

- Accept the environment plan
- Accept the environment plan with conditions, or
- Refuse the environment plan

If refused, a company can start over and submit a new environment plan, following the processes set out in Steps [29 to 34](#).

N.B To be notified of accepted environment plans, subscribe to NOPSEMA's [mailing list](#).

Step 35. Challenging the environment plan decision

[Step 13](#) of this factsheet set out the type of legal challenge that may be available.

Step 36. Surrendering a petroleum title

A company can apply to surrender its petroleum title once infrastructure in the title area has been decommissioned.

The Joint Authority will allow a company to surrender its title if:

- All offshore infrastructure is removed, or the company uses an alternative approach that NOPSEMA is satisfied with
- All wells and plugged or closed, and
- The company has “made good” any damage to the seabed or subsoil that has been impacted by the offshore infrastructure.⁷²

⁷⁰ OPGGS (E) Regulations cl 10(4).

⁷¹ OPGGS (E) Regulations cl 10(4).

⁷² OPGGS Act s 270.

Evaluate this resource

EDO welcomes feedback on this factsheet. Your feedback will help us ensure we are providing useful information.

If you have any concerns or suggestions regarding this factsheet, please fill out the Legal Resources evaluation form by clicking [here](#) or scanning the QR code below:

