

Member Country Profile – Australia

Organisations:	National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA)
Country Representatives:	Stuart Smith – Chief Executive Officer Cameron Grebe – Head of Division - Environment
Contact:	information@nopsema.gov.au
Regime Scope:	
<p>NOPSEMA is Australia’s national regulator for offshore petroleum operations and greenhouse gas storage operations in Commonwealth waters in respect of:</p> <ul style="list-style-type: none"> • health and safety; • well integrity, and • environmental management. 	
Administering Agency/Arrangements:	
<p>NOPSEMA is an independent regulatory authority established under statute. It is a Commonwealth (federal) government agency with a Chief Executive Officer (CEO) who reports directly to the Commonwealth Minister for Industry and Science. An advisory board with functions to provide advice to the Minister and to the CEO is established under the legislation which also prescribes a formal independent review of NOPSEMA’s operations every five years.</p>	
Legislation Type:	
<p>The <i>Offshore Petroleum and Greenhouse Gas Storage Act (2006)</i> provides the legislative framework for all offshore petroleum and greenhouse gas activities in Australia’s Commonwealth waters. The Act is supported by associated regulations and directions for matters including safety, well integrity, diving, and environmental management.</p>	
Links to relevant environment offshore petroleum legislation:	
<p><i>Offshore Petroleum and Greenhouse Gas Storage Act 2006</i> (http://www.comlaw.gov.au/Series/C2006A00014)</p> <p>Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009 (http://www.comlaw.gov.au/Series/F1999B00221)</p> <p>Other information on relevant legislation available at http://www.nopsema.gov.au/legislation-and-regulations/</p>	
Extent of Government Approval:	
<p>NOPSEMA regulates offshore oil and gas activities primarily by assessing, and accepting where appropriate, prescribed duty-holder management plans and subsequently by undertaking a range of compliance monitoring and enforcement functions. The prescribed management plans are essentially ‘permissioning’ documents and must be accepted by NOPSEMA prior to a duty-holder commencing an activity. The prescribed plans include:</p> <ul style="list-style-type: none"> • safety cases • well operations management plans • diving safety management systems 	

- environment plans.

Nature of Duties Imposed:

Regulations require that prior to commencing relevant activities, duty holders must have accepted by NOPSEMA (i) a safety case for facilities (ii) a well operations plan and (iii) an environment plan. General OHS duties imposed on operators of facilities, people in control of particular work, employers and other duty-holders via safety cases. Duties are mainly performance-based (health and safety risks are reduced to a level that is as low as reasonably practicable) but some occupational health prescription. Titleholders have an OHS duty in respect of the integrity of wells. Environmental management-related duties imposed on titleholders include the prevention of waste or escape of petroleum; response to control, recover, remediate and monitor any marine pollution arising from the escape of petroleum; pay associated pollution costs and maintain sufficient financial assurance.

In addition, environment regulations provide for further duties in relation to environmental management for specific petroleum activities under an environment plan that ensures activities are carried out in a manner consistent with the principles of ecologically sustainable development. This duty is detailed by the requirement to operate under accepted arrangements for each specific activity documented in an accepted environment plan that demonstrates that impacts and risks of the activity be reduced to as low as reasonably practicable and acceptable, that oil pollution emergency planning be undertaken and affected parties appropriately consulted.

Physical Objects in the Regime:

Approximately 32 platforms, 11 FPSO/FSOs, 12 MODUs, 17 Vessels and 76 pipeline facilities are currently reporting to NOPSEMA. Entry into regime is decided on the basis of the activity performed by the facility.

Assurance Mechanisms: Compliance assurance mechanisms?

Inspections of facilities by NOPSEMA Inspectors based on accepted plans, issuance and follow-up of recommendations arising from inspections, issuance and publication of certain enforcement action where appropriate, environmental analysis required prior to acceptance, environmental performance reporting, notifications for recordable environmental incidents and NOPSEMA-wide investigations function.

Financial Basis:

Full cost recovery through prescribed levies, cost-based levy on major investigations and fees for services specifically provided for under legislation.

Environmental Regulation Responsibilities:

Environmental regulation responsibilities of NOPSEMA commenced on January 2012. The Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009 ensure that any offshore petroleum activity is carried out in a manner consistent with the principles of ecologically sustainable development and in accordance with an accepted environment plan that has appropriate environmental performance objectives and standards and measurement criteria for determining whether the objectives and standards have been met. The plan can only be accepted where NOPSEMA is reasonably satisfied that the titleholder is in compliance with the duty to maintain sufficient financial assurance required under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

Since 28 February 2014, NOPSEMA has been the sole environment regulator of offshore petroleum

activities in Commonwealth waters of Australia following [streamlining](#) under the *Environmental Protection and Biodiversity Conservation Act 1999*.

Oil Spill Response:

NOPSEMA is the Statutory Agency responsible for the regulatory oversight of response actions to pollution events arising from offshore petroleum activities in Commonwealth waters. Oil pollution emergency plans (OPEP) are required to be submitted to NOPSEMA as part of the environment plan prior to commencement of an activity. The environment plan must provide for the maintenance of the OPEP, which must be tested in accordance with the agreed testing program. These arrangements implement part of Australia's obligations under the International Convention on [Oil Pollution Preparedness, Response and Co-operation 1990 \(OPRC 90\)](#) and are part of Australia's cooperative framework for oil spill response established under the [National Plan for Maritime Emergencies](#) (NatPlan).

Under the NatPlan, the offshore petroleum titleholder is the control agency for a marine pollution response. NOPSEMA's role is to provide regulatory oversight of the titleholder's response and assist the government in strategic coordination. NOPSEMA is not an oil spill combat agency but has legislated powers to direct and/or intervene in a significant incident.

Transparency:

Environment submissions made to NOPSEMA are published on NOPSEMA's website to enable stakeholders an opportunity to identify where they should have been consulted by a titleholder or where they wish to make a submission.

Information is released on NOPSEMA's website and regular publications including numerical inspection and incident data, aggregated health and safety statistics, safety case information, well integrity and environment plan guidance notes and information brochures. NOPSEMA is also bound by government accountability processes and participates in various public forums.

Profile Date:

July 2015