



Australian Government

STREAMLINING OFFSHORE **PETROLEUM** ENVIRONMENTAL APPROVALS

Program Report

Strategic Assessment of the environmental management authorisation process for petroleum and greenhouse gas storage activities administered by the National Offshore Petroleum Safety and Environmental Management Authority under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

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SUMMARY

The Program

The Program is a comprehensive, objective-based and systematic environmental management authorisation, compliance monitoring and enforcement regime made under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (OPGGGS Act) and its subordinate Regulations. The Program is administered by the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA), a Commonwealth Government agency and regulator of environmental management law.

The objective of the Program is to ensure all offshore petroleum and greenhouse gas activities are carried out in a manner in which impacts on the environment are reduced to as low as reasonably practicable (ALARP) and of an acceptable level. The program covers Commonwealth waters and designated state and Northern Territory waters where environmental management functions have been conferred under legislation. Impacts on the environment include those matters protected under Part 3 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The Program provides for the protection of the environment by requiring all offshore petroleum or greenhouse gas activities authorised by the OPGGS Act to be conducted in accordance with an accepted Environment Plan consistent with the principles of ecologically sustainable development. The definition of 'environment' in the Program is consistent with that used in the EPBC Act. This enables the Program to encompass all matters protected under Part 3 of the EPBC Act.

The actions covered under the Program include all offshore petroleum and greenhouse gas activities authorised by the OPGGS Act.

Protection of the environment through Offshore Project Proposals

The Program provides for early consideration of environmental impacts and risks for longer-term, large-scale activities, by requiring proponents to submit an Offshore Project Proposal to NOPSEMA in the early developmental stages of offshore projects. This process allows NOPSEMA to make an assessment of the acceptability of these projects and to provide regulatory acceptance or refusal of project proposals.

The Program requires the Offshore Project Proposal to:

- provide information that identifies and evaluates the potential environmental impacts of the project
- define environmental performance outcomes that will ensure the impacts and risks arising from the project and its activities will be managed to an acceptable level.

The Offshore Project Proposal process has been developed to capture those large-scale offshore projects that may have an unacceptable impact on a matter protected under Part 3 of the EPBC Act and the broader environment. The process can be used for all petroleum and greenhouse gas activities and is mandatory for development projects. Titleholders may also elect to prepare and submit an Offshore Project Proposal for a petroleum or greenhouse gas storage activity that is not part of a development project and NOPSEMA guidance outlines circumstances in which this may occur. The guidance directs titleholders to consider the potential impacts on matters protected under Part 3 of the EPBC Act and outlines consultation requirements.

The Offshore Project Proposal process includes a mandatory minimum public comment period to provide stakeholders and the community with an opportunity to review and have input into the development of environmental management arrangements for offshore petroleum and greenhouse gas development projects.

Conducting activities in accordance with an Environment Plan

The Program requires all titleholders to have an Environment Plan that has been accepted by NOPSEMA for any activity, prior to commencement. Titleholders must carry out activities in accordance with an accepted Environment Plan that ensures environmental impacts and risks of the activity will be reduced to ALARP and will be of an acceptable level.

Environment Plans are required to include appropriate environmental performance outcomes, environmental performance standards and measurement criteria, an appropriate implementation strategy, and monitoring, recording and reporting arrangements. The Program sets out how the titleholder must carry out the activity to remain in compliance with the accepted Environment Plan and includes monitoring and enforcement strategies to ensure compliance and for the conduct of investigations.

The Program requires the Environment Plan to:

- provide information relevant to the environmental impacts and risks of the activity
- address legislative and other controls that manage environmental features of the activity
- define the environmental performance outcomes and set the environmental performance standards against which performance of the titleholder in protecting the environment is to be measured
- demonstrate adequate consultation with relevant persons
- describe the requirements that are relevant to the environmental management of the activity.

These requirements allow the Program to consider all relevant legislation, policy and guidance, including those established under the EPBC Act regime.

Guidance materials

The Program includes a range of guidance materials, which assist with explaining the Program requirements, as updated from time to time. These are available publicly through NOPSEMA's website and help to provide context to the Program.

Conclusion

As a result of these comprehensive requirements, the Program ensures activities undertaken in accordance with the OPGGS Act environmental management authorisation process will be conducted in a manner consistent with the principles of ecologically sustainable development and that all potential impacts on matters protected under Part 3 of the EPBC Act and the broader environment will be managed to an acceptable level.

PART A: INTRODUCTION

1 Introduction

The Program Report is a submission made under Part 10 – Strategic Assessments, Section 146 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The Program Report is for the strategic assessment of the Program, that is, the environmental management authorisation process for offshore petroleum and greenhouse gas activities administered by NOPSEMA.¹ In conjunction with the Strategic Assessment Report (provided separately), this Program Report provides the basis for the Minister for the Environment to consider endorsing the Program under the EPBC Act.

The Program is described in Part B and includes the commitments and undertakings by NOPSEMA to ensure the adequate protection of EPBC Act Part 3 protected matters.

1.1 Background

Offshore petroleum and greenhouse gas storage activities ('activities') that have, will have or are likely to have a significant impact on matters protected under Part 3 of the EPBC Act require assessment and approval under the EPBC Act, which is administered by the Commonwealth Department of the Environment (DoE). All activities in Commonwealth waters also require assessment and authorisation under the OPGGS Act and the OPGGS(E) Regulations, which give powers and function to NOPSEMA, including the environmental management of offshore petroleum and greenhouse gas activities Commonwealth waters.

Significant economic and social benefits will be derived from streamlining the relationship between these regimes by maximising regulatory efficiency while maintaining strong environmental safeguards for matters protected under Part 3 of the EPBC Act.

1.2 Purpose of the Program Report

The objective of this Program Report is to demonstrate how the Program will ensure activities are conducted in a manner consistent with the principles of ecologically sustainable development and will not result in unacceptable impacts to matters protected under Part 3 of the EPBC Act.

Specifically this report will:

- describe the Program that constitutes the "policy, plan or program" pursuant to Part 10 – Strategic Assessments, Section 146 of the EPBC Act
- outline the commitments and undertakings of NOPSEMA to ensure adequate protection of Part 3 protected matters
- provide the basis for the Minister for the Environment to consider endorsing the Program under Section 146 of the EPBC Act
- provide the basis for the Minister for the Environment to consider approving the taking of an action or class of actions in accordance with the endorsed Program.

¹ under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (OPGGS Act) and *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* (OPGGS(E) Regulations)

1.3 Structure of the Program Report

The report is structured in four parts:

- Part A introduces the Program
- Part B describes the Program that constitutes the “policy, plan or program” pursuant to section 146 of the EPBC Act. This includes the commitments and undertakings by NOPSEMA to ensure the adequate protection of matters protected under Part 3 of the EPBC Act
- Part C details additional information that helps to clarify the functions of the Program with respect of Part 3 of the EPBC Act. It should be noted that the Strategic Assessment Report (provided separately) is a detailed evaluation of the Program against EPBC Act requirements, and describes an assessment of how the implementation of the Program will ensure the appropriate level of consideration and management of impacts on matters protected under Part 3 of the EPBC Act
- Part D provides an overview of the Program evaluation, reporting and monitoring measures that will be in place to ensure the Program delivers ongoing consideration and management of impacts on matters protected under Part 3 of the EPBC Act.

1.4 Terminology

In this document, unless the contrary intention appears, words defined in the OPGGS Act and OPGGS(E) Regulations have the meaning given in the Act and those Regulations.

1.5 Program components

The description of the Program in this report has been prepared to assist the Minister for the Environment to assess the Program and consider endorsing it and approving subsequent classes of actions under Section 146 provisions of the EPBC Act. The Program is based on the OPGGS Act and OPGGS(E) Regulations as they will operate when EPBC Act Section 146 approvals are in place.

The environmental management authorisation process is embodied in the OPGGS Act, OPGGS(E) Regulations and NOPSEMA’s non-legislative supporting policies and guidance.

1.6 Classes of actions covered under the Program

The classes of actions covered under the Program include all offshore petroleum and greenhouse gas activities authorised under the OPGGS Act.

The OPGGS Act authorises activities undertaken for, or as are necessary for, the following purposes:

- petroleum exploration
- petroleum recovery operations
- constructing or reconstructing an infrastructure facility
- constructing or reconstructing or operating a pipeline
- exploring for:
 - a potential greenhouse gas storage formation or
 - a potential greenhouse gas injection site
- carrying on operations to inject a substance into the seabed or subsoil of a Commonwealth offshore area.

Classes of actions also include any decommissioning activities in relation to the above.

1.7 Protection of matters protected under Part 3 of the EPBC Act

The Program will ensure that impacts on matters protected under Part 3 of the EPBC Act are not unacceptable. This is achieved through the following actions:

- The Program objectives are to ensure all offshore petroleum and greenhouse gas storage activities are carried out in a manner consistent with the principles of ecologically sustainable development, which is an objective of the EPBC Act.
- The Program assesses and subsequently accepts or refuses Environment Plans, which must include consideration of all relevant features of the environment, including, but not limited to, matters protected under Part 3 of the EPBC Act. This applies to the environment outside Commonwealth waters including where the impacts of the activity extend to state or Northern Territory jurisdiction or to Commonwealth land.
- The Program is an objective-based regulatory framework, which ensures activities are carried out in accordance with an Environment Plan that has appropriate environmental performance outcomes and environmental performance standards. Environmental performance outcomes and environmental performance standards must take into account all relevant information, which includes, but is not limited to, management guidance and standards relevant to matters protected under Part 3 of the EPBC Act.
- The Program ensures all impacts and risks are reduced to as low as reasonably practicable (ALARP), which depending on the circumstances, may provide protection to the environment beyond the acceptable level test. An ALARP objective allows titleholders to adopt environmental practices and technologies that are suited to individual circumstances, activities and locations, while taking into account costs and other factors to ensure a reasonable approach to environmental impact and risk improvements. The titleholder must show how impacts and risks will continue to be reduced to ALARP for the life of the activity. Demonstration of ALARP requires assessment of impacts and risks in the particular environmental context of the activity, which includes, but is not limited to, consideration of matters protected under Part 3 of the EPBC Act.
- The Program ensures all impacts and risks are of an acceptable level, which includes consideration of impact on matters protected under Part 3 of the EPBC Act.
- The Program ensures stakeholders, in particular those that are potentially affected by activities, are consulted and their input considered in the development of Environment Plans, including public notification and targeted engagement of relevant persons whose functions, interests or activities may be affected by the activity.
- The Program ensures large-scale developments are assessed and accepted or refused on a 'whole of lifecycle' basis, as well as on a 'phase by phase' basis of the development. Proponents will need to prepare and submit an Offshore Project Proposal that includes public notification and consultation, and consideration of stakeholder input into the development of the submission.
- The Program incorporates non-legislative policy and guidance, which provides advice to proponents and titleholders on recommended approaches to meeting Program requirements. This advice includes, but is not limited to, specific requirements relating to matters protected under Part 3 of the EPBC Act.
- The Program includes compliance monitoring and enforcement functions, which allow NOPSEMA to ensure titleholders comply with the Program requirements on an ongoing basis, and that the Program itself meets the requirements of the EPBC Act endorsement and approval.

NOPSEMA's administration of the Program will ensure that the Australian Government's outcomes in ensuring that matters protected under Part 3 of the EPBC Act are being protected will be met. The matters protected under Part 3 of the EPBC Act that are relevant to this strategic assessment and the Program's overarching commitment to environmental protection outcomes are outlined in the table below. Further detail of these matters and how the Program addresses them are set out at Part 8 and Appendix A.

Table 1: NOPSEMA’s commitment to protection of matters protected under Part 3 of the EPBC Act

PART 3 MATTER PROTECTED	OUTCOMES
World heritage values of declared World Heritage properties	The outstanding universal value of world heritage properties will be identified, protected, conserved and transmitted to future generations.
National heritage values of declared National Heritage places	The outstanding value to the nation of national heritage places will be protected, conserved and transmitted to future generations of Australians.
The ecological character of declared Ramsar wetlands	The ecological character of each Ramsar wetland will be maintained, and the conservation use of each wetland will be promoted for the benefit of humanity in a way that is compatible with maintenance of the natural properties of the ecosystem.
Listed threatened species and ecological communities	The survival and conservation status of listed threatened species and ecological communities will be promoted and enhanced, including through the conservation of critical habitat and other measures contained in any recovery plans, threat abatement plans or conservation advices.
Listed migratory species	The survival and conservation status of listed migratory species and their critical habitat will be promoted and enhanced.
The marine environment	The ecosystem functioning and integrity of Commonwealth marine areas will be maintained and protected in conformity with relevant marine bioregional plans and plans of management for relevant marine reserves.
The environment on Commonwealth land	The environment on Commonwealth land will be maintained and protected in full conformity with relevant plans of management.

PART B: THE PROGRAM

The Program comprises the environmental management authorisation process for offshore petroleum and greenhouse gas activities in accordance with the OPGGS Act and OPGGS(E) Regulations. The Program is supported by comprehensive non-legislative regulatory policy and guidance, which are amended from time to time.

This Program details the activities (classes of actions) that are subject to environmental management authorisation process of the OPGGS Act and OPGGS(E) Regulations.

This Program constitutes the “policy, plan or program” pursuant to section 146 of the EPBC Act.

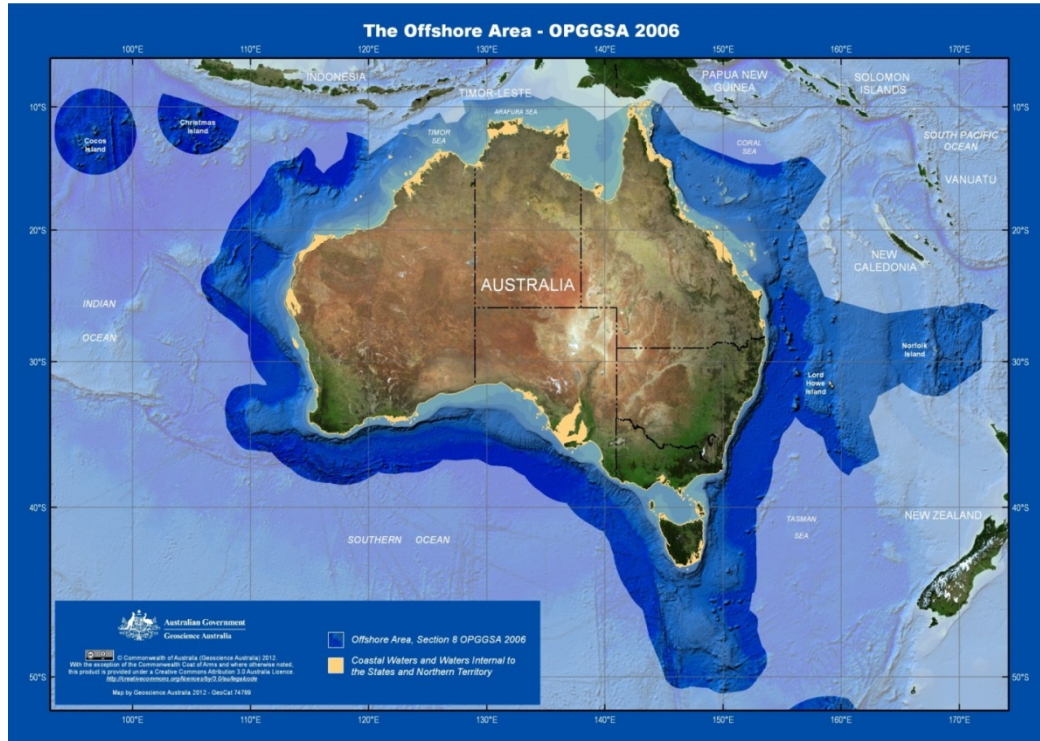
2 Offshore Petroleum and Greenhouse Gas Storage Act 2006

2.1 OPGGS Act – object and outline

The object of the OPGGS Act is to provide an effective regulatory framework for petroleum exploration and recovery, and the injection and storage of greenhouse gas substances in offshore areas.

The Program includes activities authorised by titles, permits and licences under the OPGGS Act in Commonwealth waters (those areas more than three nautical miles from the Territorial sea baseline and within the Commonwealth Petroleum Jurisdiction Boundary), as well as petroleum activities in state or Northern Territory designated coastal waters where environmental management functions have been conferred under legislation (see Figure below). The OPGGS Act is supported by regulations covering matters such as safety, diving, petroleum resource management and environmental management.

Figure 1: Map of Australia showing the offshore areas covered under the OPGGS Act



Petroleum activities are prohibited in certain marine reserves such as International Union for the Conservation of Nature categories I, II and IV zones, and would not be authorised under the OPGGS Act. Construction and maintenance of pipelines may be authorised in IUCN category IV zones.

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The OPGGS Act sets up a system for regulating petroleum and greenhouse gas activities in Commonwealth waters including exploration for and recovery of petroleum, construction and operation of infrastructure facilities relating to petroleum or greenhouse gas substances, construction and operation of pipelines for conveying petroleum or greenhouse gas substances, exploration for potential greenhouse gas storage formations, and injection and storage of greenhouse gas substances.

The OPGGS Act provides for the grant of a range of petroleum and greenhouse gas titles, for example a petroleum exploration permit, petroleum retention lease, petroleum production licence, infrastructure licence, pipeline licence, greenhouse gas assessment permit, greenhouse gas holding lease and greenhouse gas injection licence.

The OPGGS Act establishes NOPSEMA as the Commonwealth Statutory Agency responsible for the administration of health and safety, structural integrity, and environmental management of all offshore petroleum and greenhouse gas storage activities.

2.2 Role of NOPSEMA

NOPSEMA is the regulator of environmental management law under the Commonwealth offshore petroleum and greenhouse gas legislation, which includes the OPGGS Act and the OPGGS(E) Regulations. Specifically NOPSEMA:

- develops and implements effective monitoring and enforcement strategies to ensure compliance under environmental management law
- investigates accidents, occurrences and circumstances with regard to deficiencies in environmental management
- monitors environmental incidents and reports investigations to the responsible Commonwealth Minister and state and Northern Territory ministers
- assesses Environment Plans, including associated oil pollution emergency plans
- provides advice to persons on matters relating to environmental management
- provides information, assessments, analysis, reports, advice and recommendations to the responsible Commonwealth Minister on petroleum and greenhouse gas activities
- provides contracts for related services on a cost recovery basis for state/Northern Territory governments and foreign governments.

NOPSEMA operates on a full cost recovery basis provided for under the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003* and the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Regulations 2004*. Assessment and compliance of Environment Plans is funded through Environment Plan levies, collected from titleholders on submission of an Environment Plan to NOPSEMA under the OPGGS(E) Regulations, and via a fee-for-service for the assessment of Offshore Project Proposals.

2.3 Environmental management under the OPGGS Act

In addition to establishing the regulatory regime for environmental management authorisation, the OPGGS Act has other relevant powers, detailed below.

- The OPGGS Act requires that an activity in an offshore area under a permit, lease, authority or consent must be undertaken in a manner that does not interfere with:
 - navigation
 - fishing
 - conservation of the resources of the sea and seabed
 - any activities of another person being lawfully carried on by way of:
 - exploration for, recovery of or conveyance of a mineral

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- construction or operation of a pipeline
 - the enjoyment of native title rights and interests.
- The OPGGS Act requires operations to be carried out in accordance with good oilfield practice (all those things that are generally accepted as good and safe in carrying out of exploration for petroleum and petroleum recovery operations) and includes specific provisions addressing the prevention of the escape of petroleum and any mixture of water or drilling fluid with petroleum.
- The OPGGS Act requires titleholders, in the event of an escape of petroleum to eliminate or control the escape, clean up the escaped petroleum and remediate any resulting damage to the environment, and carry out environmental monitoring of the impact of the escape on the environment. If the titleholder fails to do any of these things, NOPSEMA or the responsible Commonwealth Minister may do them instead. The titleholder must reimburse NOPSEMA or the Commonwealth for the costs and expenses of any such action.
- The OPGGS Act provides for NOPSEMA (or the responsible Commonwealth Minister) to give written directions to titleholders covering all aspects of petroleum exploration and production including compliance with regulations made under the OPGGS Act. The OPGGS Act provides similar direction giving ability for greenhouse gas activities.
- The OPGGS Act further provides for remedial directions by NOPSEMA with regard to the restoration of the environment for the following matters: the removal of property, plugging or closing off of wells, conservation and protection of natural resources, and the making good of damage to the seabed or subsoil on current or former titleholders.
- The OPGGS Act requires a titleholder to maintain in good condition and repair all structures that are, and all equipment and other property that is, in the title area and used in connection with the operations authorised by the permit, lease, licence or authority.

3 OPGGS (Environment) Regulations – environmental management authorisation process

The OPGGS(E) Regulations have been made under the OPGGS Act and provide an objective-based regime for the management of environmental performance for Australian offshore petroleum exploration and production and greenhouse gas storage activities in areas of Commonwealth jurisdiction. An objective-based regulatory approach is described further in Section 3.1.

The OPGGS(E) Regulations have the objective of ensuring any activity is carried out:

- in a manner consistent with the principles of ecologically sustainable development
- in a manner in which the environmental impacts and risks of the activity will be reduced to as low as reasonably practicable
- in a manner in which the impacts and risks will be of an acceptable level.

The OPGGS(E) Regulations are comprised of five parts:

- Part 1 details the objects, definitions, other administrative elements, and requirements for Offshore Project Proposals
- Part 2 details the requirements for Environment Plans
- Part 3 describes the requirements for notification of reportable and recordable incidents, and storage and accessibility of records
- Part 4 covers various miscellaneous regulations, including the requirements for titleholders of activities, and other procedural matters
- Part 5 details transitional arrangements.

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Under Part 1A and Part 2, the Program comprises two environmental assessment options; an Offshore Project Proposal and associated Environment Plan(s) or, an Environment Plan. For development-type projects, the Program requires submission of an Offshore Project Proposal to NOPSEMA for assessment. The Proposal must be accepted by NOPSEMA prior to the submission of any related Environment Plan(s). Titleholders are required to submit an Environment Plan for assessment to NOPSEMA prior to commencing any offshore petroleum or greenhouse gas activity. The activity must not commence if NOPSEMA has not accepted the Environment Plan.

The Program requires proponents of an offshore project to submit an Offshore Project Proposal to NOPSEMA for assessment on a 'whole of lifecycle' basis. The Offshore Project Proposal must include details of the project, environmental impacts and risks, environmental performance outcomes and a description of potential alternatives for the project. The Offshore Project Proposal, which will include public consultation, is accepted or refused by NOPSEMA. An accepted Offshore Project Proposal must be in place prior to submission and assessment of individual Environment Plans for the component activities. All petroleum and greenhouse gas storage activities, even where they are not likely to have an impact on a matter protected under Part 3 of the EPBC Act, require an Environment Plan accepted by NOPSEMA to proceed.

Titleholders may elect to prepare and submit an Offshore Project Proposal for a petroleum or greenhouse gas storage activity that is not part of a development project. NOPSEMA guidance will outline circumstances in which a titleholder may elect to submit an Offshore Project Proposal for these activities. The guidance will refer to consideration of potential impacts on matters protected under Part 3 of the EPBC Act and outline consultation requirements under the OPGGS(E) Regulations. The options available to a titleholder for different activities are depicted in Figure 2 (below).

Both Offshore Project Proposals and Environment Plans must identify and assess the potential impacts to matters protected under Part 3 of the EPBC Act as well as the broader environment. Offshore Project Proposals are subject to public consultation, and Environment Plans must demonstrate that appropriate consultation with persons or organisations whose functions, interests or activities could be impacted by the proposed petroleum or greenhouse gas activity has been undertaken.

The OPGGS(E) Regulations outline the requirements for Environment Plans, particularly that it is an offence for a titleholder to:

- commence an activity without “an Environment Plan in force for the activity”, that is, an Environment Plan for the activity which has been accepted by NOPSEMA
- carry out an activity in a way contrary to “the Environment Plan in force for the activity”
- continue an activity if new or increased environmental risk is identified, and this new or increased risk is not provided for in the “the Environment Plan in force for the activity”.

An Environment Plan submitted to NOPSEMA for assessment must meet the acceptance criteria detailed in the OPGGS(E) Regulations for acceptance. If NOPSEMA is not reasonably satisfied that an Environment Plan meets the acceptance criteria when first submitted, NOPSEMA cannot accept the Plan and must give the titleholder a reasonable opportunity to modify and resubmit the Plan. If, after the titleholder has had a reasonable opportunity to modify and resubmit the Environment Plan, NOPSEMA is still not reasonably satisfied that the Plan meets the acceptance criteria of the OPGGS(E) Regulations, NOPSEMA must refuse to accept the Plan.

An accepted Environment Plan will establish the legally binding environment management conditions that must be met by the titleholder and against which the regulator can secure compliance. A failure to comply with an accepted Environment Plan is an offence, and also provides grounds upon which NOPSEMA can withdraw its acceptance of an Environment Plan.

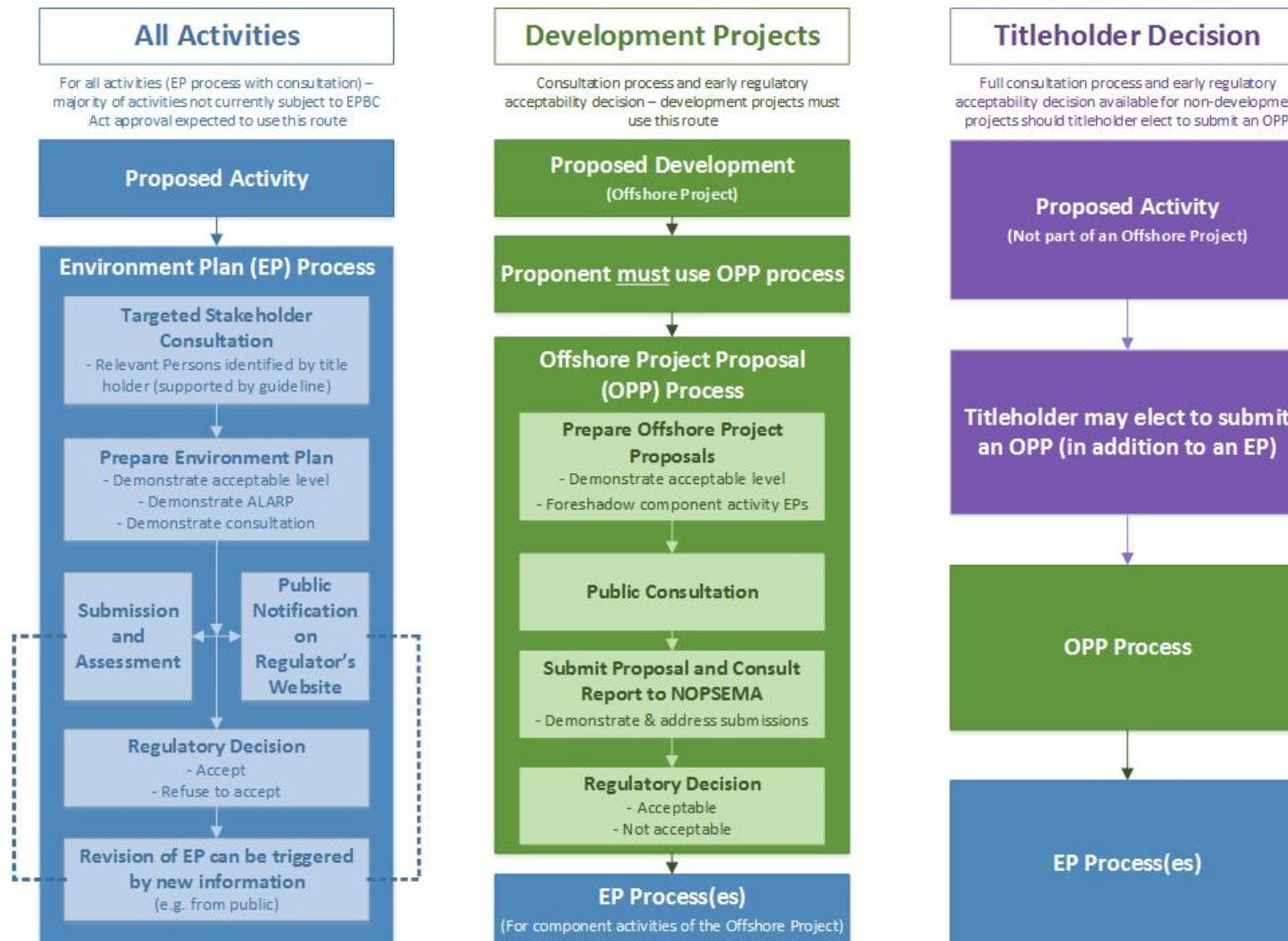
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An Environment Plan must include:

- a description of the activity
- a description of the environment that may be affected by the activity. The environment, defined broadly, includes ecosystems, natural and physical resources, and heritage values of places, and must consider EPBC Act Part 3 matters
- an assessment of the environmental impacts and risks of the activity
- proposed environmental performance outcomes, environmental performance standards and measurement criteria
- an implementation strategy for ensuring the outcomes and standards are met
- a statement of the titleholder's corporate environmental policy
- a report on consultation with relevant persons
- details of the reporting of all reportable incidents in relation to the proposed activity.

Offshore Project Proposals and Environment Plans must comply with all the requirements of the OPGGS Act and OPGGS(E) Regulations, including the commitments and undertakings in this Program for EPBC Act Part 3 matters.

Figure 2: The Program's environmental assessment process



3.1 Objective-based regulation

The Program is an objective-based regulatory regime. This means that the regulation does not prescribe specific processes, standards or procedures, but rather, regulates through the achievement of environmental objectives. Proponents are able to determine how objectives are to be achieved by adopting the approach best suited to the particular circumstances, within the parameters of the OPGGS(E) Regulations, which stipulate that:

- broad environmental objectives or outcomes be established
- an Offshore Project Proposal be developed to provide an early examination of environmental impacts and risks where the proposal is related to production, or the titleholder seeks to have other activities subject to this process
- titleholders are to provide an Environment Plan that demonstrates how they will achieve those objectives by proposing management arrangements and by providing evidence of how the application of these arrangements will achieve the environmental objectives
- NOPSEMA can accept an Environment Plan only where it meets certain acceptance criteria that align with environmental objectives. Acceptance criteria include demonstrating that environmental impacts and risks of the activity are of an acceptable level and that appropriate measurable environmental performance outcomes and environmental performance standards are set.

Objective-based regulation is consistent with the principles of ecologically sustainable development and establishes a framework in which titleholders are required to set out how they propose to undertake an activity. The primary objective is to ensure that environmental impacts and risks of the activity are reduced to as low as reasonably practicable and are of an acceptable level.

Under an objective-based regime, individual titleholders adopt environmental management practices and technologies best suited to individual circumstances, activities and locations, subject to demonstrating that environmental performance outcomes and environmental performance standards will be met.

Objective-based regulation provides a legislative framework with the following benefits:

- consistent with the principles of ecologically sustainable development
- provides for assessment of all environmental impacts and risks on a project specific basis
- minimises environmental impacts and risks for approved proposals
- encourages adoption of best practice environmental management systems and continuous improvement in all aspects of a titleholder's environmental performance
- reduces industry costs by allowing timely adoption of improved practices and technologies
- reduces government costs by eliminating the need for changes to regulations to meet rapidly changing industry practices and technology
- provides transparent and accountable acceptance and compliance processes.

Comprehensive advice to support the OPGGS(E) Regulations, which outlines NOPSEMA's administrative approach is available to assist industry in complying with the OPGGS(E) Regulations.

3.2 Key terms and definitions

3.2.1 Activity

A petroleum activity is any operations or works in an offshore area carried out for the purpose of exercising a right conferred on a petroleum titleholder under the OPGGS Act by a petroleum title, or discharging an obligation imposed on a petroleum titleholder by the OPGGS Act or a legislative instrument under the OPGGS Act.

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Examples of petroleum activities include:

- seismic surveys
- drilling
- construction and installation of a facility
- operation of a facility
- significant modification of a facility
- decommissioning, dismantling or removing a facility
- construction and installation of a petroleum pipeline
- operation of a petroleum pipeline
- significant modification of a petroleum pipeline
- decommissioning, dismantling or removing a petroleum pipeline.

A greenhouse gas activity is any operations or works in an offshore area carried out under a greenhouse gas title, other authority or consent under the OPGGS Act or OPGGS(E) Regulations and any activity relating to greenhouse gas exploration, injection or storage that may have an impact on the environment. Greenhouse gas activities include:

- seismic surveys
- drilling
- construction and installation of a facility
- operation of a facility
- significant modification of a facility
- decommissioning, dismantling or removing a facility
- construction and installation of a greenhouse gas pipeline
- operation of a greenhouse gas pipeline
- significant modification of a greenhouse gas pipeline
- decommissioning, dismantling or removing a greenhouse gas pipeline
- injection and storage of greenhouse gas.

3.2.2 Title and titleholder

A title is an authority granted by an instrument under the OPGGS Act for the carrying out of an offshore petroleum or greenhouse gas activity (i.e. permit, licence, authority, and lease).

The titleholder is the registered person who holds the authority for carrying out an activity (i.e. a permit or licence). Titleholder means a petroleum titleholder or greenhouse gas titleholder under the Program.

The titleholder is responsible for ensuring their activities are planned and carried out in a way that does not result in unacceptable impacts on matters protected under Part 3 of the EPBC Act.

3.2.3 Principles of ecologically sustainable development

One object of the OPGGS(E) Regulations is to ensure that any petroleum activity or greenhouse gas storage activity in an offshore area is carried out in a manner consistent with the 'principles of ecologically sustainable development', as set out in the EPBC Act. The OPGGS(E) Regulations do not define principles of ecologically sustainable development, but in the EPBC Act they encompass the following tenets:

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- (a) decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations
- (b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation
- (c) the principle of inter-generational equity--that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations
- (d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making
- (e) improved valuation, pricing and incentive mechanisms should be promoted

3.2.4 Environment

The OPGGS(E) Regulations define environment as ecosystems and their constituent parts, including people and communities; natural and physical resources; the qualities and characteristics of locations, places and areas; the heritage value of places; and includes the social, economic and cultural features of these matters.

Note that this definition was clarified and made consistent with the definition of environment under the EPBC Act as a result of a 2005 regulatory amendment.

The definition of environment incorporated in the Program encompasses all aspects of the environment including, but not limited to, EPBC Act Part 3 protected matters. As a result, all Program functions relating to protection of the environment apply for EPBC Act Part 3 matters.

3.2.5 Environmental performance outcomes

Environmental performance outcomes means measurable performance targets set for the management of the environmental aspects of an activity to ensure that environmental impacts and risks will be of an acceptable level. This requirement ensures that titleholders are aware that they must set clear, measurable goals for their environmental performance, which can be monitored to determine if those outcomes are being met.

In developing environmental performance outcomes, titleholders must consider the existing environment which includes, but is not limited to, EPBC Act Part 3 protected matters. Titleholders must also address legislative and other controls that manage environmental features of the activity, which includes, but is not limited to, management guidance and standards relevant to EPBC Act Part 3 protected matters.

3.2.6 Environmental performance standards and control measures

An environmental performance standard is a statement of performance required of a control measure. A control measure is a system, an item of equipment, a person or a procedure that is used as a basis for managing environmental risk for the duration of the activity.

As with environmental performance outcomes, when developing environmental performance standards and control measures, titleholders must consider the existing environment which includes, but is not limited to, EPBC Act Part 3 matters. Titleholders must also address legislative and other controls that manage environmental features of the activity, which include, but are not limited to, management guidance and standards relevant to EPBC Act Part 3 matters.

4 Offshore Project Proposal

The Program requires proponents of an offshore project to submit an Offshore Project Proposal to NOPSEMA for assessment. An accepted Offshore Project Proposal must be in place prior to submission and assessment of Environment Plans for the individual component activities.

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An offshore petroleum or greenhouse gas project² consists of one or more of the following:

- construction of facilities or pipelines
- operation of facilities or pipelines
- recovery of petroleum other than on an appraisal basis
- injection of greenhouse gas
- permanent storage of greenhouse gas.

The purpose of an Offshore Project Proposal is to:

- provide the public with an opportunity to review and provide input during the development of environmental management strategies for offshore petroleum or greenhouse gas development projects
- provide the proponent with the opportunity to develop a comprehensive list of relevant persons for consultation during the subsequent Environment Plan process
- allow NOPSEMA to make an assessment of the acceptability of proposed offshore petroleum or greenhouse gas development projects.

4.1 Offshore Project Proposal – submission

A proponent proposing to undertake an offshore petroleum or greenhouse gas project must submit an Offshore Project Proposal to NOPSEMA for public comment and assessment. To be accepted, Offshore Project Proposals must comply with all the regulatory requirements of the Offshore Project Proposal process, including the public consultation components.

4.2 Offshore Project Proposal – content

The Program specifies the following content requirements for an Offshore Project Proposal:

- details of the offshore project proponent
- a summary of the project, including:
 - a description of each of the activities that will be carried out for the project
 - the location or locations of the activities
 - a description of the facilities proposed to be used to carry out the activities
 - proposed timetables for carrying out the activities
- description of the existing environment that may be affected by the project
- details of the particular relevant values and sensitivities of that environment, including relevant matters protected under Part 3 of the EPBC Act
- details of the environmental impacts and risks for the project
- an evaluation of all the impacts and risks
- environmental performance outcomes for the activities that will be carried out for the project
- description of the legislative and other requirements that apply to the project and are relevant to the environmental management of the project
- description of feasible alternatives to the activities that will be carried out for the project.

² The OPGGS(E) Regulations identify the activities that require an Offshore Project Proposal. The OPGGS(E) Regulations will include greenhouse gas injection and permanent storage activities in this definition prior to approval of that class of action (or those classes of actions) by the Minister for the Environment in accordance with the Program.

4.3 Offshore Project Proposal – public consultation

Under the Program, NOPSEMA will determine that the Offshore Project Proposal is suitable for public comment if the proposal:

- appropriately identifies and evaluates the environmental impacts and risks for the project
- includes information sufficient to enable persons to make an informed assessment of whether the environmental impacts and risks of the project will be appropriately managed
- contains environmental performance outcomes that are consistent with the principles of ecologically sustainable development and are relevant to the identified environmental impacts and risks for the project

In the Offshore Project Proposal process, formal consultation for a statutory minimum of four weeks occurs during the public comment period and relevant documentation is made available on NOPSEMA's website. NOPSEMA advice material indicates that proponents, as part of good industry practice, should also undertake early consultation with stakeholders in the preparation of an Offshore Project Proposal and in the lead up to the mandatory public comment period. This consultation should inform the identification of environmental sensitivities, impacts and risks and the development of environmental performance outcomes for the project.

4.4 Offshore Project Proposal – revision

Following the period of public comment, the proponent must revise the Offshore Project Proposal to include:

- a summary of all public comments received
- an assessment of the merits of any objection or claim about adverse impacts of the project
- a statement of the proponent's response to any objection or claim, including a description of what changes, if any, have been made to the project.

The revision is then submitted to NOPSEMA for assessment.

4.5 Offshore Project Proposal – assessment and acceptance process

The Program stipulates that the following regulatory requirements be met for an Offshore Project Proposal to be accepted:

- the Offshore Project Proposal meets the content requirements of the OPGGS(E) Regulations and contains sufficient information to allow the public to make meaningful comment
- issues raised during the public comment period have been adequately addressed
- the Offshore Project Proposal meets the acceptance criteria of the OPGGS(E) Regulations.

NOPSEMA must accept the Offshore Project Proposal if it:

- adequately addresses comments given during the period for public comment; and
- is appropriate for the nature and scale of the project; and
- appropriately identifies and evaluates the environmental impacts and risks for the project; and
- does not involve an activity or part of an activity being conducted in any part of a declared World Heritage property within the meaning of the EPBC Act; and
- contains appropriate environmental performance outcomes.

If on resubmission, the Offshore Project Proposal does not meet the criteria specified above, NOPSEMA may request further written information about any matters to be included in the Offshore Project Proposal. If after the submission of

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further written information, the acceptance criteria are still not met, NOPSEMA must refuse to accept the Offshore Project Proposal.

Upon acceptance of the revised Offshore Project Proposal it is published on NOPSEMA's website. Should NOPSEMA refuse to accept the Offshore Project Proposal, a notification and a statement of the refusal is published.

4.5.1 Appropriate to the nature and scale of the project

All aspects of the Offshore Project Proposal must be appropriate to the nature and scale of the project, while meeting all the requirements of the OPGGS(E) Regulations. General requirements for an Offshore Project Proposal are relative to the sensitivity of the receiving environment and also to the project's size, complexity, environmental impacts and risks.

The Offshore Project Proposal must describe the existing environment that may be affected by the project, including details of the particular relevant values and sensitivities (if any) of that environment, including other relevant activities, and potential cumulative impacts and risks over the short and longer term.

4.5.2 Identification and evaluation of impacts and risk

The Offshore Project Proposal must describe and evaluate the environmental impacts and risks for the project. This requires identification of the relevant environmental values and sensitivities, which, under the Program, includes, but is not limited to, EPBC Act Part 3 matters. The evaluation must include all of the impacts and risks arising directly or indirectly from all future activities and potential emergency conditions.

4.5.3 Appropriate environmental performance outcomes

The Offshore Project Proposal defines the environmental performance outcomes to be achieved to protect the environment and to ensure that the impacts and risks arising from the project and activities to be undertaken as part of the project will be managed to an acceptable level.

4.5.4 Activity not proposed to take place in a declared World Heritage property

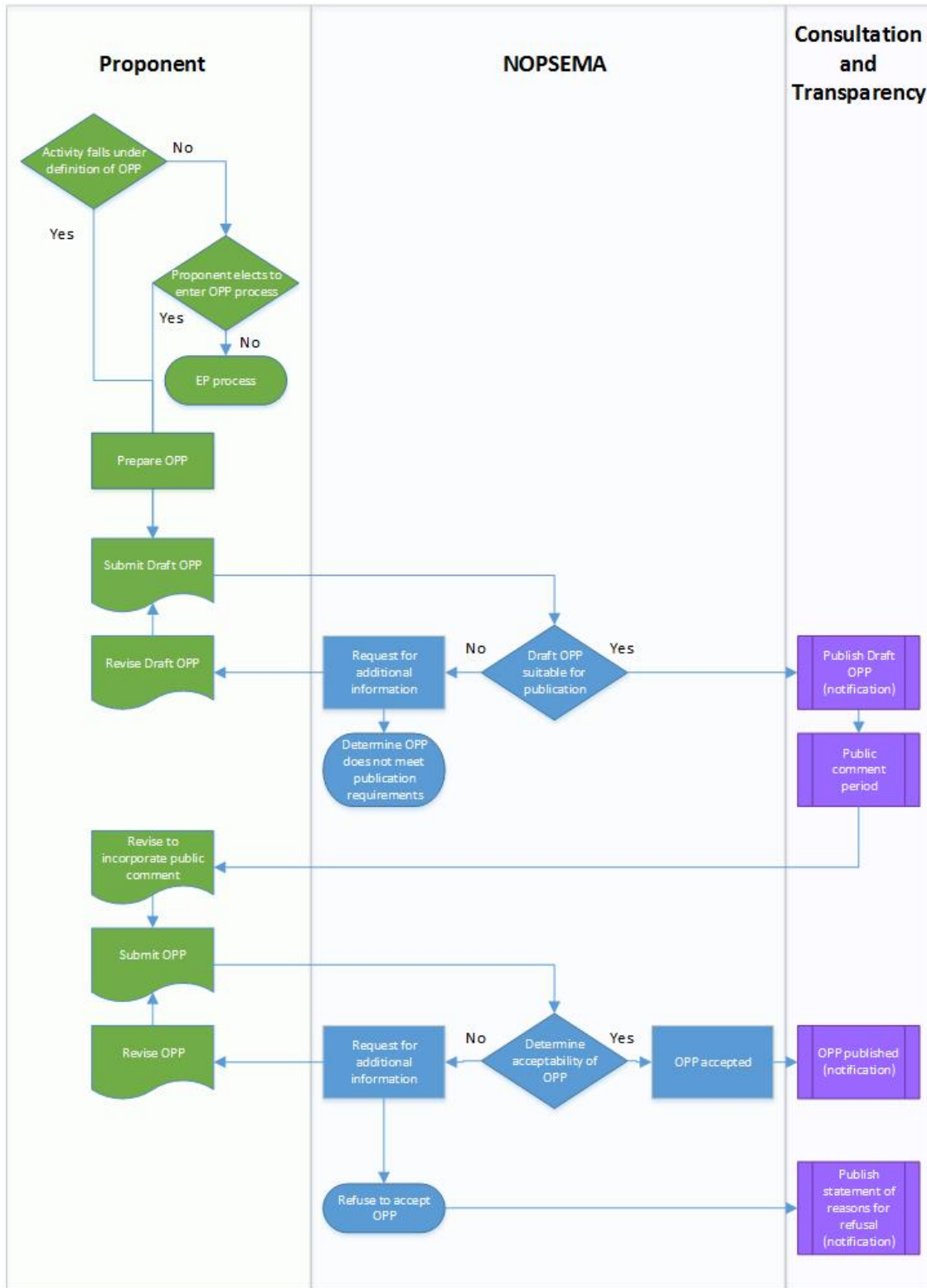
The Offshore Project Proposal cannot propose an activity, or part of an activity, that is to be undertaken within a declared World Heritage property within the meaning of the EPBC Act.

4.5.5 Adequately addresses public comments

In the course of preparing the Offshore Project Proposal, the proponent must publish the Offshore Project Proposal for public comment for a minimum of four weeks. The revised Offshore Project Proposal must demonstrate that all public submissions have been adequately addressed, and that any appropriate management or other measure resulting from the public comment has been considered and adopted.

If an Offshore Project Proposal is submitted to NOPSEMA that does not meet the acceptance criteria for an Offshore Project Proposal, NOPSEMA must refuse to accept the Offshore Project Proposal. Unless there is an accepted Offshore Project Proposal for a project, a titleholder cannot submit an Environment Plan for the related activities to NOPSEMA for assessment and those activities cannot commence.

Figure 3: The Program’s environmental assessment process for Offshore Project Proposals



5 Environment Plan

5.1 Environment Plan – acceptance requirements

The OPGGS(E) Regulations are consistent with system-based approaches such as those described in international standards (e.g. International Organisation for Standardisation (ISO) and Standards Australia/Standards New Zealand (AS/NZS) standards), and key processes of these systems are embodied in the regulatory requirements.

NOPSEMA must accept an Environment Plan if it is reasonably satisfied that the Environment Plan:

- is appropriate for the nature and scale of the activity or proposed use; and
- demonstrates that the titleholder has carried out the required consultation and details any measures that the titleholder proposes to adopt because of the consultation; and
- demonstrates that the environmental impact and risks of the activity will be reduced to as low as reasonably practicable; and
- demonstrates that the environmental impact and risks of the activity will be of an acceptable level; and
- provides for appropriate environmental performance outcomes, environmental performance standards and measurement criteria; and
- includes an appropriate implementation strategy and monitoring, recording and reporting arrangements; and
- does not involve the activity or part of the activity, other than arrangements for responding to oil pollution or monitoring the effects of oil pollution, being conducted in any part of a declared World Heritage property within the meaning of the EPBC Act.

An Environment Plan must comply with all the requirements of the OPGGS Act and OPGGS(E) Regulations, including the commitments and undertakings in this Program for EPBC Act Part 3 matters.

5.1.1 Appropriate to nature and scale of the activity

All aspects of the Environment Plan must be appropriate to the nature and scale of the activity or proposed use, while meeting all the requirements of the OPGGS(E) Regulations. General requirements for an Environment Plan are relative to the sensitivity of the receiving environment and also to the activity's size, complexity, and environmental impacts and risks inherent to the specific activity.

The Environment Plan must evaluate all impacts and risks of the activity in the context of the environment in which the activity is to take place. This includes other relevant activities and potential cumulative impacts and risks over the short and longer term. A higher expectation in terms of the general scope, depth, detail, comprehensiveness, information support, analysis, justification and evidence provided is applied to a large and complex activity with a high potential for environmental impact and risk, and predictive uncertainty, than for a small and straightforward activity in an area of low environmental sensitivity and where there may be a high degree of confidence in impact prediction.

5.1.2 Consultation

In the course of preparing the Environment Plan, or a revision of an Environment Plan, the titleholder for an activity must consult with relevant persons including a person or organisation whose functions, interests or activities may be affected by the activities to be carried out under the Environment Plan, or any other person or organisation that the titleholder considers relevant. The Environment Plan must demonstrate that consultation processes are in place and that the titleholder, having undertaken appropriate consultation in preparation of the Environment Plan, has adopted any appropriate management measures resulting from the consultation. The Environment Plan, through the implementation strategy, must provide for appropriate ongoing consultation for the life of the activity.

5.1.3 Impacts and risks of the activity will be ALARP and acceptable

The Environment Plan evaluates and demonstrates that impacts and risks are of an acceptable level and ALARP. Demonstrating acceptability is achieved by evaluating environmental impacts and risks (including direct and indirect impacts from operational and potential emergency conditions) against acceptable levels that are defined and justified by the titleholder. Demonstrating that environmental impacts and risks are ALARP requires the provision of evidence that the impacts and risks have been modified to a level that is ALARP.

Demonstrating that the environmental impacts and risks of an activity will be reduced to ALARP and will be of an acceptable level requires the titleholder to evaluate all impacts and risks of the activity in the context of the environment in which the activity is to take place. This includes other relevant activities and potential cumulative impacts and risks over the short and longer term.

5.1.4 Appropriate environmental performance outcomes, environmental performance standards and measurement criteria

The Environment Plan defines the environmental performance outcomes and sets the environmental performance standards against which the environmental performance of the titleholder, in protecting the environment, is to be measured during the operational phase. The Environment Plan must also provide for appropriate measurement criteria that will allow the titleholder to determine if the performance outcomes and performance standards have been met.

5.1.5 Appropriate implementation strategy, and monitoring, recording and reporting arrangements

The Environment Plan includes an implementation strategy that provides a systematic approach to ensure the environmental performance outcomes and environmental performance standards of the plan are implemented, and continuously monitored. The implementation strategy must describe the environmental management system that will be in place to ensure that impacts and risks will be continuously reduced to ALARP, and that requirements are met as set out in the OPGGS(E) Regulations, including the effectiveness of control measures, monitoring, recording and oil pollution emergency response planning.

The implementation strategy must provide for appropriate ongoing consultation with relevant authorities of the Commonwealth, a state or territory, and other relevant interested persons or organisations.

5.1.6 Activity not to take place in a declared World Heritage property

The Environment Plan cannot propose an activity, or part of an activity, that is to be undertaken within a declared World Heritage property within the meaning of the EPBC Act. An Environment Plan may be accepted (should it meet all the other acceptance requirements) if it is for an activity that is proposed to occur outside of a World Heritage property but where the titleholder considers it appropriate to propose arrangements for environmental monitoring or responding to an emergency, that may be necessary to protect the values of a World Heritage property.

5.2 Environment Plan – contents

An Environment Plan must include the matters described below.

5.2.1 Description of the activity

The Environment Plan must contain a comprehensive description of the activity. The Environment Plan must identify and describe all activities relevant to the environmental impacts and risks of the activity.

5.2.2 Description of the environment

The Environment Plan must describe the existing environment that may be affected by the activity, as well as any relevant cultural, social and economic aspects of the environment that may be affected and include details of the particular relevant values and sensitivities of that environment.

The Program defines the environment in a manner consistent with the EPBC Act, including not limited to EPBC Act Part 3 protected matters. Titleholders must describe the particular relevant values and sensitivities of the environment explicitly including the identification of any relevant matters protected under Part 3 of the EPBC Act.

5.2.3 Description of requirements

The Environment Plan must describe the requirements that apply to the activity, the environmental management of the activity and the context of the activity. These requirements influence the assessment and management of the activity, and the development of environmental performance outcomes and environmental performance standards.

Requirements that may be relevant to the activity include, among other things, relevant laws, codes, standards, agreements, treaties, conventions or practices that apply to the jurisdiction in which the activity will take place, or other jurisdictions.

In addressing these requirements, titleholders must consider, among other things, policies, guidance, standards and other information sources relevant to EPBC Act Part 3 protected matters.

5.2.4 Identification and evaluation of environmental impacts and risks

The Environment Plan must include details of the environmental impacts and risks for the activity and an evaluation of all the impacts and risks. This must include an evaluation of all the impacts and risks arising directly or indirectly from all operations of the activity and potential emergency conditions.

The titleholder must identify and analyse all of the activity's environmental impacts and risks by detailing and documenting their nature and severity, including their sources, potential events, and potential consequences and also estimate the magnitude and duration of impacts and risks.

Identifying and evaluating environmental impacts and risks for the activity requires identification of the relevant environmental values and sensitivities, which under the Program includes but is not limited to EPBC Act Part 3 matters.

5.2.5 Environmental performance outcomes and standards

The Environment Plan must include environmental performance outcomes, environmental performance standards and measurement criteria that address legislative and other controls that manage environmental features of the activity. It must also define the outcomes and set the standards against which the titleholder's performance in protecting the environment is to be measured. These must include measurement criteria for determining whether the outcomes and standards have been met.

In developing environmental performance outcomes and standards, titleholders must consider the existing environment and environmental impacts and risks which include, but are not limited to, consideration of EPBC Act Part 3 matters and the predicted effectiveness of management measures. Titleholders must also address legislative and other controls that manage environmental features of the activity, which include but are not limited to, management guidance and standards relevant to EPBC Act Part 3 matters.

5.3 Review of Environment Plans

A titleholder must submit a proposed revision of an Environment Plan to NOPSEMA when:

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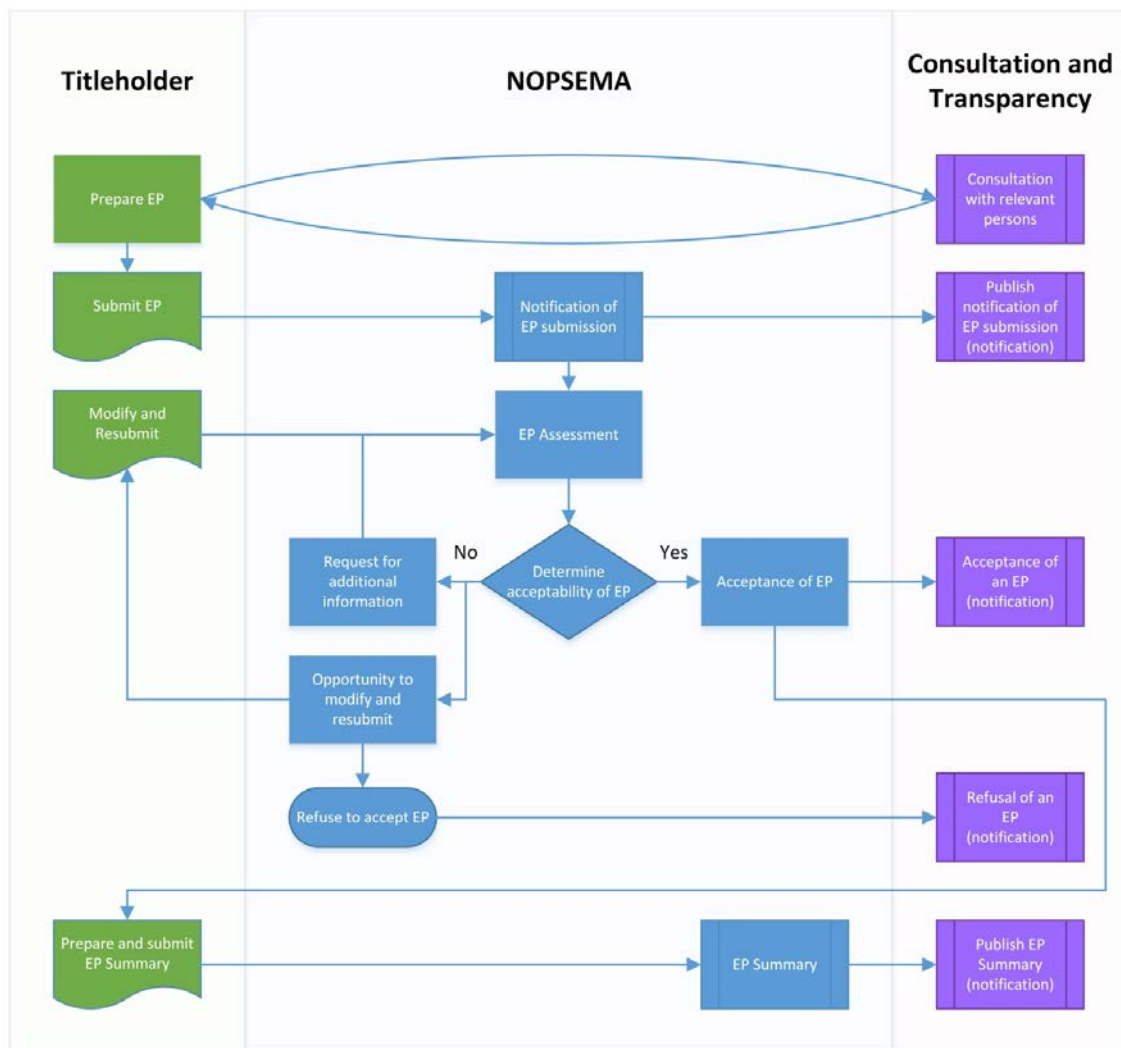
- a new activity, significant modification or new stage of an activity is proposed to commence, which is not provided for in the Environment Plan in force
- NOPSEMA formally requests a revised Environment Plan from a titleholder, for a particular reason
- an accepted Environment Plan has been in place for five years
- there is a change in the titleholder for the activity that will result in a change in the manner in which the environmental impacts and risks for the activity are managed
- there is the occurrence of any significant new, or series of new, environmental impacts or risks, or a significant increase in an existing environmental impact or risk, not provided for in the Environment Plan in force for the activity.

Proposed revisions to an Environment Plan submitted to NOPSEMA under these circumstances will be assessed by NOPSEMA, in accordance with the OPGGS(E) Regulations. In addition, the provisions of the Environment Plan in force for the activity existing immediately before any proposed revision was submitted remain in force, until such time that the proposed revision has been accepted by NOPSEMA.

5.4 NOPSEMA Environment Plan assessment and decision process

An overview of the Environment Plan process is provided in the figure below.

Figure 4: The Program’s environmental management assessment process for Environment Plans



5.5 Notification of submission and assessment decision

When NOPSEMA receives an Environment Plan submission, it will publish the following information its website:

- date of the submission
- name of the titleholder making the submission
- type or types of activities to which the submission relates
- location of the activity or activities to which the submission relates
- contact details of the titleholders nominated liaison for the submission.

The information on the website will be updated as soon as practicable with the status of NOPSEMA's assessment including whether it has decided to accept or refuse to accept the submission.

5.6 NOPSEMA decision

NOPSEMA will notify the titleholder of a decision on its assessment of the Environment Plan within 30 days, commencing the day after the Environment Plan is submitted.

NOPSEMA will make one of the following decisions:

- accept the Environment Plan
- refuse to accept the Environment Plan
- unable to make a decision on the Environment Plan within the 30-day time limit (a revised timeframe will be set)
- request further written information from the titleholder about any matter contained within the Environment Plan.

5.6.1 Acceptance of the Environment Plan

If NOPSEMA is reasonably satisfied that the Environment Plan meets the acceptance criteria of the OPGGS(E) Regulations, then NOPSEMA must accept the plan. Acceptance criteria are the key element of the objective-based regime as they set the outcomes that must be achieved before an activity can proceed.

Environment Plan acceptance criteria and content requirements are provided in the OPGGS(E) Regulations and are outlined in this document. NOPSEMA provides guidance on interpretation of these criteria and content requirements and NOPSEMA's approach to the assessment and acceptance process.

NOPSEMA assesses the adequacy of the Environment Plan based on the content of the submission against the acceptance criteria. In the first instance, the Environment Plan is assessed in general terms, to determine if it is appropriate to the activity and its surrounding environment, and complies with all criteria and content requirements for each stage of the activity to which the Environment Plan applies.

NOPSEMA then conducts a detailed assessment by considering the extent to which the Environment Plan adequately addresses the criteria, content and appropriateness requirements with respect to key areas that focus on the components of the activity that pose the highest potential environmental risk. The scope of this part of the assessment is informed by any relevant prior assessments, inspections and investigations. In addition, factors are considered such as levels of risk, uncertainty, use of innovative technology and the timing and geographical location of particular activities and whether appropriate consultation has occurred.

NOPSEMA may also take into consideration any other information that is relevant, such as environmental data.

5.6.2 Reasonable opportunity to modify and resubmit

If NOPSEMA is not reasonably satisfied that an Environment Plan meets the acceptance criteria when first submitted, NOPSEMA cannot accept the Environment Plan and must give the titleholder a reasonable opportunity to modify and resubmit the plan. NOPSEMA provides the opportunity to modify and resubmit an Environment Plan based on the circumstances in which the resubmission is being made. Opportunities to modify and resubmit are provided as a written notification.

Upon resubmission of a modified Environment Plan to NOPSEMA, an additional 30-day period (commencing the day after resubmission of the Environment Plan) applies to decision-making for the resubmitted plan.

5.6.3 Refusal to accept the Environment Plan

If, after the titleholder has had a reasonable opportunity to modify and resubmit the Environment Plan, NOPSEMA is still not reasonably satisfied that the Environment Plan meets the acceptance criteria of the OPGGS(E) Regulations, NOPSEMA must refuse to accept the plan.

5.6.4 Unable to make a decision

NOPSEMA may notify a titleholder that it is unable to make a decision within the 30-day period commencing the day after the submission of the Environment Plan, and set out a proposed timetable in which to complete the assessment.

NOPSEMA must provide the titleholder with reasons for being unable to make a decision within the statutory timeframe; these may include the following:

- NOPSEMA is not reasonably satisfied that the Environment Plan meets the acceptance criteria of the OPGGS(E) Regulations and the titleholder is being given an opportunity to modify and resubmit the plan.
- Extended assessment time is required due to the complexity of the Environment Plan (e.g. for complex or large activities).

5.6.5 Request for further written information

NOPSEMA may request further written information about any matter required to be included in an Environment Plan, prior to making a decision to accept or refuse to accept the plan. A request for further written information can be made at any point in NOPSEMA's assessment process. Any request for additional information must be in writing, set out the matter(s) for which additional information is requested, and set a reasonable period for provision of the information by the titleholder. If further written information is submitted as requested, that additional information will become part of the Environment Plan as if it had been included in the Environment Plan when submitted (or re-submitted if applicable) to NOPSEMA.

5.6.6 Conditional or limited acceptance

In addition to NOPSEMA's ability to accept or refuse to accept an Environment Plan, NOPSEMA may also do either or both of the following:

- accept the plan in part for a particular stage of the activity
- impose limitations or conditions applying to operations for the activity.

5.6.7 Environment Plan summary for public disclosure

Within 10 days after receiving notification that NOPSEMA has accepted an Environment Plan, the titleholder must provide a summary of the information in the plan written in a style accessible to the public. NOPSEMA reviews this

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summary and either confirms to the titleholder that the content and style is satisfactory, or requests modification of the summary. The summary is published on NOPSEMA's website.

The Environment Plan summary must include the following:

- location of the activity
- description of the receiving environment
- description of the activity
- details of environmental impacts and risks
- summary of the control measures
- summary of the proposed arrangements for on-going monitoring of the titleholder's environmental performance
- summary of proposed oil pollution emergency response arrangements
- details of consultation already undertaken, and plans for ongoing consultation
- contact details of the titleholder's nominated liaison personnel for the activity.

Environment Plan summaries are placed on the NOPSEMA website for public access as soon as practicable after a version that satisfies NOPSEMA has been provided by the titleholder.

6 Post-acceptance compliance and enforcement

6.1 Environmental management compliance and enforcement

NOPSEMA has a legislated function to develop effective monitoring and enforcement strategies to ensure compliance by titleholders with their obligations under the Program.

The following legislated functions are provided under the Program:

- develop and implement effective monitoring and enforcement strategies to ensure compliance by persons with their obligations under environmental management law
- investigate accidents, occurrences and circumstances that involve, or may involve, deficiencies in environmental management in connection with operations in Commonwealth waters
- advise persons, either on NOPSEMA's own initiative or by request, on matters relating to environmental management.

6.2 NOPSEMA compliance monitoring of activities

NOPSEMA conducts inspections to assist in meeting legislative requirements in relation to environmental management, including effective monitoring and enforcement. Monitoring and enforcement is an activity that NOPSEMA prioritises equally with assessment of Environment Plan submissions.

NOPSEMA applies the following principles to its inspection activities, which represent leading practice regulation:

- Inspections focus on titleholder activities with the activity considered holistically such that all relevant structures, vessels, aircraft, buildings or places used in connection with an activity are considered in the planning process.
- Inspections are independent of titleholder inspections, audits and other related activities.
- The scope of an inspection is planned in advance, with, where necessary, deviation from an inspection brief during an inspection as a result of observations during the inspection.
- Instances of non-compliance with environmental management law evidenced through the inspection process are documented and provided to the titleholder following the completion of the inspection.

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NOPSEMA identifies and schedules inspections using a risk-based methodology that considers the following factors:

- environmental impacts and risks associated with activities
- previous environmental performance of the activity and/or titleholder, informed by inspections, incident history and other environmental performance factors
- industry trends in environmental recordable/reportable incident notifications
- duration of the activity
- the nature and scale of the activity.

In addition, titleholders are required to provide at least annual compliance reports including reports on audits of performance and management systems. NOPSEMA has the power to undertake, or direct the undertaking of, audits of performance or systems where they are not satisfied with the titleholder's reports.

Under the Program NOPSEMA will share relevant information with the Department of the Environment to facilitate any compliance actions under either the OPGGS Act or the EPBC Act. NOPSEMA will also report to the Minister for Industry, the Minister for the Environment and relevant state and territory ministers on compliance investigations under the Program that relate to EPBC protected matters. Incidents in relation to a petroleum or greenhouse gas storage activity that have resulted, or are likely to result, in serious or irreversible damage to protected matters will be, as soon as practicable, reported to the Minister for Industry and the Minister for the Environment.

6.3 NOPSEMA enforcement process

NOPSEMA has a wide range of response options that are graduated and are chosen to be proportionate to the risks presented by health and safety issues or non-compliances. These can be considered as either promotion of compliance or enforcement and are applied to environmental management activities.

These response options include:

- **Warning Letter:** Non-statutory enforcement tool that warns titleholders of the consequences of continuing non-compliance
- **Request to revise Environment Plan:** Administrative compliance tool that requires the titleholder to prepare and submit a revised Environment Plan. The current Environment Plan remains in force, and the titleholder can continue to undertake the activity, during this process
- **Direction:** Statutory enforcement tool under the Program that requires the titleholder to take action (or not take action). Failure to comply with a direction is a strict liability offence with associated penalty provisions under the Program. This option is most appropriate in situations where there is an immediate threat to the environment, or to prevent an incident or major environmental consequences, or address an unacceptable emissions or discharges
- **Withdrawal of acceptance of Environment Plan:** Administrative compliance tool that means the titleholder must cease conducting the activity. It is an offence under the Program to conduct an activity without an accepted Environment Plan in force for that activity. There are penalty provisions associated with this offence.

In the cases where the magnitude and risks presented by non-compliance are significant, or other enforcement measures have failed to secure compliance, compliance enforcement can extend to withdrawal of acceptance of an Environment Plan. Withdrawal of acceptance of an Environment Plan is a significant enforcement tool and the OPGGS(E) Regulations state that NOPSEMA must provide at least 30 days notice that it intends to withdraw acceptance of an Environment Plan. NOPSEMA is able to provide a copy of that notice to any person. NOPSEMA must specify a date on which the titleholder (and other persons) may provide a submission in relation to the notice, and must take such information provided to it into account before it withdraws acceptance of an Environment Plan. This provides for adequate transparency, natural justice and procedural fairness in the compliance enforcement activity in relation to meeting environmental objectives under the Program.

7 NOPSEMA's regulatory policies and guidelines

NOPSEMA has developed a series of documents to inform and assist titleholders to interpret and meet the requirements of the Program. These documents are subject to change, are updated from time-to-time, and additional documents are developed as the need is identified.

The list of guidance material on NOPSEMA's website relevant to the Program is provided below:

- assessment policy
- Environment Plan assessment policy
- environmental management inspection policy
- compliance and enforcement policy
- making assessment submissions to NOPSEMA guidelines
- Environment Plan content requirements guidance note
- regulator interpretation—petroleum activity guidance note
- oil pollution emergency planning guidance note
- notification and reporting of environmental incidents guidance note
- operational scientific monitoring programs.

Further guidance material that outlines particular Program requirements for EPBC Act Part 3 protected matters will be developed within six months of Program endorsement, and updated from time-to-time to reflect relevant changes to the Part 3 protected matters.

8 Program commitments

The Program will ensure that activities carried out do not have unacceptable impacts on the following matters protected under Part 3 of the EPBC Act:

- the World heritage values of a declared World Heritage property
- National heritage values of a declared National Heritage place
- the ecological character of a declared Ramsar wetland
- listed threatened species and ecological communities
- a listed migratory species
- the environment in a Commonwealth marine area
- the environment on Commonwealth land

The specific Program commitments that ensure this undertaking is met are provided below.

Table 2: Program commitments relating to EPBC Act Part 3 protected matters

PART 3 MATTER	VALUES	PROGRAM COMMITMENT
World heritage properties	The outstanding universal value of world heritage properties will be identified, protected, conserved and transmitted to future generations.	<ul style="list-style-type: none"> • NOPSEMA will not accept an Environment Plan that involves the activity or part of the activity, other than arrangements for environmental monitoring or for responding to an emergency, being conducted in any part of a declared World Heritage property within the meaning of the EPBC Act. • NOPSEMA will not accept an Environment Plan that proposes activities that will contravene a plan of management for a World Heritage property or proposes unacceptable impacts to the world heritage values of a World Heritage property. • If there is no plan of management for a World Heritage property, then NOPSEMA will take all reasonable steps to ensure that any accepted Environment Plan that refers to the property is not inconsistent with the Australian World Heritage management principles. • NOPSEMA will develop guidance (that will be updated from time to time) that titleholders should have regard to in the preparation of their Environment Plans. The guidance will: <ul style="list-style-type: none"> – make reference to consideration of the protection of the values of World Heritage properties – include references to relevant guidance documents to be considered by titleholders in preparing Environment Plans such as Statements of Outstanding Universal Value, plans of management and EPBC Act guidance documents. • In undertaking assessments, NOPSEMA will have regard to relevant policy documents, guidelines, Statements of Outstanding Universal Value and plans of management on the DoE website.
National heritage places	The outstanding value to the nation of national heritage places will be protected, conserved and transmitted to future generations of Australians.	<ul style="list-style-type: none"> • NOPSEMA will not accept an Environment Plan that proposes activities that will contravene a plan of management for a National Heritage place or proposes unacceptable impacts to the National heritage values of a National Heritage place. • If there is no plan of management for a National Heritage place, then NOPSEMA will take all reasonable steps to ensure that any accepted Environment Plan that refers to the place is not inconsistent with the National Heritage management principles. • NOPSEMA will develop guidance (that will be updated from time to time) that titleholders should have regard to in the preparation of their Environment Plans. The guidance will: <ul style="list-style-type: none"> – make reference to consideration of the protection of the values of National Heritage places – include references to relevant guidance documents to be considered by titleholders in preparing Environment Plans such as gazettal instruments and EPBC Act guidance documents. • In undertaking assessments, NOPSEMA will have regard to relevant policy documents, guidelines, gazettal instruments and plans of management on the DoE website.

PART 3 MATTER	VALUES	PROGRAM COMMITMENT
<p>Wetlands of international importance</p>	<p>The ecological character of each Ramsar wetland will be maintained, and the conservation use of each wetland is promoted for the benefit of humanity in a way that is compatible with maintenance of the natural properties of the ecosystem.</p>	<ul style="list-style-type: none"> • NOPSEMA will not accept an Environment Plan that proposes activities that will contravene a plan of management for a Ramsar wetland or proposes unacceptable impacts to the ecological character of a Ramsar wetland. • If there is no plan of management for a Ramsar wetland, then NOPSEMA will take all reasonable steps to ensure that any accepted Environment Plan that refers to the wetland is not inconsistent with the Australian Ramsar management principles. • NOPSEMA will develop guidance (that will be updated from time to time) that titleholders should have regard to in the preparation of their Environment Plans. The guidance will: <ul style="list-style-type: none"> – make reference to consideration of the protection of the ecological character of the Ramsar wetland – include references to relevant guidance documents to be considered by titleholders in preparing Environment Plans such as Ramsar Information Sheets, Ecological Character Descriptions and EPBC Act guidance documents. • In undertaking assessments, NOPSEMA will have regard to relevant policy documents, guidelines, Ramsar Information Sheets, Ecological Character Descriptions and plans of management on the DoE website.
<p>Listed threatened species and ecological communities</p>	<p>The survival and conservation status of listed threatened species and ecological communities will be promoted and enhanced, including through the conservation of critical habitat and other measures contained in any recovery plans, threat abatement plans or conservation advices</p>	<ul style="list-style-type: none"> • NOPSEMA will not accept an Environment Plan that proposes activities that will result in unacceptable impacts to a listed threatened species or ecological community. • NOPSEMA will not accept an Environment Plan that is inconsistent with a recovery plan or threat abatement plan for a listed threatened species or ecological community. • NOPSEMA will have regard to any approved conservation advice in relation to a threatened species or ecological community before accepting an Environment Plan. • NOPSEMA will develop guidance (that will be updated from time to time) that titleholders should have regard to in the preparation of their Environment Plans. The guidance will: <ul style="list-style-type: none"> – make reference to consideration of the listing category and protection of the listed threatened species or ecological community – include references to relevant guidance documents to be considered by titleholders in preparing Environment Plans such as recovery plans, threat abatement plans, conservation advice and EPBC Act guidance documents. • In undertaking assessments, NOPSEMA will have regard to relevant policy documents, recovery plans, threat abatement plans, conservation advice and guidelines on the DoE website.

PART 3 MATTER	VALUES	PROGRAM COMMITMENT
Listed migratory species	The survival and conservation status of listed migratory species and their critical habitat will be promoted and enhanced.	<ul style="list-style-type: none"> • NOPSEMA will not accept an Environment Plan that proposes activities that will result in unacceptable impacts to a migratory species or an area of important habitat for a migratory species. • NOPSEMA will develop guidance (that will be updated from time to time) that titleholders should have regard to in the preparation of their Environment Plans. The guidance will: <ul style="list-style-type: none"> – make reference to consideration and protection of the listed migratory species – include references to relevant guidance documents to be considered by titleholders in preparing Environment Plans such as wildlife conservation plans, and EPBC Act guidance documents. • In undertaking assessments, NOPSEMA will have regard to relevant policy documents, wildlife conservation plans and guidelines on the DoE website.
Commonwealth marine area	The environment of Commonwealth marine areas will be maintained and protected in conformity with relevant marine bioregional plans and plans of management for relevant Commonwealth reserves.	<ul style="list-style-type: none"> • NOPSEMA will not accept an Environment Plan that proposes activities that will result in unacceptable impacts to the environment of a Commonwealth marine area. • NOPSEMA will have regard to any relevant bioregional plan and not act inconsistently with a plan of management for a Commonwealth reserve or a Commonwealth Heritage place in deciding whether or not to accept an Environment Plan. • If there is no plan of management for a Commonwealth reserve, then NOPSEMA will ensure that acceptance of an Environment Plan is not inconsistent with the IUCN reserve management principles. • If there is no plan of management for a Commonwealth Heritage place, then NOPSEMA will take all reasonable steps to ensure that any accepted Environment Plan that refers to the place is not inconsistent with the Commonwealth Heritage management principles. • NOPSEMA will develop guidance (that will be updated from time to time) that titleholders should have regard to in the preparation of their Environment Plans. The guidance will: <ul style="list-style-type: none"> – make reference to consideration of the environment of the Commonwealth marine area – include references to relevant guidance documents to be considered by titleholders in preparing Environment Plans such as gazettal instruments, bioregional plans, wildlife conservation plans, plans of management and EPBC Act guidance documents. • In undertaking assessments, NOPSEMA will have regard to relevant policy documents, gazettal instruments, bioregional plans, wildlife conservation plans, plans of management and EPBC Act guidance documents on the DoE website.

PART 3 MATTER	VALUES	PROGRAM COMMITMENT
Commonwealth land	The environment on Commonwealth land will be maintained and protected in conformity with relevant plans of management.	<ul style="list-style-type: none"> • NOPSEMA will not accept an Environment Plan that proposes activities that will result in unacceptable impacts to the environment on Commonwealth land. • NOPSEMA will have regard to any bioregional plan and not act inconsistently with a plan of management for a Commonwealth reserve or a Commonwealth Heritage place in deciding whether or not to accept an Environment Plan. • If there is no plan of management for a Commonwealth Heritage place, then NOPSEMA will take all reasonable steps to ensure that any accepted Environment Plan is not inconsistent with the Commonwealth Heritage management principles. • If there is no plan of management for a Commonwealth reserve, then NOPSEMA will ensure that acceptance of an Environment Plan is not inconsistent with the IUCN reserve management principles. • NOPSEMA will develop guidance (that will be updated from time to time) that titleholders should have regard to in the preparation of their Environment Plans. The guidance will: <ul style="list-style-type: none"> – make reference to consideration of the environment of the Commonwealth land – include references to relevant guidance documents to be considered by titleholders in preparing Environment Plans such as gazettal instruments, bioregional plans, plans of management and EPBC Act guidance documents. • In undertaking assessments, NOPSEMA will have regard to relevant policy documents, gazettal instruments, bioregional plans, plans of management and guidance documents on the DoE website.

In addition, the following commitments are made to ensure that the implementation and administration of the Program deliver on the commitment to ensure that activities carried out under the Program do not have unacceptable impacts on protected matters under Part 3 of the EPBC Act (see Table 3):

Table 3: Program commitments relating to administration of the Program

PROGRAM COMMITMENT	BY WHOM	WHEN
Agree and enter into administrative arrangements with DoE for the transfer of relevant information regarding the administration of the Program.	NOPSEMA DoE	Within 6 months of Program endorsement
Prepare amendments to NOPSEMA’s existing advice documents to reflect consideration of matters protected under Part 3 of the EPBC Act.	NOPSEMA	Following Program endorsement, for implementation when approval of classes of actions is in place
Develop specific advice document(s) that titleholders should consider in the preparation of their Offshore Project Proposals and Environment Plans, to make reference to consideration of the protected matters under Part 3 of the EPBC Act. This advice should include references to relevant guidance documents to be considered by titleholders in preparing Offshore Project Proposals and Environment Plans such as EPBC Act guidance documents.	NOPSEMA DoE	Within 6 months of Program endorsement

PART C: HOW THE PROGRAM CONSIDERS EPBC ACT PART 3 REQUIREMENTS

This section provides an overview of how the Program meets the relevant EPBC Act requirements. A Strategic Assessment Report (provided separately) has been prepared to assess how the implementation of the Program will ensure the appropriate level of consideration and management of impacts on matters protected under Part 3 of the EPBC Act.

9 EPBC Act

9.1 EPBC Act objects

Section 3 of the EPBC Act describes the objects of the Act:

(1) *The objects of this Act are:*

- (a) to provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance;*
- (b) to promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources;*
- (c) to promote the conservation of biodiversity;*
- (ca) to provide for the protection and conservation of heritage;*
- (d) to promote a cooperative approach to the protection and management of the environment involving governments, the community, land holders and indigenous peoples;*
- (e) to assist in the cooperative implementation of Australia's international environmental responsibilities;*
- (f) to recognise the role of indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity; and*
- (g) to promote the use of indigenous peoples' knowledge of biodiversity with the involvement of, and in cooperation with, the owners of the knowledge.*

9.2 EPBC Act Part 3 protected matters

The Strategic Assessment is an assessment of the adequacy of the Program to identify and manage impacts on matters protected under Part 3 of the EPBC Act.

Part 3 of the EPBC Act is concerned with requirements for the protection of particular environmental aspects at the national scale. It comprises two Divisions, which deal with a range of matters. Division 1 describes requirements relating to matters of national environmental significance and Division 2 describes protection of the environment under the Commonwealth's jurisdiction and the broader environment, from proposals involving the Commonwealth.

Under the EPBC Act, actions that have, will have or are likely to have a significant impact on matters of national environmental significance require approval from the Minister for the Environment. The Minister will decide whether assessment and approval is required under the EPBC Act.

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The matters protected under Part 3 of the EPBC Act relevant to this Program are:

- World heritage values of declared World Heritage properties
- National heritage values of declared National Heritage places
- The ecological character of declared Ramsar wetlands
- Listed threatened species and ecological communities
- Listed migratory species
- The marine environment
- The environment on Commonwealth land.

10 Program implementation and EPBC Act Part 3

In implementing the Program, NOPSEMA assesses Offshore Project Proposals and Environment Plans against the requirements of the Program, including the OPGGS(E) Regulations acceptance criteria and content requirements. NOPSEMA is obliged to take into account all relevant considerations in exercising its decision-making power. All considerations are to be weighed and considered in the context of the submission as a whole.

NOPSEMA's assessment involves competent assessment teams and specialists evaluating submissions with reference to all relevant internal and external sources of information, for example applicable legislation, publicly available scientific reports, international standards, other relevant standards, government management plans and guidelines.

Each Environment Plan submission is subject to an assessment approach comprising two components, a general assessment and a detailed topic assessment. The general assessment is undertaken to determine that the Environment Plan is appropriate to the activity and its surrounding environment and complies with all items required by the OPGGS(E) Regulations for each stage of the activity to which the Environment Plan applies.

The detailed topic assessment is also conducted of one or more key topic areas of the Environment Plan. This is undertaken by considering the extent the Environment Plan adequately addresses the content and appropriateness requirements of an applicable selection of the OPGGS(E) Regulations with respect to the topic area. Topic areas will generally be focused on the components of the activity that pose the highest potential environmental risk. The scope of this component of the assessment is, where appropriate, informed by relevant external information, and prior assessments, inspections and investigations. In addition, consideration of factors such as (but not limited to) key sensitivities, levels of risk, uncertainty, use of innovative technology, and the timing and geographical location of particular activities inform the selection of the key topics to be examined in the assessment.

Through this process, relevant information including standards, guidance and management plans are considered and incorporated into assessment functions.

10.1 Program consideration and management of impacts on EPBC Act Part 3 matters

An overview of how the Program components ensure the appropriate level of consideration and management of impacts on matters protected under Part 3 of the EPBC Act is provided below.

Table 4: Program consideration and management of impacts on EPBC Act Part 3 matters

PROGRAM ASPECT	DESCRIPTION	EPBC ACT PART 3
General		
Program objectives	Regulatory objectives are that activities are carried out in a manner consistent with the principles of ecologically sustainable development.	Consistent with EPBC Act.
Jurisdiction	Commonwealth waters, as well as designated coastal waters where environmental management functions have been conferred under legislation.	Appropriate jurisdictional coverage.
Objective-based regulation	Consistent with principles of ecologically sustainable development; provides for assessment of all environmental impacts and risks on a project specific basis.	Consistent with EPBC Act and captures EPBC Act Part 3 protected matters.
Definition of activity	All activities conducted under an instrument of the OPGGS Act.	Activities that have, will have or are likely to have a significant impact on a Part 3 protected matter will require the submission and acceptance of an Environment Plan.
Definition of environment	Environment means ecosystems and their constituent parts, including people and communities; natural and physical resources; the qualities and characteristics of locations, places and areas; and the heritage value of places including the social, economic and cultural features of these matters.	Consistent with EPBC Act and includes all Part 3 matters.
Offshore projects	Titleholders must submit an Offshore Project Proposal in the early stages of a large-scale development for assessment and acceptance or refusal on a 'whole of lifecycle' basis. The Program specifies public notification and consultation requirements.	Development, project consultation, assessment, acceptance or refusal process consistent with EPBC Act.
Environment Plan	Titleholder cannot carry out an activity without an Environment Plan in place. An Environment Plan is the legally binding environment management conditions that must be met by the titleholder and against which the regulator can secure compliance.	Appropriate compliance functions. Provides sufficient documentation to enable assessment of impacts on EPBC Act Part 3 matters.
Acceptance or refusal of Offshore Project Proposal and Environment Plan	Offshore project proposals and Environment Plans must be accepted if they meet criteria and content requirements specified in the Program. If NOPSEMA is not reasonably satisfied that these have been met then the Offshore Project Proposal or Environment Plan will be refused.	Appropriate assessment, and acceptance / refusal function. Ability to refuse an Offshore Project Proposal or Environment Plan on grounds of unacceptable impacts to EPBC Act Part 3 matters.

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PROGRAM ASPECT	DESCRIPTION	EPBC ACT PART 3
Non-legislative policy and guidance	Explain NOPSEMA’s approach to regulating the requirements of the Program.	Includes, but not limited to, specific requirements relating to all EPBC Act Part 3 matters to meet Program commitments.
Compliance monitoring and enforcement functions	Ensure titleholders meet the Program requirements on an ongoing basis.	Ensures the Program itself meets the requirements of the EPBC Act endorsement and approval.
OPGGS(E) Regulations Environment Plan acceptance criteria		
Nature and Scale	Environment Plan content is relative to the sensitivity of the receiving environment and also to the activity’s size, complexity, and environmental impacts and risks inherent to the specific activity.	Ensures EPBC Act Part 3 matters are considered in the preparation of the Environment Plan.
As low as reasonably practicable (ALARP)	Allows proponents to adopt environmental practices and technologies best suited to individual circumstances, activities and locations. The proponent must show how impacts and risks will continue to be reduced to ALARP for the life of the activity.	Demonstration of ALARP requires assessment of impacts and risks in the particular environmental context of the activity, which includes, but is not limited to, consideration of all EPBC Act Part 3 matters.
Acceptable level	Titleholders must demonstrate that the environmental impacts and risks of the activity will be of an acceptable level.	Includes, but is not limited to, an evaluation of whether an activity has, will have or is likely to have unacceptable impacts on all EPBC Act Part 3 matters.
Performance outcomes and performance standards	Activities are carried out in accordance with an Environment Plan that has appropriate environmental performance outcomes and performance standards.	The setting of environmental performance outcomes and performance standards must take into account all relevant information, which includes, but is not limited to, management guidance and standards relevant to all EPBC Act Part 3 matters.
Implementation Strategy	The Environment Plan includes an appropriate implementation strategy that provides a systematic approach to ensure the environmental performance outcomes and environmental performance standards of the plan are implemented and monitored on an ongoing basis.	Ensures EPBC Act Part 3 matters are protected on an ongoing basis.
Activity not in a World Heritage Property	Does not involve the activity or part of the activity, other than arrangements for environmental monitoring or for responding to an emergency, being conducted in any part of a declared World Heritage property within the meaning of the EPBC Act.	Ensures the outstanding universal values of World Heritage Properties are protected on an ongoing basis.

PROGRAM ASPECT	DESCRIPTION	EPBC ACT PART 3
Consultation	The titleholder must consult relevant stakeholders in preparing an Environment Plan. The Program specifies public notification and consultation requirements.	Consistent with EPBC Act.

10.2 Program implementation and ensuring EPBC Act Part 3 matters protection

The Program will be implemented to meet the objective of ensuring activities undertaken in the offshore area are conducted in a manner consistent with the principles of ecologically sustainable development and will not result in unacceptable impacts to matters protected under Part 3 of the EPBC Act.

The ways in which the Program ensures impacts on matters protected under Part 3 of the EPBC Act are detailed in Appendix A. Future listings for relevant matters protected under Part 3 of the EPBC Act will have the same level of protection under the Program as existing listed protected matters.

NOPSEMA will develop guidance (that will be updated from time to time) that proponents and titleholders should consider in the preparation of their Offshore Project Proposals and Environment Plans. The guidance will:

- make specific reference to consideration of the protection of the values of matters protected under Part 3 of the EPBC Act
- include references to relevant guidance documents to be considered, such as EPBC Act significance guidance documents, relevant policy statements, plans of management, recovery plans and on-line databases.

In undertaking Offshore Project Proposal and Environment Plan assessments, NOPSEMA will consider relevant policy documents, guidelines, and plans of management on the DoE website (see below).

10.3 Policies and guidance

Both NOPSEMA and the Department of the Environment prepare and publish a range of policies, guidance material and other information sources in relation to their respective regulatory functions.

10.3.1 NOPSEMA policies and guidance

NOPSEMA develops advice documents to inform and assist titleholders to interpret and meet the requirements of the Program.

These documents have been developed under NOPSEMA's legislated function to advise persons, either on its own initiative, or on request, on matters relating to offshore petroleum environmental management and are updated from time to time.

There are four broad categories of advice documents:

- **Policies:** outline the objectives of the Program and provide guiding principles on how NOPSEMA administers the requirements of the Program
- **Guidelines:** provide titleholders with specific details on the approach, expectations or criteria that NOPSEMA sets in applying its regulatory discretion
- **Guidance notes:** advise industry on what is explicitly required by the Program, discuss good practice and suggest possible approaches for environmental management
- **Information papers:** provide general information, consistent with the Program as a means to foster industry best practice

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Table 5 (below) outlines how advice documents will ensure titleholders meet the Program’s commitments to EPBC Act Part 3 protected matters when preparing Environment Plans and will continue to meet these requirements when undertaking activities in accordance with an accepted Environment Plan.

Table 5: Program advice documents

DOCUMENT	DESCRIPTION OF CONTENT
Policies	
NOPSEMA Assessment Policy	Provides overarching NOPSEMA information on the assessment policy for activities regulated by NOPSEMA (including those not covered by the Program such as safety cases).
Environment Plan Assessment Policy	Provides detail on NOPSEMA’s overarching assessment policy to assist titleholders to understand NOPSEMA’s approach to assessing Environment Plans submitted under the Program.
Environmental Management Inspection Policy	Provides information on the conduct of inspections under the Program for accepted Environment Plans
Compliance and Enforcement Policy	Provides an overview of the legislative framework within which NOPSEMA operates and how the compliance and enforcement strategy is applied to activities regulated under the Program (including those not covered by the Program such as safety cases).
Guidelines	
Making assessment submissions to NOPSEMA Guideline	Provides overarching information on assessment submissions to assist with timely assessments for activities regulated by NOPSEMA (including those not covered by the Program such as safety cases).
Guidance notes	
Environment Plan Content Requirements Guidance Note	Provides assistance in regulatory interpretation of the Program to assist titleholders in preparing Environment Plans.
Petroleum Activity Guidance Note	Provides assistance in the regulatory interpretation of what constitutes a petroleum activity under the Program.
Oil Pollution Emergency Response Guidance Note	Provides assistance in the regulatory interpretation of what is required to be included in an oil pollution emergency response under the Program.
Notification and Reporting of Environmental Incidents Guidance Note	Provides overarching information on the reporting of environmental incidents connected with activities regulated by NOPSEMA (including those not covered by the Program such as safety cases).
Information papers	
Operational Scientific Monitoring Programs	Provides general advice to assist titleholders in planning and implementing operational scientific monitoring programs.

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NOPSEMA will update relevant existing advice documents to reflect consideration of matters protected under Part 3 of the EPBC Act, to be in place at the time of endorsement and approval of actions.

In addition to existing documents, NOPSEMA will develop specific advice (that will be updated from time to time) that titleholders should consider in the preparation of their Environment Plans. The guidance will:

- refer to consideration of the protected matters under Part 3 of the EPBC Act
- include references to relevant guidance documents to be considered by titleholders in preparing Environment Plans such as EPBC Act guidance documents, Plans of Management, recovery plans and other publications.

10.3.2 Department of the Environment - EPBC Act plans policies and guidance

DoE develops a range of plans developed under the EPBC Act, policy approaches and guidance documents to inform and assist proponents to meet statutory obligations with respect to the protection of matters under Part 3 of the EPBC Act.

This information includes, but is not limited to:

- **Plans of Management:** including for World and National Heritage places, Ramsar wetlands, Commonwealth reserves and Commonwealth Heritage places.
- **Recovery Plans:** for listed threatened species and ecological communities
- **Policy Statements:** including significance impact guidelines and industry specific guidelines
- **Other material:** including management principles, online databases, factsheets and other publications.

In preparing industry guidance material and in undertaking Offshore Project Proposal and Environment Plan assessments, NOPSEMA will consider these relevant policy documents, guidelines, plans of management and other online data sources available on the DoE website.

A comprehensive suite of requirements and guidance ensures that NOPSEMA will not accept an Environment Plan that will have an unacceptable impact on a protected matter under Part 3 of the EPBC Act comprising:

- legislative requirements of the OPGGS Act and OPGGS(E) Regulations
- policy and guidance documents prepared and published by NOPSEMA
- reference to other sources of information such as plans of management and recovery plans.

PART D: PROGRAM EVALUATION, REPORTING AND MONITORING

11 Program evaluation, reporting and monitoring

In order to measure the performance of the Program against the Program objectives, a framework for evaluating, reporting and monitoring the Program will be developed. Reviews will be conducted against Terms of Reference and the results provided to DoE. The review framework will include:

- a review of the Program after 12 months of operation, to be submitted within 18 months of Program endorsement
- a review of the Program every five years for the life of the Program to assess progress in achieving the objectives of the Program
- an annual report detailing all relevant decisions made under the Program.

11.1 Program evaluation

There will be a review of the Program after 12 months of operation, to be submitted within 18 months of endorsement and within every five years thereafter. The purpose of the reviews will be to assess the performance of the Program against Program objectives including ensuring that impacts on matters protected under Part 3 of the EPBC Act are not unacceptable. As an input to the first Program review, a sample of all decisions made by NOPSEMA will be subject to a detailed evaluation to ensure appropriate consideration of matters protected under Part 3.

The review findings will be provided to the Minister for Industry and the Minister for the Environment within six months of the review's commencement. The review will enable NOPSEMA to determine if refinements to management arrangements and standards are required to ensure the Program's commitments and objectives to EPBC protected matters are being delivered by the Program.

11.2 Program reporting

NOPSEMA will provide an annual report on the Program, highlighting the decisions made under the Program, the findings of compliance inspections, environmental incidents reported by titleholders and any investigations underway for the previous year.

The report will be provided to the Minister for Industry and Minister for the Environment and published on the NOPSEMA website.

11.3 Administrative arrangements

Administrative arrangements will be established between NOPSEMA and the Minister for the Environment to ensure that information relating to the Program can be provided in the most effective and efficient way. Arrangements will be in place within six months of endorsement and approval.

The arrangements will provide a mechanism for continuous improvement through learning from the outcomes of assessment decisions, any relevant reviews, updates to relevant policies, guidelines, recovery plans and any other relevant new information that relates to the protection of matters protected under Part 3 of the EPBC Act.

To ensure all elements of a multi-jurisdictional project's impacts on Part 3 EPBC Act matters are considered, and that consistent and compatible decision outcomes by regulators are made, NOPSEMA will work with state and territory resource agencies and the Department of the Environment (where relevant – for example where state/territory bilateral agreements under the EPBC Act are not finalised) to establish administrative arrangements with each relevant jurisdiction.

APPENDIX A

Table 6: Program implementation measures ensuring EPBC Act Part 3 matters protection

PROGRAM COMMITMENTS	RESPONSIBILITIES	MECHANISMS
<p>World Heritage Properties:</p> <ul style="list-style-type: none"> • NOPSEMA will not accept an Environment Plan that involves the activity or part of the activity, other than arrangements for environmental monitoring or responding to an emergency, being undertaken in any part of a declared World Heritage property within the meaning of the EPBC Act. • NOPSEMA will not accept an Environment Plan that proposes activities that will contravene a plan of management for a World Heritage property or proposes unacceptable impacts to the world heritage values of a World Heritage property. • If there is no plan of management for a World Heritage property, then NOPSEMA will take all reasonable steps to ensure that any accepted Environment Plan that refers to the property is not inconsistent with the Australian World Heritage management principles. • NOPSEMA will develop guidance (that will be updated from time to time) that titleholders should have regard to in the preparation of their Environment Plans. The guidance will: <ul style="list-style-type: none"> – make reference to consideration of the protection of the values of World Heritage properties 	<p>Titleholder responsibilities:</p> <ul style="list-style-type: none"> • The OPGGS(E) Regulations require that a titleholder’s Environment Plan must: <ul style="list-style-type: none"> – not propose an activity that wholly or in part (other than arrangements for environmental monitoring or responding to an emergency) is to be conducted in any part of a World Heritage property – describe the existing environment that may be affected by the activity and include details of the particular relevant values and sensitivities of that environment. In the event that a proposed activity is likely to affect a World Heritage property, a detailed description of the outstanding universal value(s) of that property is required to be included – detail all of the environmental impacts and risks of the activity. This includes all potential impacts on relevant environmental values including those associated with World Heritage properties. The OPGGS(E) Regulations define environmental impact as <i>“any change to the environment, whether adverse or beneficial, that wholly or partially results from an activity of a titleholder”</i> and as such direct, indirect and facilitated impacts on the values of World Heritage properties are appropriately captured through the Environment Plan process – evaluate all of the environmental impacts and risks of the activity including those that may arise under potential emergency conditions. This requirement ensures that the interaction between the titleholder’s activity and the receiving environment is analysed appropriately such that control measures to avoid or mitigate those potential impacts can be put in place and detailed in an Environment Plan 	<p>Mechanisms to ensure titleholder’s responsibilities are met:</p> <ul style="list-style-type: none"> • Regulations 10A, 13 and 14 of the OPGGS(E) Regulations will ensure these responsibilities are met. • NOPSEMA prepares and publishes guidance on the content requirements of Environment Plans, which provides further detailed interpretation of the requirements of the OPGGS(E) Regulations with respect to the identification and management of impacts to the environment. NOPSEMA will update this guidance on approval of classes of actions to ensure that, where relevant, titleholders give specific consideration to World Heritage management obligations, principles and management plans to ensure that activities proposed in their Environment Plans are not inconsistent with these requirements. • NOPSEMA will issue further guidance that directs titleholders to consider relevant policies, documents and other material issued by DoE in the preparation of Environment Plans to ensure that management of impacts to the values of World Heritage properties is appropriately taken into account.

PROGRAM COMMITMENTS	RESPONSIBILITIES	MECHANISMS
<ul style="list-style-type: none"> - include references to relevant guidance documents to be considered by titleholders in preparing Environment Plans such as Statements of Outstanding Universal Value, plans of management and EPBC Act guidance documents. • In undertaking assessments, NOPSEMA will have regard to relevant policy documents, guidelines, Statements of Outstanding Universal Value and plans of management on the DoE website. 	<ul style="list-style-type: none"> - include environmental performance outcomes, environmental performance standards and measurement criteria. Environmental performance outcomes are defined as <i>“measurable performance targets set for the management of the environmental aspects of an activity to ensure that environmental impacts and risks will be of an acceptable level”</i>. Environmental performance standards relate directly to control measures used to reduce impacts and risks to acceptable levels and provide statements of performance required of these control measures. This allows the titleholder to determine whether control measures applied will be effective in eliminating and mitigating environmental impacts to the values of World Heritage properties. Measurement criteria allow a titleholder to determine whether environmental performance outcomes and standards have been met and thereby to determine whether impacts to the values of World Heritage properties are being managed to the defined acceptable levels - demonstrate that the environmental impacts and risks of the activity will be of an acceptable level and reduced to as low as reasonably practicable (ALARP). In order to meet this requirement a titleholder must include information to demonstrate that all practicable measures that can be taken to reduce impacts to the values of World Heritage properties will be taken. It is implicit in this requirement that impacts to the values of World Heritage properties cannot be unacceptable - describe the legislative and other requirements that apply to the activity and that are relevant to the environmental management of the activity. Sections 318 and 321 of the EPBC Act set out the requirements for section 316 plans for the management of listed World Heritage properties. If these 	

PROGRAM COMMITMENTS	RESPONSIBILITIES	MECHANISMS
	<p>requirements are relevant to the activities of a petroleum titleholder the Environment Plan must describe the requirements and provide appropriate control measures to ensure that these requirements will be met. If no section 316 plan of management exists, section 318 refers to consideration of the Australian World Heritage management principles (Schedule 5, EPBC Regulations).</p> <ul style="list-style-type: none"> - Any Commonwealth legislative requirement under the EPBC Act or any other Act that is relevant to the environmental management of a titleholder's activity is similarly captured through the requirements of the OPGGS(E) Regulations • By placing the above obligations on titleholders the OPGGS(E) Regulations facilitate protection of the outstanding universal values of World Heritage properties and ensure that those values persist. 	
	<p>NOPSEMA Responsibilities:</p> <ul style="list-style-type: none"> • With particular reference to World Heritage properties, Section 318 of the EPBC Act requires that a Commonwealth agency must not authorise any person to do anything that may contravene a plan made under Section 316 for management of a World Heritage property. If there is no section 316 plan, a Commonwealth agency must take all reasonable steps to ensure that acts relating to the property are not inconsistent with the Australian World Heritage management principles (Schedule 5, EPBC Regulations). These responsibilities ensure that Australia's obligations under the World Heritage Convention and the Australian World Heritage management principles are met. • The OPGGS(E) Regulations contain clear acceptance criteria against which NOPSEMA must assess all Environment Plans. NOPSEMA must not accept an Environment Plan that does not meet these criteria. In particular NOPSEMA will not accept an Environment Plan that involves the activity or part of the activity, other than arrangements for 	<p>Mechanisms to ensure NOPSEMA's responsibilities are met:</p> <ul style="list-style-type: none"> • Section 318 of the EPBC Act requires that a Commonwealth agency must not authorise any person to do anything that may contravene a plan made under Section 316 for management of a World Heritage property. If no plan made under Section 316 exists, a Commonwealth agency must take all reasonable steps to ensure that acts relating to a property are not inconsistent with the Australian World Heritage management principles (Schedule 5, EPBC Regulations). As a Commonwealth statutory authority, NOPSEMA must comply with this requirement. • Regulation 10A(f) of the OPGGS(E) Regulations ensure that NOPSEMA will not accept an Environment Plan that

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	<p>environmental monitoring or responding to an emergency, being undertaken in any part of a declared World Heritage property within the meaning of the EPBC Act.</p> <ul style="list-style-type: none"> As described above, the OPGGS(E) Regulations require Environment Plans to describe all of the legislative and other requirements that apply to the activity. If these requirements are not adequately described and addressed by an Environment Plan the requirements of the OPGGS(E) Regulations will not be met and NOPSEMA will be unable to accept the Environment Plan. 	<p>involves the activity or part of the activity, other than environmental monitoring or responding to an emergency, being undertaken in any part of a declared World Heritage property within the meaning of the EPBC Act.</p> <ul style="list-style-type: none"> The Environment Plan content requirements of the OPGGS(E) Regulations [regulations 13 and 14] ensure that potential impacts to the values of World Heritage properties are appropriately identified, evaluated and mitigated to levels that are acceptable and ALARP. NOPSEMA must not accept an Environment Plan if the requirements of the OPGGS(E) Regulations have not been met [regulation 10A)]. On approval of classes of actions NOPSEMA will ensure that assessment policies and procedures are updated to make it explicit that decisions made by NOPSEMA must not be inconsistent with World Heritage management obligations, principles and management plans and that these must be taken into account when determining the acceptability of an Environment Plan where impacts to the values of World Heritage properties may arise.
<p>National Heritage places:</p> <ul style="list-style-type: none"> NOPSEMA will not accept an Environment Plan that proposes activities that will contravene a plan of management for a National Heritage place or proposes unacceptable impacts to the National heritage values of a National Heritage place. If there is no plan of management for a National Heritage place, then 	<p>Titleholder Responsibilities:</p> <ul style="list-style-type: none"> The OPGGS(E) Regulations require a titleholder's Environment Plan to include: <ul style="list-style-type: none"> a comprehensive description of the environment that may be affected by the activity including relevant values and sensitivities of National Heritage places details of all the environmental impacts and risks of the activity including those to the values of National Heritage places 	<p>Mechanisms to ensure titleholder's responsibilities are met:</p> <ul style="list-style-type: none"> Regulations 10A, 13 and 14 of the OPGGS(E) Regulations will ensure these responsibilities are met. NOPSEMA prepares and publishes guidance on the content requirements of Environment Plans, which provides further detailed interpretation of the requirements of the OPGGS(E)

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<p>NOPSEMA will take all reasonable steps to ensure that any accepted Environment Plan that refers to the place is not inconsistent with the National Heritage management principles.</p> <ul style="list-style-type: none"> • NOPSEMA will develop guidance (that will be updated from time to time) that titleholders should have regard to in the preparation of their Environment Plans. The guidance will: <ul style="list-style-type: none"> – make reference to consideration of the protection of the values of National Heritage places – include references to relevant guidance documents to be considered by titleholders in preparing Environment Plans such as gazettal instruments and EPBC Act guidance documents. • In undertaking assessments, NOPSEMA will have regard to relevant policy documents, guidelines, gazettal instruments and plans of management on the DoE website. 	<ul style="list-style-type: none"> – an evaluation of all the environmental impacts and risks of the activity including those to the values of National Heritage places. This includes the selection and application of appropriate control measures to reduce potential impacts and risks to acceptable levels – environmental performance outcomes, environmental performance standards and measurement criteria against which the performance of the titleholder in protecting the environment, including the values of National Heritage places is to be measured – a clear demonstration that the environmental impacts and risks of the activity will be reduced to acceptable levels and ALARP – a description of the legislative and other requirements that apply to the activity and that are relevant to the environmental management of the activity. Sections 324U and 324X of the EPBC Act set out the requirements for Section 324S plans for the management of listed National Heritage places. If no Section 324S plan exists, Section 324U refers to consideration of the National Heritage management principles (Schedule 5B, EPBC Regulations). If these requirements are relevant to the activities of a petroleum titleholder the Environment Plan must describe the requirements and provide appropriate control measures to ensure that these requirements will be met <ul style="list-style-type: none"> • By placing the above obligations on titleholders the OPGGS(E) Regulations facilitate protection of the values of National Heritage places and ensure that those values persist. <p>NOPSEMA Responsibilities:</p> <ul style="list-style-type: none"> • With particular reference to National Heritage places, Section 324U of the EPBC Act requires that a Commonwealth agency must not authorise any person to 	<p>Regulations with respect to the identification and management of impacts to the environment. NOPSEMA will update this guidance on approval of classes of actions to ensure that, where relevant, titleholders give specific consideration to National Heritage management obligations, principles and management plans to ensure that activities proposed in their Environment Plans are not inconsistent with these requirements.</p> <ul style="list-style-type: none"> • NOPSEMA will issue further guidance that directs titleholders to consider relevant policies, documents and other material issued by DoE in the preparation of Environment Plans to ensure that management of impacts to the values of National Heritage places is appropriately taken into account. <p>Mechanisms to ensure NOPSEMA’s responsibilities are met:</p> <ul style="list-style-type: none"> • Section 324U of the EPBC Act requires that a Commonwealth agency must

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	<p>do anything that may contravene a plan made under Section 324S for management of a National Heritage place. If there is no section 324S plan, a Commonwealth agency must take all reasonable steps to ensure that acts relating to the property are not inconsistent with the National Heritage management principles (Schedule 5B, EPBC Regulations).</p> <ul style="list-style-type: none"> • The OPGGS(E) Regulations contain clear acceptance criteria against which NOPSEMA must assess all Environment Plans. NOPSEMA must not accept an Environment Plan that does not meet these criteria. In particular NOPSEMA is unable to accept an Environment Plan that does not demonstrate that impacts to the values of National Heritage places will be reduced to an acceptable level. • The OPGGS(E) Regulations require Environment Plans to describe all of the legislative and other requirements that apply to the activity. If these requirements are not adequately described and addressed by an Environment Plan the requirements of the OPGGS(E) Regulations will not be met and NOPSEMA will be unable to accept the Environment Plan. • The requirements of the OPGGS(E) Regulations will ensure that no Environment Plan can be accepted that proposes unacceptable impacts to the values of a National Heritage place. 	<p>not authorise any person to do anything that may contravene a plan made under Section 324S for management of a National Heritage place. If no plan made under Section 324S exists, a Commonwealth agency must take all reasonable steps to ensure that acts relating to a property are not inconsistent with the National Heritage management principles (Schedule 5B, EPBC Regulations). As a Commonwealth statutory authority, NOPSEMA must comply with this requirement.</p> <ul style="list-style-type: none"> • The Environment Plan content requirements of the OPGGS(E) Regulations [regulations 13 and 14] ensure that potential impacts to the value of National Heritage places are appropriately identified, evaluated and mitigated to levels that are of an acceptable level and ALARP. NOPSEMA must not accept an Environment Plan if the requirements of the OPGGS(E) Regulations have not been met [sub-regulation 10A]. • On approval of classes of actions NOPSEMA will ensure that assessment policies and procedures are updated to make it explicit that decisions made by NOPSEMA must be consistent with National Heritage management obligations, principles and management plans, and that these must be taken into account when determining the acceptability of an Environment Plan where impacts to the values of National Heritage places may arise.
<p>Wetlands of International importance (Ramsar wetlands)</p>	<p>Titleholder Responsibilities:</p> <ul style="list-style-type: none"> • The OPGGS(E) Regulations require a 	<p>Mechanisms to ensure titleholder's responsibilities are met:</p>

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<ul style="list-style-type: none"> • NOPSEMA will not accept an Environment Plan that proposes activities that will contravene a plan of management for a Ramsar wetland or proposes unacceptable impacts to the ecological character of a Ramsar wetland. • If there is no plan of management for a Ramsar wetland, then NOPSEMA will take all reasonable steps to ensure that any accepted Environment Plan that refers to the wetland is not inconsistent with the Australian Ramsar management principles. • NOPSEMA will develop guidance (that will be updated from time to time) that titleholders should have regard to in the preparation of their Environment Plans. The guidance will: <ul style="list-style-type: none"> – make reference to consideration of the protection of the ecological character of the Ramsar wetland – include references to relevant guidance documents to be considered by titleholders in preparing Environment Plans such as Ramsar Information Sheets, Ecological Character Descriptions and EPBC Act guidance documents. • In undertaking assessments, NOPSEMA will have regard to relevant policy documents, guidelines, Ramsar Information Sheets, Ecological Character Descriptions and plans of management on the DoE website. 	<p>titleholders Environment Plan to include:</p> <ul style="list-style-type: none"> – A comprehensive description of the environment that may be affected by the activity including relevant values and sensitivities which includes Ramsar wetlands where relevant – details of all the environmental impacts and risks of the activity including those to the ecological character of Ramsar wetlands – an evaluation of all the environmental impacts and risks of the activity including those to the ecological character of Ramsar wetlands; includes the selection and application of appropriate control measures to reduce potential impacts and risks to acceptable levels – environmental performance outcomes, environmental performance standards and measurement criteria against which the performance of the titleholder in protecting the environment, including the ecological character of Ramsar wetlands, is to be measured – a clear demonstration that the environmental impacts and risks of the activity will be reduced to acceptable levels and ALARP – a description of the legislative and other requirements that apply to the activity and that are relevant to the environmental management of the activity. Sections 330 and 333 of the EPBC Act set out the requirements for plans for the management of Ramsar wetlands. If these requirements are relevant to the activities of a petroleum titleholder, the Environment Plan must describe the requirements and provide appropriate control measures to ensure that these requirements will be met. If no Section 328 plan exists, Section 330 (2) refers to consideration of the Ramsar Management Principles (Schedule 6 of the EPBC Regulations) <ul style="list-style-type: none"> • By placing the above obligations on titleholders the OPGGS(E) Regulations facilitate protection of the ecological 	<ul style="list-style-type: none"> • Regulations 10A, 13 and 14 of the OPGGS(E) Regulations will ensure these responsibilities are met. • NOPSEMA prepares and publishes guidance on the content requirements of Environment Plans that provides further detailed interpretation of the requirements of the OPGGS(E) Regulations with respect to the identification and management of impacts to the environment. NOPSEMA will update this guidance on approval of classes of actions to ensure that, where relevant, titleholders give specific consideration to Ramsar wetland management obligations, principles and management plans to ensure that activities proposed in their Environment Plans are not inconsistent with these requirements. • NOPSEMA will issue further guidance that directs titleholders to consider relevant policies, documents and other material issued by DoE in the preparation of Environment Plans to ensure that management of impacts to the ecological character of Ramsar wetlands is appropriately taken into account.

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	<p>character of Ramsar wetlands.</p> <p>NOPSEMA Responsibilities:</p> <ul style="list-style-type: none"> • With particular reference to Ramsar wetlands Section 330 of the EPBC Act requires that a Commonwealth agency must not authorise any person to do anything that may contravene a plan made under Section 328 for management of a Ramsar wetland. If there is no Section 328 plan, a Commonwealth agency must take all reasonable steps to ensure that acts relating to the wetland are not inconsistent with the Australian Ramsar Management Principles (Schedule 6, EPBC Regulations). • The OPGGS(E) Regulations contain clear acceptance criteria against which NOPSEMA must assess all Environment Plans. NOPSEMA must not accept an Environment Plan that does not meet these criteria. In particular NOPSEMA is unable to accept an Environment Plan that does not demonstrate that impacts to Ramsar wetlands will be reduced to an acceptable level. • The OPGGS(E) Regulations require Environment Plans to describe all of the legislative and other requirements that apply to the activity. If these requirements are not adequately described and addressed by an Environment Plan the requirements of the OPGGS(E) Regulations will not be met and NOPSEMA will be unable to accept the Environment Plan. • The requirements of the OPGGS(E) Regulations will ensure that no Environment Plan can be accepted that proposes unacceptable impacts to a Ramsar wetland. 	<p>Mechanisms to ensure NOPSEMA's responsibilities are met:</p> <ul style="list-style-type: none"> • Section 330 of the EPBC Act requires that a Commonwealth agency must not authorise any person to do anything that may contravene a plan made under Section 328 for management of a Ramsar wetland. If no plan made under Section 328 exists, a Commonwealth agency must take all reasonable steps to ensure that acts relating to a Ramsar wetland are not inconsistent with the Ramsar Management Principles (Schedule 6, EPBC Regulations). As a Commonwealth statutory authority, NOPSEMA must comply with this requirement. • The Environment Plan content requirements of the OPGGS(E) Regulations [regulations 13 and 14] ensure that potential impacts to Ramsar wetlands are appropriately identified, evaluated and mitigated to levels that are of an acceptable level and ALARP. NOPSEMA must not accept an Environment Plan if the requirements of the OPGGS(E) Regulations have not been met [sub-regulation 10A]. • On approval of classes of actions NOPSEMA will ensure that assessment policies and procedures are updated to make it explicit that decisions made by NOPSEMA must not be inconsistent with Ramsar management obligations, principles and management plans and that these must be taken into account when determining the acceptability of an Environment Plan where impacts to Ramsar wetlands may arise.

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<p>Listed threatened species and ecological communities</p> <ul style="list-style-type: none"> • NOPSEMA will not accept an Environment Plan that proposes activities that will result in unacceptable impacts to a listed threatened species or ecological community. • NOPSEMA will not accept an Environment Plan that is inconsistent with a recovery plan or threat abatement plan for a listed threatened species or ecological community. • NOPSEMA will have regard to any approved conservation advice in relation to a threatened species or ecological community before accepting and Environment Plan. • NOPSEMA will develop guidance (that will be updated from time to time) that titleholders should consider in the preparation of their Environment Plans. The guidance will: <ul style="list-style-type: none"> – refer to consideration of the listing category and protection of the listed threatened species or ecological community – include references to relevant guidance documents to be considered by titleholders in preparing Environment Plans such as recovery plans, Threat Abatement Plans, Conservation Advice and EPBC Act guidance documents. • In undertaking assessments, NOPSEMA will have regard to relevant policy 	<p>Titleholder Responsibilities:</p> <ul style="list-style-type: none"> – The OPGGS(E) Regulations require a titleholder's Environment Plan to include: <ul style="list-style-type: none"> – a comprehensive description, including relevant values and sensitivities, of listed threatened species and ecological communities, where relevant, that may be affected by the activity details of all the environmental impacts and risks of the activity including those to listed threatened species and ecological communities – an evaluation of all the environmental impacts and risks of the activity including those to listed threatened species and ecological communities; includes the selection and application of appropriate control measures to reduce potential impacts and risks to acceptable levels – environmental performance outcomes, environmental performance standards and measurement criteria against which the performance of the titleholder in protecting the environment, including listed threatened species and ecological communities, is to be measured. – a clear demonstration that the environmental impacts and risks of the activity will be reduced to acceptable levels and ALARP. – A description of the legislative and other requirements that apply to the activity and that are relevant to the environmental management of the activity. Section 268 of the EPBC Act requires consideration of relevant recovery plans and threat abatement plans. – These requirements ensure that an Environment Plan that proposes unacceptable impacts to listed threatened species and ecological communities cannot meet the criteria for acceptance. 	<p>Mechanisms to ensure titleholder's responsibilities are met:</p> <ul style="list-style-type: none"> • Regulations 10A, 13 and 14 of the OPGGS(E) Regulations will ensure these responsibilities are met. • NOPSEMA prepares and publishes guidance on the content requirements of Environment Plans, which provides further detailed interpretation of the requirements of the OPGGS(E) Regulations with respect to the identification and management of impacts to the environment. NOPSEMA will update this guidance on approval of classes of actions to ensure that, where relevant, titleholders give specific consideration to management of impacts on listed threatened species and ecological communities. The guidance will direct titleholders to have regard to recovery plans, threat abatement plans, conservation advice and EPBC Act guidance documents to ensure that activities proposed in their Environment Plans are not inconsistent with these. • NOPSEMA will issue further guidance that directs titleholders to consider relevant policies, documents and other material issued by DoE in the preparation of Environment Plans to ensure that management of impacts to listed threatened species and ecological communities are appropriately taken into account.
	<p>NOPSEMA Responsibilities:</p>	<p>Mechanisms to ensure NOPSEMA's</p>

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<p>documents, Recovery Plans, Threat Abatement Plans, Conservation Advice and guidelines and plans of management on the DoE website.</p>	<ul style="list-style-type: none"> • Section 268 of the EPBC Act requires that a Commonwealth agency must not take any action that contravenes a recovery plan or a threat abatement plan. • The OPGGS(E) Regulations contain clear acceptance criteria against which NOPSEMA must assess all Environment Plans. NOPSEMA must not accept an Environment Plan that does not meet these criteria. In particular NOPSEMA is unable to accept an Environment Plan that does not demonstrate that impacts to listed threatened species and ecological communities will be reduced to an acceptable level. • Plans for the protection and recovery of listed threatened species and ecological communities are in place to ensure that their survival, conservation status and critical habitat will be maintained and protected. These plans will assist NOPSEMA’s determination of acceptable levels of impact and risk. 	<p>responsibilities are met:</p> <ul style="list-style-type: none"> • The Environment Plan content requirements of the OPGGS(E) Regulations [regulations 13 and 14] ensure that potential impacts to listed threatened species and ecological communities are appropriately identified, evaluated and mitigated to levels that are acceptable and ALARP. NOPSEMA must not accept an Environment Plan if the requirements of the OPGGS(E) Regulations have not been met [Sub-regulation 10A]. • On approval of classes of actions NOPSEMA will ensure that assessment policies and procedures are updated to make it explicit that decisions made by NOPSEMA must not be inconsistent with relevant recovery plans, threat abatement plans and wildlife conservation plans, and that these must be taken into account when determining the acceptability of an Environment Plan where impacts to listed threatened species and ecological communities may arise.
<p>Listed migratory species</p> <ul style="list-style-type: none"> • NOPSEMA will not accept an Environment Plan that proposes activities that will result in unacceptable impacts to a migratory species or an area of important habitat for a migratory species. • NOPSEMA will develop guidance (that will be updated from time to time) that titleholders should consider in the preparation of their Environment Plans. The guidance will: <ul style="list-style-type: none"> – refer to consideration 	<p>Titleholder Responsibilities:</p> <ul style="list-style-type: none"> – The OPGGS(E) Regulations require a titleholder's Environment Plan to include: – A comprehensive description of the environment that may be affected by the activity including relevant values and sensitivities which includes listed migratory species where relevant – details of all the environmental impacts and risks of the activity including those to listed migratory species – an evaluation of all the environmental impacts and risks of the activity including those to listed migratory species; includes the 	<p>Mechanisms to ensure titleholder’s responsibilities are met:</p> <ul style="list-style-type: none"> • Regulations 10A, 13 and 14 of the OPGGS(E) Regulations will ensure these responsibilities are met • NOPSEMA prepares and publishes guidance on the content requirements of Environment Plans, which provides further detailed interpretation of the requirements of the OPGGS(E) Regulations with respect to the identification and management of impacts to the environment. NOPSEMA will update this guidance on

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<p>of the protection of listed migratory species and area of important habitat for listed migratory species</p> <ul style="list-style-type: none"> - include references to relevant guidance documents to be considered by titleholders in preparing Environment Plans such as wildlife conservation plans and EPBC Act guidance documents. • In undertaking assessments, NOPSEMA will have regard to relevant policy documents, wildlife conservation plans, guidelines and plans of management on the DoE website. 	<p>selection and application of appropriate control measures to reduce potential impacts and risks to acceptable levels</p> <ul style="list-style-type: none"> - environmental performance outcomes, environmental performance standards and measurement criteria against which the performance of the titleholder in protecting the environment, including listed migratory species, is to be measured - a clear demonstration that the environmental impacts and risks of the activity will be reduced to acceptable levels and ALARP. <p>A description of the legislative and other requirements that apply to the activity and that are relevant to the environmental management of the activity. Section 286 of the EPBC Act requires consideration of relevant wildlife conservation plans.</p> <ul style="list-style-type: none"> • These requirements ensure that an Environment Plan that proposes unacceptable impacts to listed migratory species cannot meet the criteria for acceptance. 	<p>approval of classes of actions to ensure that, where relevant, titleholders give specific consideration to management of impacts on listed migratory species. The guidance will direct titleholders to have regard to relevant wildlife conservation plans and EPBC Act guidance documents to ensure that activities proposed in their Environment Plans are not inconsistent with these.</p> <ul style="list-style-type: none"> • NOPSEMA will issue further guidance that directs titleholders to consider relevant policies, documents and other material issued by DoE in the preparation of Environment Plans to ensure that potential impacts to listed migratory species are appropriately managed.
	<p>NOPSEMA Responsibilities:</p> <ul style="list-style-type: none"> • Section 286 of the EPBC Act requires that a Commonwealth agency must take all reasonable steps to act in accordance with a wildlife conservation plan. • The OPGGS(E) Regulations contain clear acceptance criteria against which NOPSEMA must assess all Environment Plans. NOPSEMA must not accept an Environment Plan that does not meet these criteria. In particular NOPSEMA is unable to accept an Environment Plan that does not demonstrate that impacts to listed migratory species will be reduced to an acceptable level. • Where plans for the protection and recovery of listed threatened species and ecological communities are in place to ensure that the survival and conservation status of migratory species and their critical habitat will be maintained and protected, these will assist NOPSEMA's determination of acceptable levels of 	<p>Mechanisms to ensure NOPSEMA's responsibilities are met:</p> <ul style="list-style-type: none"> • The Environment Plan content requirements of the OPGGS(E) Regulations [regulations 13 and 14] ensure that potential impacts to listed migratory species are appropriately identified, evaluated and mitigated to levels that are acceptable and ALARP. NOPSEMA must not accept an Environment Plan if the requirements of the OPGGS(E) Regulations have not been met [sub-regulation 10A]. • On approval of classes of actions NOPSEMA will ensure that assessment policies and procedures are updated to make it explicit that decisions made by NOPSEMA must not be inconsistent with relevant

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	<p>impact and risk.</p>	<p>recovery plans, threat abatement plans and wildlife conservation plans, and that these must be taken into account when determining the acceptability of an Environment Plan where impacts to listed migratory species may arise.</p>
<p>Commonwealth Marine Area</p> <ul style="list-style-type: none"> • NOPSEMA will not accept an Environment Plan that proposes activities that will result in unacceptable impacts to the environment of a Commonwealth marine area. • NOPSEMA will have regard to any relevant bioregional plan and not act inconsistently with a plan of management for a Commonwealth reserve or a Commonwealth Heritage place in deciding whether or not to accept an Environment Plan. • If there is no plan of management for a Commonwealth reserve, then NOPSEMA will ensure that acceptance of an Environment Plan is not inconsistent with the IUCN reserve management principles. • If there is no plan of management for a Commonwealth Heritage place, then NOPSEMA will take all reasonable steps to ensure that any accepted Environment Plan that refers to the place is not inconsistent with the Commonwealth Heritage management principles. NOPSEMA will develop guidance (that will be updated from time to time) that titleholders should 	<p>Titleholder Responsibilities:</p> <ul style="list-style-type: none"> • As previously discussed the OPGGS(E) Regulations require a titleholder's Environment Plan to include: <ul style="list-style-type: none"> – A comprehensive description of the environment that may be affected by the activity including relevant values and sensitivities – details of all the environmental impacts and risks of the activity – an evaluation of all the environmental impacts and risks of the activity. This includes the selection and application of appropriate control measures to reduce potential impacts and risks to acceptable levels – environmental performance outcomes, environmental performance standards and measurement criteria against which the performance of the titleholder in protecting the environment is to be measured – a clear demonstration that the environmental impacts and risks of the activity will be reduced to acceptable levels and ALARP – a description of the legislative and other requirements that apply to the activity and that are relevant to the environmental management of the activity. Sections 341T and 341V of the EPBC Act set out the requirements for Section 341S plans of management for Commonwealth Heritage places. If no plan made under Section 341S exists, section 341V refers to consideration of the Commonwealth Heritage management principles (Schedule 7B, EPBC Regulations). Sections 354 and 	<p>Mechanisms to ensure titleholder's responsibilities are met:</p> <ul style="list-style-type: none"> • Regulations 10A, 13 and 14 of the OPGGS(E) Regulations will ensure these responsibilities are met. • NOPSEMA prepares and publishes guidance on the content requirements of Environment Plans, which provides further detailed interpretation of the requirements of the OPGGS(E) Regulations with respect to the identification and management of impacts to the environment. NOPSEMA will update this guidance where appropriate to ensure that potential impacts to the environment are appropriately captured. • NOPSEMA will issue further guidance that directs titleholders to consider relevant policies, documents and other material issued by DoE in the preparation of Environment Plans to ensure that these are taken into account and that potential impacts to the environment are appropriately managed.

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<p>have regard to in the preparation of their Environment Plans. The guidance will:</p> <ul style="list-style-type: none"> - make reference to consideration of the environment of the Commonwealth marine area - include references to relevant guidance documents to be considered by titleholders in preparing Environment Plans such as gazettal instruments, bioregional plans, wildlife conservation plans, plans of management and EPBC Act guidance documents. <ul style="list-style-type: none"> • In undertaking assessments, NOPSEMA will have regard to relevant policy documents, gazettal instruments, bioregional plans, wildlife conservation plans, plans of management and EPBC Act guidance documents on the DoE website. 	<p>362 of the EPBC Act set out the requirements for plans of management for Commonwealth reserves. If no plan exists, section 357 refers to consideration of the Australian IUCN reserve management principles (Schedule 8, EPBC Regulations). Section 286 of the EPBC Act sets out the requirements for wildlife conservation plans.</p> <ul style="list-style-type: none"> • These requirements ensure that an Environment Plan that proposes unacceptable impacts to the environment cannot meet the criteria for acceptance. <p>NOPSEMA Responsibilities:</p> <ul style="list-style-type: none"> • Section 341V of the EPBC Act requires that a Commonwealth agency must not authorise any person to do anything that may contravene a plan made under Section 341S for management of a Commonwealth Heritage place. If there is no section 341S plan, a Commonwealth agency must take all reasonable steps to ensure that acts relating to the property are not inconsistent with the Commonwealth Heritage management principles (Schedule 7B, EPBC Regulations). • Section 362 of the EPBC Act requires that a Commonwealth agency must not perform its functions or exercise its powers inconsistently with a management plan that is in operation for a reserve. If there is no plan in operation, Section 357 requires a Commonwealth agency to not exercise its powers or perform its functions inconsistently with the Australian IUCN reserve management principles (Schedule 8, EPBC Regulations) or a management plan previously in operation. • Section 286 of the EPBC Act requires that a Commonwealth agency must take all reasonable steps to act in accordance with a wildlife conservation plan. • The OPGGS(E) Regulations contain clear acceptance criteria against which NOPSEMA must assess all Environment Plans. NOPSEMA must not accept an Environment Plan that does not meet these criteria. In particular NOPSEMA is 	<p>Mechanisms to ensure NOPSEMA's responsibilities are met:</p> <ul style="list-style-type: none"> • The Environment Plan content requirements of the OPGGS(E) Regulations [regulations 13 and 14] ensure that potential impacts to the environment are appropriately identified, evaluated and mitigated to levels that are acceptable and ALARP. NOPSEMA must not accept an Environment Plan if the requirements of the OPGGS(E) Regulations have not been met [sub-regulation 10A].

PROGRAM COMMITMENTS	RESPONSIBILITIES	MECHANISMS
	<p>unable to accept an Environment Plan that does not demonstrate that impacts to the environment will be reduced to an acceptable level.</p>	
<p>Commonwealth Land</p> <ul style="list-style-type: none"> • NOPSEMA will not accept an Environment Plan that proposes activities that will result in unacceptable impacts to the environment on Commonwealth land. • NOPSEMA will have regard to any bioregional plan and not act inconsistently with a plan of management for a Commonwealth reserve or a Commonwealth Heritage place in deciding whether or not to accept an Environment Plan. • If there is no plan of management for a Commonwealth Heritage place, then NOPSEMA will take all reasonable steps to ensure that any accepted Environment Plan is not inconsistent with the Commonwealth Heritage management principles. • If there is no plan of management for a Commonwealth reserve, then NOPSEMA will ensure that acceptance of an Environment Plan is not inconsistent with the IUCN reserve management principles. • NOPSEMA will develop guidance (that will be updated from time to time) that titleholders should have regard to in the preparation of their Environment Plans. The guidance will: <ul style="list-style-type: none"> – make reference to consideration of the environment of the 	<p>Titleholder Responsibilities:</p> <ul style="list-style-type: none"> • As previously discussed the OPGGS(E) Regulations require a titleholder's Environment Plan to include: <ul style="list-style-type: none"> – A comprehensive description of the environment that may be affected by the activity including relevant values and sensitivities – Details of all the environmental impacts and risks of the activity – An evaluation of all the environmental impacts and risks of the activity. This includes the selection and application of appropriate control measures to reduce potential impacts and risks to acceptable levels – Environmental performance outcomes, environmental performance standards and measurement criteria against which the performance of the titleholder in protecting the environment is to be measured – A clear demonstration that the environmental impacts and risks of the activity will be reduced to acceptable levels and ALARP – A description of the legislative and other requirements that apply to the activity and that are relevant to the environmental management of the activity. Sections 341T and 341V of the EPBC Act set out the requirements for Section 341S plans of management for Commonwealth Heritage places. If no plan made under Section 341S exists, section 341V refers to consideration of the Commonwealth Heritage management principles (Schedule 7B, EPBC Regulations). . Sections 354 and 362 of the EPBC Act set out the requirements for plans of management for Commonwealth reserves. If no plan exists, section 	<p>Mechanisms to ensure titleholder's responsibilities are met:</p> <ul style="list-style-type: none"> • Regulations 10A, 13 and 14 of the OPGGS(E) Regulations will ensure these responsibilities are met. • NOPSEMA prepares and publishes guidance on the content requirements of Environment Plans, which provides further detailed interpretation of the requirements of the OPGGS(E) Regulations with respect to the identification and management of impacts to the environment. NOPSEMA will update this guidance where appropriate to ensure that potential impacts to the environment are appropriately captured. • NOPSEMA will issue further guidance that directs titleholders to consider relevant policies, documents and other material issued by DoE in the preparation of Environment Plans to ensure that these are taken into account and that potential impacts to the environment are appropriately managed.

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<p>Commonwealth land</p> <ul style="list-style-type: none"> - include references to relevant guidance documents to be considered by titleholders in preparing Environment Plans such as gazettal instruments, bioregional plans, plans of management and EPBC Act guidance documents. • In undertaking assessments, NOPSEMA will have regard to relevant policy documents, gazettal instruments, bioregional plans, plans of management and guidance documents on the DoE website. 	<p>357 refers to consideration of the Australian IUCN reserve management principles (Schedule 8, EPBC Regulations).</p> <ul style="list-style-type: none"> • These requirements ensure that an Environment Plan that proposes unacceptable impacts to the environment cannot meet the criteria for acceptance. <p>NOPSEMA Responsibilities:</p> <ul style="list-style-type: none"> • Section 341V of the EPBC Act requires that a Commonwealth agency must not authorise any person to do anything that may contravene a plan made under Section 341S for management of a Commonwealth Heritage place. If there is no section 341S plan, a Commonwealth agency must take all reasonable steps to ensure that acts relating to the property are not inconsistent with the Commonwealth Heritage management principles (Schedule 7B, EPBC Regulations). • Section 362 of the EPBC Act requires that a Commonwealth agency must not perform its functions or exercise its powers inconsistently with a management plan that is in operation for a reserve. If there is no plan in operation, Section 357 requires a Commonwealth agency to not exercise its powers or perform its functions inconsistently with the Australian IUCN reserve management principles (Schedule 8, EPBC Regulations) or a management plan previously in operation. • The OPGGS(E) Regulations contain clear acceptance criteria against which NOPSEMA must assess all Environment Plans. NOPSEMA must not accept an Environment Plan that does not meet these criteria. In particular NOPSEMA is unable to accept an Environment Plan that does not demonstrate that impacts to the environment will be reduced to an acceptable level. 	<p>Mechanisms to ensure NOPSEMA's responsibilities are met:</p> <ul style="list-style-type: none"> • The Environment Plan content requirements of the OPGGS(E) Regulations [regulations 13 and 14] ensure that potential impacts to the environment are appropriately identified, evaluated and mitigated to levels that are acceptable and ALARP. NOPSEMA must not accept an Environment Plan if the requirements of the OPGGS(E) Regulations have not been met [sub-regulation 10A].