



Australian Government
Department of Industry,
Science and Resources

Clarifying consultation requirements for offshore petroleum and greenhouse gas storage regulatory approvals

Consultation paper

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The government is reviewing the offshore environmental management framework for petroleum and greenhouse gas activities¹ (referred to in this paper as ‘offshore resources activities’) to ensure our regulatory regime is fit for purpose. This includes reviewing the consultation provisions under the offshore environmental management framework.

Consultation is an essential step of the regulatory approvals process for offshore resources activities. Consultation allows people and organisations who might be affected by an activity the opportunity to understand what an offshore resources company is seeking to do. It also gives those potentially affected by an offshore resources project the opportunity to have their say and provide information on activities that may impact them to help inform regulatory decision-making.

This paper is seeking feedback from people, organisations, local communities, Traditional Owners, First Nations communities and offshore resources companies on the consultation process for offshore resources activities in Commonwealth waters. This paper is also seeking feedback on how the consultation process can be clarified to improve outcomes.

This consultation paper forms part of a broader review of Australia’s offshore resources environmental management framework. There will be further opportunities to have your say on a range of issues throughout the course of the review. Further information about the review is available on the Department of Industry, Science and Resources (DISR) website:

<https://www.industry.gov.au/opggsemr>.

Introduction

The Australian Government regulates the environmental management of offshore resources activities in Commonwealth waters² primarily under the:

- *Offshore Petroleum and Greenhouse Gas Storage Act 2006 (Cth) (OPGGS Act)*
- *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023 (Cth) (the Offshore Environment Regulations)*^{3,4}.

Consultation is a key feature of Australia’s offshore environmental management framework. Australia’s existing laws and regulations place a clear requirement on companies that hold petroleum or greenhouse gas storage titles to consult on any proposed offshore resources activities as part of the regulatory approvals process. These companies are known as ‘titleholders’ under Australia’s offshore environmental management framework and are referred to in this paper as the ‘offshore resources industry’.

¹ ‘Greenhouse gas storage activities’ include ‘carbon capture and storage activities’.

² For the purposes of the regulation of oil and gas, and greenhouse gas storage, Commonwealth waters extend from 3 to approximately 200 nautical miles off the Australian coastline.

³ Other Commonwealth legislation may also apply to offshore resources activities, including the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* and the *Environment Protection (Sea Dumping) Act 1981 (Cth)*.

⁴ The *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023* came into effect on 10 January 2024. A copy of these regulations can be accessed [here](#). These regulations replace the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009 (Cth)*.

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Consultation is essential to good decision-making and is mutually beneficial to all parties. The Offshore Environment Regulations require that titleholders undertake genuine consultation at multiple stages over the lifecycle of a project.

Recent court decisions^{5,6} have changed how we understand the consultation requirements in the Offshore Environment Regulations. The Court decisions have provided some clarity on how titleholders should consult with relevant persons, including with First Nations people or communities. However, feedback from stakeholders is that some uncertainty remains.

The government believes there may be benefit in further clarifying the consultation requirements outlined in Australia's current Offshore Environment Regulations. This is based on feedback from community groups and from the offshore resources industry. As the existing regulations are not specific, this can result in variations in the level of consultations between titleholders and the people and organisations who may be impacted by a proposed offshore resources activity.

The government is seeking views from people, organisations, local communities, Traditional Owners, First Nations communities and the offshore resources industry on their experiences with consultation under the current Offshore Environment Regulations.

We also invite ideas and suggestions to improve the clarity of the consultation requirements under the Offshore Environment Regulations without diminishing the clear obligation on titleholders to genuinely consult with persons or organisations who may be impacted by a proposed offshore resources activity.⁷ This feedback will help inform options for the government to consider when seeking to clarify consultation requirements.

Offshore Environment Management Review

This consultation paper is the first opportunity to consider the current consultation requirements for offshore petroleum and greenhouse gas storage activities and identify options to provide clarity and certainty on these arrangements. This paper relates only to the consultation provisions outlined in Australia's existing Offshore Environment Regulations.

This paper is part of a broader review of the offshore environmental management framework for offshore resources activities. This review was announced in May 2023.⁸ The last time Australia's offshore environmental management framework was reviewed in its entirety was in 2013.

The broader review will examine the entire offshore environmental management framework. Public consultation processes for the broader review will be undertaken by the government in the future. The broader review will examine the entire environmental management framework to ensure it:

- is fit for purpose for a decarbonising economy
- reflects best practice for offshore environmental management

⁵ Full Federal Court of Australia in *Santos NA Barossa Pty Ltd v Tipakalippa* [2022] FCAFC 193

⁶ *Cooper v National Offshore Petroleum Safety and Environmental Management Authority* (No 2) [2023] FCA 1158

⁷ *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023* (Cth), section 25

⁸ A copy of the Minister for Resources and Northern Australia's announcement is [here](#).

- is consistent with reforms to the national environmental legislation being developed under the government’s Nature Positive Plan. This includes ensuring the Offshore Environment Regulations align with relevant national environmental standards currently under development, including the standard for First Nations engagement and participation in decision-making and the standard for community engagement and consultation.
- is consistent with Australia’s national and international obligations for emissions and sustainable development, and prevention of marine pollution.

The review will consider recommendations to ensure the Offshore Environment Regulations are consistent and aligned, where possible, with other reform processes across government, including:

- Commonwealth cultural heritage protection law
- *Underwater Cultural Heritage Act 2018* (Cth).

The review will be completed in stages over 3 years. Changes to clarify consultation requirements are expected to be progressed early to address the ambiguity in the offshore environmental management framework. In future, the review will consider the need to make more changes to consultation requirements to align with other proposed regulatory changes and with the new national environmental laws. The new national environment laws are expected to be introduced to the Parliament in 2024, with national environment standards developed under these laws.

Additional public consultation opportunities will be available over the course of the review, including on any proposed regulatory amendments. More information on the review can be found on the Department of Industry, Science & Resources (DISR) website:

<https://www.industry.gov.au/opggsemr>.

Feedback

We welcome suggestions from anyone with an interest in the consultation requirements for offshore resources activities in Commonwealth waters. We encourage responses to some, or all, the questions in this consultation paper or any other comments you would like to share. You do not have to answer any, or all, the questions identified in this paper.

We are accepting responses to this paper from 12 January 2024 to 23 February 2024. Targeted stakeholder engagement will also be undertaken by DISR during and following the public consultation period.

Email EnvironmentalReview@industry.gov.au if you:

- would like to register for more information on the Offshore Environment Management Review
- want to attend an online information session to discuss the paper.

You can submit your feedback to this paper on our consultation hub:

<https://consult.industry.gov.au/offshore-petroleum-consultation-requirements>.

Consultation on offshore petroleum and greenhouse gas storage activities

Consultation on proposed offshore resources activities is a key feature of Australia's existing offshore environmental management framework. Consultation is mutually beneficial for the offshore resources industry and people and communities that might be affected by:

- providing the opportunity to build relationships, partnerships and social licence
- ensuring that relevant persons who are potentially affected by activities are consulted and their input genuinely considered in the development of environment plans.

Consultation also supports greater transparency of proposed activities in offshore areas, and helps the offshore resources industry and the community to:

- understand the environment of the proposed offshore resources activities, including the social, economic, and cultural features of the environment
- ensure that all potential environmental impacts and risks of a proposed offshore resources activity are identified early and appropriately managed
- ensure the rights of persons or organisations who may be affected by the activity, including Traditional Owners, First Nations communities, local communities, and marine users such as the fishing industry, are taken into account in the environmental management and decision-making process
- engage with people who may be affected by the proposed activities and work out how to address any identified environmental impacts and risks before an activity starts.

Certain offshore petroleum activities, known as offshore projects⁹, require the company proposing the offshore project to submit an Offshore Project Proposal (OPP) for approval by the regulator, the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA). This must be submitted and accepted before any additional approvals may be sought, including environment plans.

The OPP process involves NOPSEMA's assessment of the potential environmental impacts and risks of petroleum activities conducted over the life of an offshore project. The OPP process includes a public comment period prior to approval and requires a titleholder to ensure environmental impacts and risks of an offshore project will be managed to acceptable levels.

All offshore resources activities require NOPSEMA to accept an environment plan before the activity can start. This includes any activities covered by an accepted OPP. An environment plan must include:

- details of the environmental impacts and risks of the proposed offshore resources activity
- an evaluation of all the environmental impacts and risks, appropriate to the nature and scale of each impact or risk

⁹ Offshore project means one or more activities that are undertaken for the purpose of the recovery of petroleum, other than on an appraisal basis, including any conveyance of recovered petroleum by pipeline (whether or not the activity is undertaken for other purposes). See *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023* (Cth), section 5.

- details of the control measures that titleholders will use to reduce the impacts and risks of the proposed activity to ‘as low as reasonably practicable’ and an acceptable level.

The Offshore Environment Regulations require any titleholder seeking to undertake an offshore resources activity to consult with ‘relevant persons’ in the preparation of an environment plan.¹⁰ This includes a person or organisation whose functions, interests or activities may be affected by an offshore resources activity.¹¹

If a titleholder submits an environment plan to NOPSEMA that includes one or more seismic or exploratory drilling activities, NOPSEMA must publish the plan on its website for a 30-day public comment period.¹² NOPSEMA must give a copy of the comments to the titleholder. The titleholder may modify the plan in response to comments.

An overview of the current offshore environmental management framework for consultation is at [Attachment A](#).

This paper is the first opportunity for people, the community, and the offshore resources industry to provide comments on whether the current consultation process for offshore resources activities is working and whether it could be improved. Specifically, DISR is seeking views on:

- how to better clarify the consultation requirements under the Offshore Environment Regulations
- how consultation for offshore resources activities can be appropriately targeted to meet the needs of potentially impacted people or organisations
- how all relevant persons, including Traditional Owners and First Nations communities, can participate meaningfully in the development of environment plans and in a manner that is culturally sensitive and appropriate.

We are seeking input from everyone who has an interest in the consultation process and outcomes for offshore resources activities.

DISR will consider feedback to this paper and develop options to:

- provide greater certainty about the consultation requirements under the Offshore Environment Regulations while maintaining the obligation of industry to consult genuinely
- ensure consultation processes are appropriately targeted and meet the needs of relevant persons and organisations.

Consultation Questions

The questions in this paper support the answering of two overarching questions:

- how can Australia’s Offshore Environment Regulations ensure targeted, effective, meaningful, and genuine consultation occurs, including culturally appropriate consultation with Traditional Owners and First Nations communities?

¹⁰ *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023* (Cth), section 25

¹¹ For more information on the current requirements for relevant persons consultation, please visit <https://www.nopsema.gov.au/sites/default/files/documents/Consultation%20on%20offshore%20petroleum%20environment%20plans%20brochure.pdf>

¹² *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023* (Cth), sections 28 and 30

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- how should titleholders best identify who is a relevant person or organisation for the purposes of consulting on a proposed offshore resources activity?

These consultation questions seek information that will help us to:

- assist titleholders to understand what meaningful consultation looks like
- ensure the Offshore Environment Regulations support getting the right information from the right people at the right time to inform the environmental management of offshore resources activities.

Theme 1: Ensuring targeted and effective consultation

The Offshore Environment Regulations require titleholders to engage and consult with relevant persons when preparing an environment plan. However, when, where and how this consultation occurs is not clearly specified.

Best practice consultation for proposed offshore resources activities occurs when:

- the intent and purpose of consultation is clear
- consultation is done early when preparing an environment plan to ensure potential impacts on the functions, interest or activities of relevant persons can be considered while environmental management options are being developed
- relevant persons are provided with the information they need to clearly understand the proposed offshore resources activities and the potential impacts and risks of the proposed activities
- adequate time is provided for consultation with relevant persons to inform the development of environmental management options.

Consultation processes should be targeted to meet the needs of the relevant person who may be impacted by the proposed offshore resources activity. Consultation undertaken should be culturally appropriate, and methods of consultation should be focussed to the relevant persons being consulted.

Consultation that is not appropriately targeted to meet the needs of relevant persons or organisations can make it hard for people who may be impacted by a proposed offshore resources activity to meaningfully participate. This does not lead to effective or useful consultation outcomes.

The government is considering whether there is merit in building more detail into existing requirements of the Offshore Environment Regulations. Additional detail could help both industry and the community clearly understand what is required under the Offshore Environment Regulations. Some examples are below.

How much information is enough?

The Offshore Environment Regulations require a titleholder to give 'sufficient information' to allow a relevant person to make 'an informed assessment' of the possible consequences of the activity on the person's functions, interests, or activities. The titleholder must also provide 'a reasonable period' for consultation.

These terms are not defined in the Offshore Environment Regulations, with consultation expected to be targeted to meet the needs of relevant persons. This has led to differences in the quality, type

and relevance of information provided to relevant persons as part of the consultation process. In some cases, information provided is not adequate to support meaningful consultation.

The lack of specificity has also created uncertainty on the part of titleholders seeking to consult with persons or organisations who may be impacted by a proposed offshore resources activity.

How are different types of consultation recorded?

The Offshore Environment Regulations require an environment plan to contain:

- a consultation report
- a copy of the full text of any response provided by a relevant person.¹³

However, verbal information sharing is often a feature of consultation. A written record of the consultation should be prepared by the titleholder and agreed to by the relevant person giving the information. This ensures it is accurately understood and reflected in the environment plan.

In some circumstances, the requirement for a text-based report may not be effective where the preference of a relevant person or organisation is for a verbal consultation process. It may also be hard for titleholders to capture sensitive information given by relevant persons or organisations, particularly where consent to share the information is not granted by the person or organisation being consulted.

When is a consultation process considered ‘complete’?

The Offshore Environment Regulations require titleholders to consult with relevant persons in the ‘course of preparing an environment plan’.¹⁴ This means before the plan is submitted to NOPSEMA for assessment.

During the assessment process, more consultation may be needed to address issues identified by NOPSEMA in the environment plan. If the titleholder receives more correspondence from relevant persons during NOPSEMA’s assessment process, the titleholder must consider this new information and incorporate it into a resubmission. This will need to happen before NOPSEMA can make a final decision. This may create uncertainty about when a consultation process is complete.

Consultation questions

These consultation questions seek feedback on what the government should consider when developing options to clarify consultation requirements under the Offshore Environment Regulations to ensure that consultation is targeted and effective.

Improving engagement with relevant persons

1. What do you think works for offshore consultation processes and should be kept?
2. What doesn’t work for offshore consultation processes and how could it be changed?
3. If you have participated in consultation processes for proposed offshore resources activities:
 - do you feel like you were given enough information?
 - was the information provided helpful to understand the activity being proposed and the implications?

¹³ *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023 (Cth)*, section 24

¹⁴ *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023 (Cth)*, section 25

- was information given relevant to the consultation and your functions, activities or interests?
4. What information should titleholders provide to relevant persons so they:
 - are aware of the purpose of consultation?
 - can make an informed assessment of the possible consequences of the activities on their functions, interests, or activities?
 5. What examples are there of consultation processes under other regulatory frameworks that you have participated in that have worked more effectively?
 - What aspects of consultation processes have you experienced that you would want to encourage?

Presenting consultation outcomes in an environment plan

6. Titleholders should respond to relevant persons on how they have considered the information provided. How is this best done?
7. How should titleholders manage sensitive information given to them during consultation?
8. How could the consultation process account for verbal consultations?

Providing a reasonable time for consultation

9. How much time should a titleholder reasonably give relevant persons to engage and provide information as part of a consultation process?
10. If titleholders and NOPSEMA get information after the consultation is over, how should they consider it during the assessment process?

Culturally appropriate First Nations consultation

11. What is the best way for titleholders to engage with Traditional Owners who are able to speak for sea country?
12. How can titleholders ensure they consult appropriately and effectively with First Nations people to adequately communicate project information?
13. How can titleholders make sure First Nations people are able to express their views on a proposed offshore resources activity in line with their preferences?
14. What is the best way to manage accessibility of information in the consultation process?
 - For example, should relevant persons be supported by the use of qualified, neutral interpreters during consultations, if required?

Coordination

15. Is there a benefit to greater coordination among multiple titleholders on certain issues that are common to many proposed offshore activities?
 - For example, would it be useful for a group of titleholders to consult together on activities in a region that are planned to happen in a set time, or should titleholders consult on each specific offshore resources activity individually?
16. What can titleholders do to address consultation fatigue?

Theme 2: Identifying relevant persons to consult under the Offshore Environment Regulations

Genuine and effective consultation requires that titleholders engage with the relevant persons who may be impacted by a proposed offshore resources activity. This allows people and organisations

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who may be impacted by an offshore resources activity to have their say, and to help inform the environmental management activities associated with the proposed activity.

Meaningful consultation leads to better outcomes and a common understanding of the impacts and risks of proposed offshore activities. An important element of the consultation process is to get information to help inform development of the environment plan. Identifying the right people to give relevant information is essential to ensuring the environment plan identifies and manages the impacts and risks of an offshore resources activity.

Under the Offshore Environment Regulations, there is no process to describe how a titleholder should:

- identify who is a 'relevant person'
- ensure that all 'relevant persons' are aware of an activity that may impact their functions, interests, or activities.

Identifying who to consult when preparing an environment plan for an offshore resources activity can be complex. While it might be relatively straightforward to identify relevant persons whose functions, interests or activities may be *directly* affected by an activity, the process for identifying those who may be *indirectly* affected is less clear.

This can result in consultation capturing people or organisations who may not be likely to be affected by an offshore resources activity. Similarly, it can result in key 'relevant persons' being missed as part of the consultation process. Community groups and offshore resources industry have advised government that unclear processes create uncertainty for both industry and relevant persons during consultation.

The potential impacts of offshore resources activities can cover large geographical areas. This can make it difficult to identify who is or who is not a relevant person for the purposes of consultation on a proposed offshore resources activity.

Consultation questions

The consultation questions outlined below seek views and feedback on what the government should consider when developing options to further clarify how titleholders should identify relevant persons or organisations for the purposes of consultation on a proposed offshore resources activity.

Identifying relevant persons

17. What opportunities are there to clarify the process for identifying who a proposed offshore resources activity may affect?
18. What type of communication methods and processes should titleholders use to make relevant persons aware of consultation for a proposed offshore resources activity?
 - Should there be a difference in communication methods for identifying relevant persons who may be directly impacted by a proposed offshore resources activity, as opposed to being indirectly impacted by the proposed activity?
19. Is it preferable for some relevant persons to be engaged via representative bodies or industry associations, instead of individually? For example, this could include fishing associations in the case of consultation with the fishing industry.
20. Should people and organisations have an opportunity to self-identify as relevant persons? If so:

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- how should offshore resources industry communicate the opportunity to self-identify?
- what timeframe should be in place for self-identification?
- should there be an appeal process for someone who is excluded or determined to not be a relevant person following self-identification?

Clarification of ‘may be affected’

21. How could the Offshore Environment Regulations clarify what is meant by a person or organisation that ‘may be affected’ by an offshore resources activity?
22. When assessing whether consultation has been undertaken that is appropriate for the proposed offshore resources activity, how should NOPSEMA consider the likelihood and consequence of an impact on relevant persons?

Next steps

This paper is the first opportunity to consider the current consultation requirements for offshore activities and identify options to improve the clarity and certainty of consultation requirements in the Offshore Environment Regulations. Further public consultation opportunities will be available throughout the broader offshore environmental management review.

After we consider feedback on this paper, we will develop and consider policy options and proposed amendments to the Offshore Environment Regulations.

More changes to offshore environment management framework may be required to reflect the new nature positive environment laws and new national environmental standards for community consultation and First Nations engagement created under these laws. More changes may also be identified through the broader review of the offshore environmental management framework.

Submit your feedback on our consultation hub:

<https://consult.industry.gov.au/offshore-petroleum-consultation-requirements>

Attachment A - Current Offshore Environmental Management Framework

The OPGGS Act is the primary legislation that, with the associated regulations, provides the legal framework for offshore petroleum and greenhouse gas storage activities in Commonwealth waters.

Activities may also require approval under other Commonwealth legislation which is not within the scope of this paper. Examples of such legislation are:

- *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act)
- *Environment Protection (Sea Dumping) Act 1981* (Cth).

The object of the Offshore Environment Regulations is to ensure that titleholders carry out any petroleum activity or greenhouse gas activity in an offshore area in a manner:

- a) consistent with the principles of ecologically sustainable development set out in section 3A of the EPBC Act
- b) by which the environmental impacts and risks of the activity will be reduced to as low as reasonably practicable
- c) by which the environmental impacts and risks of the activity will be of an acceptable level.¹⁵

All offshore petroleum and greenhouse gas storage activities require an environment plan, which must include:

- details of the environmental impacts and risks of the activity
- an evaluation of all the environmental impacts and risks, appropriate to the nature and scale of each impact or risk
- details of the control measures the titleholder will use to reduce the impacts and risks of the activity to as low as reasonably practicable and an acceptable level.

Public comment on Offshore Project Proposals

Certain offshore activities, known as offshore projects, require the company proposing the offshore project to submit an Offshore Project Proposal (OPP) for approval by NOPSEMA. An offshore project means one or more activities that are undertaken for the purpose of the recovery of petroleum, other than on an appraisal basis, including any conveyance of recovered petroleum by pipeline (whether or not the activity is undertaken for other purposes).

The OPP process involves NOPSEMA's assessment of the potential environmental impacts and risks of petroleum activities conducted over the life of an offshore project. The OPP must be submitted by the titleholder and accepted before any additional approvals may be sought, including environment plans.

If a proponent submits an OPP, and NOPSEMA is reasonably satisfied that the OPP meets the criteria set out in the Offshore Environment Regulations, NOPSEMA must decide that the OPP is suitable for publication.¹⁶ The criteria are that the OPP:

¹⁵ *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023* (Cth), section 4

¹⁶ *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023* (Cth), subsections 9(1)

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- appropriately identifies and evaluates the environmental impacts and risks of the activities that are part of the offshore project
- sets out environmental performance outcomes, for each activity that is part of the offshore project, that are:
 - consistent with the principles of ecologically sustainable development
 - relevant to the identified environmental impacts and risks of the project
- does not involve an activity, or part of an activity, being undertaken in any part of a declared World Heritage property
- sufficiently addresses each of the content requirements for an OPP.¹⁷

If NOPSEMA decides that the OPP is suitable for publication, they must:

- publish the OPP on its website
- provide a notice inviting the public to give NOPSEMA written comments on the OPP.

The notice must specify a period of at least 4 weeks for giving comments.¹⁸ NOPSEMA must give a copy of comments received during the public comment period to the proponent as soon as practicable after receiving the comments.¹⁹

After the end of the public comment period, the proponent may modify the OPP, and must resubmit the OPP (whether modified or not) to NOPSEMA for further assessment.

If the proponent received comments during the public comment period, the proponent must also provide to NOPSEMA:

- a summary of all comments received
- an assessment of the merits of each objection or claim in those comments about the offshore project or any activity that is part of the offshore project
- a statement of the proponent's response, or proposed response, if any, to each objection or claim, including a demonstration of the changes, if any, that have been made to the OPP as a result of an objection or claim.²⁰

NOPSEMA must accept an OPP if NOPSEMA is reasonably satisfied that the plan meets the acceptance criteria. These criteria include that the OPP adequately addresses comments given during the period for public comment.²¹

Consultation with relevant persons during the preparation of an environment plan

During the preparation of an environment plan (including a revised environment plan), the titleholder must consult with 'relevant persons'. The Offshore Environment Regulations describe relevant persons as each of the following:

¹⁷ *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023* (Cth), subsection 9(4)

¹⁸ *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023* (Cth), subsection 9(5)

¹⁹ *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023* (Cth), section 10

²⁰ *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023* (Cth), section 11

²¹ *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023* (Cth), section 13

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- a) each Commonwealth, State or Northern Territory agency or authority to which the activities to be carried out under the environment plan may be relevant
- b) if the plan relates to activities in the offshore area of a State—the Department of the responsible State Minister
- c) if the plan relates to activities in the Principal Northern Territory offshore area—the Department of the responsible Northern Territory Minister
- d) a person or organisation whose functions, interests or activities may be affected by the activities to be carried out under the environment plan
- e) any other person or organisation that the titleholder considers relevant.²²

A relevant person may include:

- Traditional Owners and First Nations community members
- Native title holders and claimants
- Land Councils
- Fisheries associations
- Commercial and recreational fishers
- Marine users
- Other oil and gas companies
- Conservation groups
- Scientific researchers
- Tourism operators
- Local communities
- Local, state/territory and Commonwealth government agencies.

The Offshore Environment Regulations require a titleholder to:

- give each relevant person sufficient information to allow the relevant person to make an informed assessment of the possible consequences of the activity on the functions, interests or activities of the relevant person
- allow a reasonable period for the consultation.

The Offshore Environment Regulations also require titleholders to include a report on all consultations with relevant persons in an environment plan. The report must contain:

- a summary of each response made by a relevant person
- an assessment of the merits of any objection or claim about the adverse impact of each activity to which the environment plan relates
- a statement of the titleholder’s response, or proposed response, if any, to each objection or claim
- a copy of the full text of any response by a relevant person.²³

The environment plan must contain an implementation strategy.²⁴ This strategy must include provision for appropriate consultation while undertaking the activity with:

- relevant authorities of the Commonwealth, a state or territory

²² *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023* (Cth), section 25

²³ *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023* (Cth), section 24

²⁴ *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023* (Cth), section 22

- other relevant interested persons or organisations.

Environment plans are submitted to NOPSEMA and published on their website with the sensitive information removed.²⁵ The published plan will be accompanied by:

- a description of the activity
- the location of the activity
- details of the titleholder's nominated liaison for the activity.

If the environment plan is for a seismic and/or exploratory drilling activity, NOPSEMA will:

- invite public comment for 30 days
- give the titleholder copies of the comments from the public comment process.²⁶

NOPSEMA must accept an environment plan if NOPSEMA is reasonably satisfied that the plan meets the acceptance criteria. These criteria include that the plan demonstrates that:

- i. the titleholder has carried out the consultations required by section 25 (consultation with relevant persons)
- ii. the measures (if any) that the titleholder has adopted, or proposes to adopt, because of the consultations, are appropriate.²⁷

²⁵ *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023* (Cth), section 28

²⁶ *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023* (Cth), section 30

²⁷ *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023* (Cth), section 34