

Consultation Guidance Note

(For the Offshore Petroleum and Greenhouse Gas Storage
(Environment) Regulations 2009)



Compiled by Environment Division
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1. Introduction

1.1 Regulatory Changes

In 2008 the Productivity Commission conducted a review of regulatory burden in the Australian upstream petroleum (oil and gas) sector. The Australian Government has, as a result of the Productivity Commission Research Report 2009, from 1 January 2012, established the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) to regulate the upstream petroleum industry in Commonwealth waters of Australia in place of the Designated Authority. As a result of this change, operators are now required to seek approval for petroleum activities in Commonwealth waters from NOPSEMA and consult with relevant State departments for petroleum activities.

1.2 Purpose of this Document

This document has been prepared by the Western Australian (WA) Department of Mines and Petroleum (the Department) as guidance for use by operators to establish consistent consultation and notification standards between operators and the Department under the amended Regulations 11A, 15 (2) and 26AA of the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009 of the Commonwealth* (the Regulations).

This guidance note uses the words ‘must’ or ‘required’ where there is a specific regulatory requirement, and the words ‘should’ and ‘recommends’ where the Department is providing guidance to operators.

Amendments to the Regulations regarding stakeholder consultation and incident notification include;

Regulation 11A (1) requires that, in the course of preparing an EP (or a revision of an EP) the operator must consult with each “relevant person”, which includes (c) “The Department of the responsible State Minister”.

Regulation 11A (2) requires that, “For the purpose of the consultation, the operator must 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”.

Regulation 11A (3) requires that “The operator must allow a relevant person a reasonable period of time for this consultation”.

Regulation 15 (2) requires that the EP must “Include arrangements for the operator to notify the Department of the responsible State Minister, or the responsible Northern Territory Minister, before the proposed date of commencement of drilling operations or seismic survey operations that are being carried out under the authority of the title if:

- (a) there is a community in the area where the drilling operations or seismic survey operations will be carried out; and
- (b) the drilling operations or seismic survey operations may have an effect on the community.

Regulation 26AA Notification of reportable incidents requires that;

(1) This regulation applies if the operator of an activity notifies a reportable incident in accordance with regulation 26.

(2) If the operator notified the incident in writing, the operator must, as soon as practicable, give a copy of the notification to:

- a. the Titles Administrator; and
- b. the Department of the responsible State Minister, or the responsible Northern Territory Minister.

(3) If the operator notified the incident orally:

- a. the operator must, as soon as practicable, give a written record of the notification to:
 - i. the Regulator; and
 - ii. the Titles Administrator; and
 - iii. the Department of the responsible State Minister, or the responsible Northern Territory Minister; and

(b) the operator is not required to include in the record anything that was not included in the oral notification.

A “reportable incident” for an operator of an activity is defined as “an incident relating to the activity that has caused, or has the potential to cause, moderate to significant environmental damage”

1.3 Relevant Petroleum Activities

The Department considers any petroleum activity that occurs in Commonwealth waters adjacent to the Western Australian coastline to be an activity whereby the Department should be consulted. The level of consultation will be determined by the potential environmental risks and impacts of the petroleum activity. See Table 1 for level of risk determination.

2. Stages of Consultation

The Department has identified four stages of consultation which are recommended for operators of petroleum activities in WA adjacent waters which include:

- Initial consultation
- Pre-start notification
- Cessation notification
- Incident notification

2.1 Initial Consultation

Initial consultation by operators should be conducted as early as possible to inform the Department of the proposed petroleum activity and should contain sufficient information to allow the Department to review the risks and potential impacts of the activity on any aspect of the environment under State jurisdiction.

The level of detail of the initial consultation should be determined by the highest potential risk* ranking of the activity to any land or water under State jurisdiction (See Table 1 for level of risk determination).

If there is a change to the activity after the completion of the initial consultation that increases the potential environmental risk, further consultation should be undertaken with the Department.

*The risk ranking associated with the activity is determined by assessing the likelihood and consequence of the hazards.

Consequence					
Likelihood	High	Medium	Low	Negligible	
Likely	Detailed Activity Description	Detailed Activity Description	Detailed Activity Description	Summary	
Possible	Detailed Activity Description	Detailed Activity Description	Summary	General Notification	
Unlikely	Detailed Activity Description	Summary	Summary	General Notification	
Theoretical	Summary	Summary	General Notification	General Notification	

Red: Moderate to catastrophic impact

Yellow: Minor potential impact

Green: No potential impact

Table 1 – Level of Consultation with the Department in Accordance with the Highest Potential Environmental Risk of the Proposed Activity

2.1.1 Detailed Activity Description

A detailed activity description of the proposed activity should be submitted to the Department in the case of a potential moderate to significant environmental impact to any land or water under State jurisdiction as identified by Table 1. A detailed activity description should include:

- Coordinates of the activity;
- A description of the receiving environment;
- A description of the action;
- Details of major environmental hazards and controls;
- A summary of the management approach;
- Basic details of the implementation strategy;
- Incident response arrangements including an overview of spill trajectory modelling if modelling shows that a spill could impact State managed land or waters;
- Reporting arrangements for reportable incidents, including reporting to the Department in the case of State impacts; and
- Contact details of the operator's nominated liaison personnel for the proposed activity.

2.1.2 Summary

A summary of the proposed activity should be submitted to the Department in the case of a potential minor environmental impact to any land or water under State jurisdiction identified by Table 1.

The summary should follow the format structure of an Environment Plan (EP) Summary as described within Regulation 11(8) of the Regulations including:

- Coordinates of the activity;
- A description of the receiving environment;
- A description of the action;
- Details of major environmental hazards and controls;
- A summary of the management approach; and
- Contact details of the operator's nominated liaison personnel for the proposed activity.

2.1.3 General Notification

A general notification of the proposed activity should be submitted to the Department in the case of a petroleum activity being undertaken in Commonwealth waters adjacent to the WA coastline that has no potential to impact any land or water under State jurisdiction as identified by Table 1.

A general notification should include a brief description of the activity including:

- Coordinates of the activity;
- A description of the receiving environment;
- A description of the action;
- A justification of the general notification determination; and
- Contact details of the operator's nominated liaison personnel for the proposed activity.

2.2 Pre-start Notification

Regulation 15 (2) requires that an EP must "Include arrangements for the operator to notify the Department of the responsible State Minister, before the proposed date of commencement of drilling operations or seismic survey operations that are being carried out under the authority of the title if:

- (a) there is a community in the area where the drilling operations or seismic survey operations will be carried out; and
- (b) the drilling operations or seismic survey operations may have an effect on the community.

The Department recommends that operators provide notification of all activities being undertaken in Commonwealth waters adjacent to the WA Coastline. The notification provided to the Department should confirm the start date of the activity and should be submitted to the Department approximately one week prior to the commencement date of the proposed activity.

2.3 Cessation Notification

A cessation notification will enable the Department to monitor petroleum activities being conducted in Commonwealth waters adjacent to the WA Coastline. A cessation notification should be submitted to the Department within one week of the ceasing of operations in Commonwealth waters and should provide the Department with the activity completion date.

In the case that there is a potential impact to the State's energy supply or any land or water under State jurisdiction from the cessation of operations the Department should be notified as soon as practicable.

2.4 Incident Notification

The Department must be notified in the case of any reportable incidents as required by Regulation 26AA. The Operator should also notify the Department of any other incidents that could potentially impact on any land or water under State jurisdiction.

The Department recommends that all notifications of minor incidents that may impact any land or water under State jurisdiction should be reported to the Department as soon as practicable via the petroleum environment email address;

A notification of all reportable incidents in Commonwealth waters must be reported to the Department as soon as practicable via the petroleum environment email address as required by Regulation 26AA.

Major reportable incidents that will impact on land or water under State jurisdiction must be reported to the Department as soon as practicable as per Regulation 26AA. The Department recommends that this notification occurs within 2 hours via the Petroleum Environment Duty Phone and a written notification submitted as soon as practicable to the petroleum environment email address.

3.0 Contact Details

All major incidents should be reported through the **Petroleum Environment Duty Phone (24hr): 0419 960 621**

All written notifications can be sent to the petroleum environment email address:

petroleum.environment@dmp.wa.gov.au

Or via post addressed to:

General Manager
Petroleum Environment Branch
Department of Mines and Petroleum
Mineral House
100 Plain Street
East Perth 6004
Western Australia