

Public comment on offshore project proposals

Document No: N-04790-IP1664 A473111

Date: 10/01/2024

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1. Purpose

The purpose of this information paper is to assist members of the public in preparing and submitting comments on Offshore Project Proposals (OPPs).

2. Offshore project proposal process

The OPP process is the first phase of environmental assessment and approval provided for under the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023 (Environment Regulations) for new petroleum development projects in Commonwealth waters. Before NOPSEMA commences its formal assessment, OPPs are published for public comment on NOPSEMA's website for a minimum of four weeks. This process provides transparency and an opportunity for interested members of the public to comment on the project for subsequent consideration by the proponent and NOPSEMA in making a decision whether or not to accept the OPP.

More details on the OPP assessment process and NOPSEMA decision-making can be found in the OPP assessment policy (N-04790-PL1650) and OPP content requirements guidance note (N-04790-GN1663). Further general information regarding offshore environmental approvals is also available in NOPSEMA's Offshore environmental approvals brochure.

3. Publication of OPPs and invitations for you to comment

NOPSEMA publishes OPPs available for public comment on its website.

The proponent for the OPP is also requested to promote availability of, and invite comment on, the OPP its website and in a national, state and regional newspapers.

NOPSEMA will retain a copy of all correspondence but will not review public comment until after the public comment period has closed and the proponent has submitted a summary consultation report and final OPP.

NOPSEMA prefers public comments to be submitted via NOPSEMA's consultation hub (<https://consultation.nopsema.gov.au/>).

Alternatively, submissions may be:

Emailed to: submissions@nopsema.gov.au

Posted to: NOPSEMA – Public Comment Submissions, GPO Pox 2568 PERTH WA 6001

Delivered to: NOPSEMA – Public Comment Submissions, Level 10 Alluvion, 58 Mounts Bay Road, PERTH WA 6000

Public comments need to be received by NOPSEMA prior to the closing date published on NOPSEMA's website in order to be considered by the proponent. Comments sent by post need to be stamped prior to the closing date to be considered. If comments are received after the closing date, NOPSEMA will not forward these comments to the proponent, but will encourage the submitter to contact the proponent directly to convey their claims.

Personal information collected by NOPSEMA in the public comment process is managed in accordance with our Privacy Policy (see Section 6 Privacy notice). It is important to note that if comments are submitted through the consultation hub there is no opportunity to have personal details redacted from the comments, and the full submission will be forwarded to the proponent. When submitting a comment on an OPP during the public comment period, it is helpful that your name and contact details are provided. This allows NOPSEMA and/or the titleholder to contact you if new issues are raised. It also increases the transparency and accountability of the public comment process. However, for those who wish to remain anonymous to the proponent, comments will need to clearly state the preference to remain anonymous to the proponent and be submitted by email to: submissions@nopsema.gov.au. If you request that your personal information is not provided to the proponent when submitting comments via email to submissions@nopsema.gov.au, this may limit the proponent's ability to contact you for any clarifications should these be needed to comprehensively respond to your comments.

4. Ensuring your comments are effective

It is important that public comments on OPPs are submitted in written form and are relevant to the project or any activity that is part of the project. Submissions should present clear and supported objections or claims relevant to the OPP and requirements of the Environment Regulations. Comments should avoid posing questions to the proponent or to NOPSEMA. The opportunity to provide public comment is not intended to commence dialogue between the submitter and the proponent or NOPSEMA, but is rather an opportunity for the public to provide additional relevant information for consideration in the assessment of an OPP. NOPSEMA will not provide individual responses to public comments received. Prior to making a written submission, the advice below should be considered.

Submissions should:

- reference the OPP title and proponent
- clearly state any objections or claims including the reasons for the objections or claims about the project or any part of the project as it relates to requirements of the Environment Regulations
- be clear, succinct and refer to relevant sections of the OPP
- provide references to any source(s) of information that support the objection or claim, including references to any factual data such as scientific reports
- clearly label any photographs, maps or sketches if they are used
- provide clear contact details in the event the proponent needs to seek clarification on your submission
- provide comments by the due date.

If you wish to know more about the OPP prior to making a submission, please contact the liaison person nominated by the proponent. This may assist interested parties in understanding the proposal and formulating any comments. If interested in developing ongoing dialogue with the proponent, interested parties should engage directly with the proponent to initiate this.

In accordance with the Environment Regulations, information that is irrelevant to NOPSEMA's decision-making criteria cannot be considered, examples include:

- Statements of fundamental objection to oil and gas activity
- Comments that contain personal threats or profanities
- SPAM mail
- Comments made through online social media channels
- Petitions
- Comments that pose questions to NOPSEMA and or/the titleholder.

For further information on which activities require an OPP and/or the OPP assessment process, please refer to the OPP assessment policy (N-04790-PL1650) and OPP content requirements guidance note (N-04790-GN1663). To access these documents as well as further environmental management advice documents visit NOPSEMA's website: www.nopsema.gov.au

5. What happens with your comments

NOPSEMA receives all public comments submitted during the public comment period and forwards these to the proponent to be addressed in the OPP submitted to NOPSEMA for formal assessment after the public comment period.

The proponent is responsible for considering all public comments received during the public comment period, including by summarising all comments received, assessing the merits of each objection or claim, and providing a response to those objections or claims. As mentioned earlier, public comments need to be received by NOPSEMA prior to the closing date published on NOPSEMA's website in order to be considered by the proponent. If comments are received after the closing date, NOPSEMA will not forward these

comments to the proponent, but will encourage the submitter to contact the proponent directly to convey their claims.

Following the close of the public comment period and receipt of another copy of the OPP, NOPSEMA will assess the OPP, including content relevant to addressing public comments, against regulatory criteria. The information in public comments will be considered by NOPSEMA during the assessment of the OPP's acceptability.

If NOPSEMA determines the proponent has not evaluated and addressed public comments adequately then NOPSEMA may request further information and after reasonable opportunities are given will refuse to accept the proposal if it is not reasonably satisfied that relevant decision-making criteria are met.

If NOPSEMA is reasonably satisfied that the OPP meets the criteria set out in the Environment Regulations and the OPP is accepted, NOPSEMA will publish the final OPP and consultation report in full on its website.

6. Privacy notice

The Environment Regulations require NOPSEMA to publish an accepted copy of a proponent's OPP including the consultation report on its website.

While commenters submitting comments via the submissions@nopsema.gov.au email address may elect to remain anonymous to the proponent, comments received by NOPSEMA via other means will be passed in full to the proponent without personal details removed.

If you do provide your personal information and it is included in an OPP, NOPSEMA will not use or disclose your personal information for any other purpose without your consent. NOPSEMA may use or disclose your personal information if it is required or authorised by law or it is reasonably necessary for an enforcement activity. For example, your personal information may be disclosed to:

- individuals who make a request under the *Freedom of Information Act 1982*
- the Australian National Audit Office and other privately appointed auditors
- law enforcement bodies (for example, the police or the coroner)
- NOPSEMA's legal advisors.

NOPSEMA may occasionally be required to disclose information to overseas recipients in order to discharge its functions or exercise its powers, or to perform its necessary business activities.

Information about how NOPSEMA collects and stores personal information or advice about how you can access, or seek correction to, your personal information is described in NOPSEMA's Privacy Policy. For more information, see nopsema.gov.au/privacy. If you have an enquiry or a complaint about your privacy, please contact NOPSEMA's Privacy Contact Officer on 08 6188 8700 or by email at privacy@nopsema.gov.au.

7. Relevant legislation

Offshore Petroleum and Greenhouse Gas Storage Act 2006

Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023

8. Related documents

Regulatory policy and guidelines on NOPSEMA's administration of the legislation:

N-04750-PL1347 – Policy – Environment plan assessment

N-04000-GL0225 – Guideline – Making submissions to NOPSEMA

Resources to assist stakeholders understand the requirements and how to comply:

N-04790-GN1663 – Guidance Note – Offshore Project Proposal Content Requirements

Other resources:

Offshore Environmental Approvals Brochure