

Senate Environment and Communications Committee
ANSWERS TO QUESTIONS ON NOTICE
Department of Industry, Science, Energy and Resources
Inquiry into the impact of seismic testing on fisheries and the marine environment
18 March 2021

AGENCY/DEPARTMENT: DEPARTMENT OF INDUSTRY, SCIENCE, ENERGY AND RESOURCES

TOPIC: Statement of Canadian Practice

REFERENCE: Question on Notice (Written, Senator Urquhart, 22 March 2021)

QUESTION No.: 1

How does the ‘Statement of Canadian Practice with respect to the Mitigation of Seismic Sound in the Marine Environment’ compare to the EPBC Act Policy Statement 2.1?

ANSWER

The *Environment Protection and Biodiversity Conservation Act 1999* is administered by the Department of Agriculture, Water and the Environment. Responsibility for EPBC Act Policy Statement 2.1 lies with that department.

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TOPIC: United Kingdom (OPRED) practices and risk threshold

REFERENCE: Question on Notice (Written, Senator Urquhart, 22 March 2021)

QUESTION No.: 2

Your submission indicates that the environmental regulator in the United Kingdom (OPRED) imposes Best Environmental Practice and Best Available Techniques conditions on oil and gas companies that wish to conduct seismic surveys (Submission 19, p. 30). Can you outline some of these practices and techniques to the committee? What is the UK's risk threshold?

ANSWER

The UK is a contracting party to the Convention for the Protection of the Marine Environment of the North-East Atlantic (the OSPAR Convention), which requires parties to apply Best Available Techniques (BAT) and Best Environmental Practice (BEP) in their efforts to prevent and eliminate marine pollution.

As defined in Appendix 1 of the OSPAR Convention, BAT refers to techniques that are ‘the latest stage of development (state of the art) of processes, of facilities or of methods of operation which indicate the practical suitability of a particular measure for limiting discharges, emissions and waste’.

Also defined in Appendix 1 of the OSPAR Convention, BEP is ‘the most appropriate combination of environmental control measures and strategies’.

The Department of Industry, Science, Energy and Resources does not have any information regarding the UK’s risk threshold.

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TOPIC: Plans to Update EPBC Act Policy Statement 2.1

REFERENCE: Question on Notice (Written, Senator Urquhart, 22 March 2021)

QUESTION No.: 3

What plans are there, if any, to update the EPBC Act Policy Statement 2.1?

ANSWER

The *Environment Protection and Biodiversity Conservation Act 1999* is administered by the Department of Agriculture, Water and the Environment. Any update of EPBC Act Policy Statement 2.1 is a matter for that department.

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TOPIC: NOPTA consultation

REFERENCE: Question on Notice (Written, Senator Urquhart, 22 March 2021)

QUESTION No.: 4

Does NOPTA consult specifically with industry prior to an annual acreage release? What weight is given to these various views?

ANSWER

NOPTA does not undertake any consultation as part of the annual acreage release process. All consultation is undertaken by the Department of Industry, Science, Energy and Resources (DISER) as part of a comprehensive, staged process.

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TOPIC: Scope for International Collaboration

REFERENCE: Question on Notice (Written, Senator Urquhart, 22 March 2021)

QUESTION No.: 5

Multiple submitters and witnesses supported a collaborative and multidisciplinary approach to research into the impacts of seismic signal exposure on marine animals and the marine environment. In your view, is there scope for more international collaboration between researchers, as well as governments?

ANSWER

The department encourages collaboration between international partners to address shared challenges wherever appropriate, including research projects in marine science.

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TOPIC: Global comparisons to Australia's regulatory system

REFERENCE: Question on Notice (Written, Senator Urquhart, 22 March 2021)

QUESTION No.: 6

On what basis could Australia's regulatory regime be described as 'world leading'? Is it possible to make global comparisons?

ANSWER

The regulation of marine seismic surveys around the world varies according to the policies, values and priorities of each country, and their respective environmental sensitivities. The structure, size and role of regulatory regimes varies significantly between jurisdictions, and there is no standard definition of a leading-practice regulatory regime.

Following the 1999 Australian Government review into the adequacy of offshore safety regulation in Australia, the National Offshore Petroleum Safety Authority (NOPSA) was established as the sole regulator for offshore safety in Commonwealth waters in 2005. Regulation of environmental management activities in Commonwealth waters was added to their remit in 2012, when NOPSA became NOPSEMA.

The National Commission on the BP Deepwater Horizon oil spill found that having the functions of titles administration and resource management combined with safety regulation was a contributing causal factor to that incident. These functions have been separated in Australia since 2012, with the establishment of the National Offshore Petroleum Titles Administrator (NOPTA).

Australia's objective-based approach to regulation is supported internationally by regulatory authorities, risk management professionals and academics as being the most appropriate regulatory framework for high-hazard industries.

Our offshore oil and gas regulatory framework has proven to be an effective and robust regime that allows for the exploration and development of Australia's offshore resources while ensuring stringent environmental protections.

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TOPIC: Rules-based regulatory processes

REFERENCE: Question on Notice (Written, Senator Urquhart, 22 March 2021)

QUESTION No.: 7

How well do rules-based regulatory approaches, like that in place in the US, work in relation to offshore petroleum exploration?

ANSWER

Under a rules-based regulatory approach, activity proponents are only required to consider the matters specifically identified by regulations and meet the minimum standards of protection prescribed.

In contrast, objective-based regulation offers flexibility to account for changing circumstances, and promotes adaptive management practices through flexibility. It encourages improvement by allowing for flexibility in implementing new technologies and innovations in response to dynamic environmental conditions and emerging scientific research.

For the offshore petroleum sector, a technically complex and continually evolving industry, the objective-based regulatory model provides an adaptable, flexible and scalable approach which recognises the specific circumstances of each activity and the environment in which they take place. It ensures flexibility in operational matters to meet the unique nature of different activities, and avoids a 'one size fits all' approach to regulation.

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TOPIC: New Zealand decision to not grant permits

REFERENCE: Question on Notice (Written, Senator Urquhart, 22 March 2021)

QUESTION No.: 8

In 2018, New Zealand decided not to grant any new permits for petroleum exploration. In your view, what have been the outcomes of this decision?

ANSWER

Decisions made by foreign governments relating to their own domestic industries are matters for their own government to consider.