

22 February 2023

Department of Mines, Industry Regulation and Safety
REC.Consultation@dmirs.wa.gov.au



Environment Institute
of Australia and
New Zealand Inc.

Dear Sir / Madam

RE: Petroleum Legislation Amendment Bill (No.2) 2022

The Environment Institute of Australia and New Zealand (EIANZ) (the Institute) Western Australia (WA) Division (the Division) is pleased to have this opportunity to provide feedback on the Petroleum Legislation Amendment Bill (No.2) 2022.

The Institute is the leading professional body in Australia and New Zealand for environmental practitioners and promotes independent and interdisciplinary discourse on environmental issues. On all issues and all projects, the Institute advocates good practice environmental management delivered by competent and ethical environmental practitioners.

We forward this submission on behalf of the WA EIANZ members. The WA Division currently has approximately 200 members while the Institute has over 2,100 members across Australia and New Zealand in a range of technical disciplines including certified environmental practitioners (CEnVP), ecological consultants, environmental advocates and environmental impact specialists working in government, industry and the community.

Again, we thank DMIRS for the opportunity to be engaged in feedback on this amendment.

Yours sincerely

A handwritten signature in black ink that reads "BBastow".

Belinda Bastow
President
EIANZ – WA Division

1 Introduction

1.1. Background

The EIANZ WA Division is pleased to make comments on Petroleum Legislation Amendment Bill (No.2).

EIANZ considers that consultation with stakeholders is timely, to promote feedback on the effectiveness of the proposed changes to legislation, to identify any gaps, and encourage ideas on how the legislation can be improved. Widespread consultation is imperative to ensure the reformed legislation provides clarity and certainty for all.

EIANZ have engaged practitioners and technical experts to provide feedback on the Petroleum Legislation Amendment Bill (No.2). EIANZ's submission provides direct responses to key issues of concern and raises functional changes which could be made to resolve identified issues. EIANZ is hopeful these recommendations are included in future revisions of the bill, to ensure a more practical industry licensing regime can be achieved.

1.2. Role of the EIANZ

The EIANZ, as the leading membership based professional organisation for environmental practitioners in Australia and New Zealand, is an advocate for good practice environmental management. The Institute supports environmental practitioners and promotes independent and interdisciplinary discussion on environmental issues. The Institute also advocates environmental knowledge and awareness, advancing ethical and competent good practice environmental management.

A Certified Environmental Practitioner Scheme (www.cenvp.org) is also in place to assess and certify competent experienced environmental practitioners working in government, industry and the community. This includes specialist competencies such as Impact Assessment, Ecology and Contaminated Lands.

The EIANZ is an advocate for environmental assessment, management and monitoring investigations and reports being certified by suitably qualified and experienced persons for the completeness and scientific rigor of the documents. One of the ways of recognising a suitably qualified practitioner is through their membership of, and certification by, an organisation that holds practitioners accountable to a code of ethics and professional conduct, such as the EIANZ.

The EIANZ is a not-for-profit, charitable organisation incorporated in Victoria, and a registerable Australian body under the Corporation Act 2001 (Cwth), allowing it to operate in all Australian jurisdictions.

2 General Observations

Feedback from EIANZ is focused on whether proposed amendments will facilitate improved environmental outcomes.

EIANZ is supportive of the inclusion of care and maintenance, decommissioning and rehabilitation as recognized petroleum operations, resulting in titleholders being legally obligated to properly plan for, report on and undertake these activities as required.

In addition, EIANZ is supportive of the introduction of the "polluter pays" principle to Division 4A of the *Petroleum and Geothermal Resources Act 1967*, Part4A of the *Petroleum Pipelines Act 1969*, and under Division 4AA of the *Petroleum (Submerged Lands) Act 1982*. As they related to:

- “clean up the escaped petroleum and remediate any resulting damage to the environment”,
- “carry out environmental monitoring of the impact of the escape on the environment and anything done by the registered holder of the title”, and
- “carry out environmental monitoring of the impact of the escape and clean-up of the environment” under these Divisions/Parts of the amended Acts

EIANZ recommends:

1. defining what is “damage to the environment” and suggests the definition could be aligned with the definition of “environmental harm” in the *Environmental Protection Act 1986*.
2. including a clause by which the Minister may specify a period over which the clean-up, remediation of damage to the environment, and monitoring should be completed.
3. that a penalty should be specified for the monitoring and clean-up not being completed to the satisfaction of the Minister.

We also note:

4. that activities under these Acts require the preparation, submission and approval of environment plans, which may be a suitable mechanism for specifying actions as related to any damage to the environment.
5. that it is an offence to cause or allow certain materials (including hydrocarbons) to enter into the environment in connection with a commercial or business activity, under the *Environmental Protection (Unauthorised Discharges) Regulations 2004*.

3 Conclusion

The EIANZ WA Division is pleased to make comments on the Petroleum Legislation Amendment Bill (No.2) 2022.

If you have any further queries regarding the above matters, please contact Belinda Bastow, President EIANZ WA Division on wa@eianz.org.