

4th April 2016

By email:
onshoregas@nt.gov.au



Environment
Institute of
Australia and
New Zealand

Dear Sir/Madam,

Re: comment on Draft Petroleum (Environment) Regulations

The Environment Institute of Australia and New Zealand (EIANZ) represents environmental practitioners across Australia and New Zealand. EIANZ members work with environmental policy development and implementation across the environmental sector including consultancy, government and mining; consequently members of the EIANZ have a vested interest in legislation and policy achieving environmental objectives and being pragmatic and implementable.

Consequently, the EIANZ Northern Territory Division thanks the Northern Territory Government for the opportunity to submit its comments on the *Draft Petroleum (Environment) Regulations*.

As a general comment we believe the regulation gives a solid framework to make petroleum environmental matters more rigorous, more easily assessable and more transparent. We do make the following comments:

Overall

- The term environment management plan is frequently used across the document; in our experience industry refers to environmental management plans (in s.49 and s.52 the term environmental management plans is used).
- We believe that the petroleum industry has significantly improved environmental management procedures in the last few years. Public concern is partially due to the lack of reporting from the industry and government. And, as this regulation is principally about allaying public concerns, we believe that it could be further improved by the Minister publishing all offences, incidents and infringements (as defined in this Regulation and the Act) and subsequent penalties. Furthermore an annual report should be published that summarises these incidents and the company and government response.

Section specific comments are:

s.8 (3) (a):

- (iv) There needs to be consideration of how long this monitoring is going to last for. The duration should be influenced by the nature and intensity of the activity which can be derived during the risk assessment process.



GPO Box 4832, Darwin NT 0801
Tel: 03 9654 7473 Fax 03 9650 1242
Web: www.eianz.org
ABN 39 364 288 752

- We believe the following could be added: (vii) Consideration of cumulative impacts of this activity and other nearby activities.

s.9:

- (b) We believe that there needs to be some level of specification of a 'reasonable period'.
- (2) There should be a requirement of a register for stakeholder engagement in case there is any disagreement between the stakeholder and interest holder regarding length, frequency and type of engagement.
- (3) Not sure why there are more definitions here
- (3) relevant location: there needs to be an understanding that the regulated activity might be performed within a land parcel but effects (for example noise, dust) might be on another land parcel. This Regulation needs to acknowledge that and ensure that the interest holder has considered this.

s.10 (b) (iii):

- Here and the Regulations objects (s.4) talk of acceptable levels, to ensure clarity between parties can thresholds be defined?

s.11

- It is unclear what an environmental report is. We interpret it to be an assessment of the EMP by the department. If this is the case we wonder if the term environmental report is too ambiguous and if the term EMP assessment would be less abstruse.

s.22(1):

- If there is a change to the interest holder then, we believe, the new interest holder must recommit to existing or submit modified plans.

s.26

- A five year review period is too long particularly in the first few years of implementation of this regulation. The period of revision needs to depend on the nature and intensity of the activity, it may be that low risk activities have a longer review period.

s.29(2)(b)

- In the interest of transparency if the Minister withholds information (other than commercially confidential (s.29(2)(a)) then they must publish a statement justifying the decision.

s.33(3)

- We believe that the Minister must publish this notice.

Part 2 Division 7

- All offences under this Division should be published. An annual report should be published by the department outlining the extent of offences across the industry for that calendar year as well as government and company responses.

Part 3 Division 1

- All offences, recordable and reportable incidents should be published and summarised in an annual report outlined under comments for Part 2 Division 7 above.

Part 4

- All infringement notices should be published and summarised in an annual report outlined under comments for Part 2 Division 7 above.

s.38 We believe that all reportable and recordable incidents should be published and summarised in an annual report outlined under comments for Part 2 Division 7 above.

s.52

- Should environmental protection plan here be environment/al management plan?

Schedule 12

- We also believe that in some instances neighboring landholders may be affected and subsequently would need to be notified.

We are led to understand that the *Petroleum Act* and the *Petroleum Resource Management Regulations* will also be reviewed soon and that the *Petroleum (Environment) Regulations* were developed first due to public interest in hydraulic fracturing. We look forward to being involved in the development of this legislation.

Yours Sincerely,



Jeff Richardson
President, Northern Territory Division
Environment Institute of Australia and New Zealand