

Our ref: A396854
Your ref: N/A

Marine Pest Unit
Department of Agriculture
Canberra ACT 2601

To Whom It May Concern

Re: National Marine Pest Biosecurity Review

Thankyou for the opportunity to provide comment on the National Marine Pest Biosecurity Review. Please find below our comments and please feel free to contact us at the details below should you require more information about this submission.

Background:

The National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) is a Commonwealth Statutory Agency regulating the health and safety, structural integrity and environmental management of all offshore petroleum facilities in Commonwealth waters, and in coastal waters where State powers have been conferred (refer to www.nopsema.gov.au for more background on NOPSEMA).

The offshore petroleum environmental management legislation requires petroleum titleholders to detail the control measures that will be used to ensure that the environmental impacts and risks of petroleum activities will be of an acceptable level and will be reduced to as low as reasonably practicable, including the risks presented by marine pests. These control measures are detailed in an environment plan (the permissioning document), which must be assessed and accepted by NOPSEMA prior to a titleholder undertaking a petroleum activity.

In the course of undertaking environment plan assessments, NOPSEMA has identified some areas of weakness associated with titleholder's marine pest risk assessment and management that it would like to see addressed by this review.

These issues include:

- 1) Scope of the various quarantine clearance/approvals processes not clearly defined

While NOPSEMA's jurisdiction for environmental regulation of the petroleum industry is currently limited to all petroleum activities¹ in Commonwealth waters only, the transit of vessels or other

¹ The definition of a petroleum activity in the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009 (Environment Regulations) typically excludes the transit of vessels, drilling rigs etc. through state, international or port waters.

petroleum associated infrastructure from international locations to state waters within Australia often carry a higher risk of marine pest establishment than the deeper offshore waters, so are therefore critical to risk assessments for petroleum activities in Commonwealth waters.

When vessels and other infrastructure associated with petroleum activities in Commonwealth waters transit into state and port waters they are required to undergo approvals/clearance processes of other agencies such as the Department of Agriculture (DoA). These approval/clearance processes are often referenced in environment plans as a relevant control measure to mitigate the risk of marine pest translocation from international waters or from state into Commonwealth waters. In NOPSEMA's view, the scope of these approvals/clearance processes is not sufficiently clear to understand their effectiveness in mitigating the risk of marine pest translocations and titleholder understanding of these processes appears to be inconsistent, as reflected in their environment plans. This issue is further complicated by the voluntary nature of any clearance process for biofouling and uncertainty about the level of compliance required. It is therefore important that this review considers mechanisms to increase awareness and understanding of all relevant marine pest approvals/clearance processes to ensure that any gaps or overlaps are easily identified and can be addressed.

One mechanism available to increase petroleum titleholder awareness and understanding of the various legislative requirements and agency expectations (such as those set out guidance documents) is the consultation process that is built into the Environment Regulations. The DoA is a Department of the Commonwealth to which the activities to be carried out under the environment plan may be relevant and as such are considered a 'relevant person' for consultation purposes under the Environment Regulations. The Environment Regulations provide for a consultation process whereby titleholders provide relevant persons with sufficient information to enable them to make an informed assessment of the possible consequences of the activity on their functions, interests or activities. This process provides an opportunity for relevant persons to raise objections or claims about adverse impacts of an activity and thus would be an opportunity for DoA to raise clear claims relating to marine pest management considerations. These claims could be made either on an activity specific basis or as a general position that is clearly communicated to titleholders at a strategic level on the DoA's requirements and recommendations for best practice marine pest management.

2) Potential for large discrepancies in the way that marine pest risks are assessed and ranked

The National System guidance material does not prescribe the approach to risk management, but rather provides important considerations for marine pest risk assessment and mitigation. The guidance material provides useful context for titleholders on the factors to consider when evaluating the risk of marine pest translocation and available control measures.

It is however noted that the guidance on the assessment of risks, and thus determination of when control measures are required, outlines the factors that need to be considered but provides limited guidance on how to rank each of the factors. As a result, there is potential for inappropriate approaches to risk assessment and management. Consideration should be given to developing a

standardised framework for assessing and assigning risk levels, which would assist both duty holders and regulators.

Yours sincerely



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