Legislative and Other Requirements

Establishing the Context

The identification of legislative and other environmental requirements that apply to the Otway exploration drilling program provides important context for the evaluation of environmental impacts and risks. ConocoPhillips Australia is required to have regard for all relevant context when defining the acceptable level of impacts and risks, including (among other things) laws, policies, standards, conventions, statutory instruments such as recovery plans for threatened species and plans of management for protected places.

Predictions of environmental impact and risk must be made with legislative and other requirements in place as they represent the minimum level of environmental management required. Control measures are then implemented to ensure that these requirements are complied with.

The primary legislation governing the exploration project is the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (OPGGS Act) and the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* (OPGGS(E) Regulations).

Currently identified 'legislative and other environmental requirements' have been collated below.

Title	Objectives/Actions relevant to Otway Exploration Drilling Program
Commonwealth Legislation and Regulations	
Offshore Petroleum and Greenhouse Gas Storage Act 2006 (OPGGS Act, the Act)	Provides the legislative framework for the exploration and recovery of petroleum and greenhouse gas (GHG) activities in Commonwealth waters (those areas that are more than three nautical miles from the territorial seal baseline). This Act establishes the Joint Authority for each offshore area, the National Offshore Petroleum Titles Administrator (NOPTA) and the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA). The Joint Authorities are responsible for key petroleum title decisions in Commonwealth waters including, but not limited to, the release and grant of offshore petroleum exploration areas. NOPTA administers titles and data management for petroleum and greenhouse gas (GHG) titles in Commonwealth waters and provides expert advice, administration, compliance monitoring and data management in accordance with OPGGS Act. NOPSEMA is the Independent regulator for health and safety, structural (well) integrity and environmental management for all offshore petroleum and GHG operations in Commonwealth waters and in coastal waters where regulatory powers and functions have been conferred.

Title	Objectives/Actions relevant to Otway Exploration Drilling Program
Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009 (OPGGS(E) Regulations, Environment Regulations)	The Environment Regulations provide for the robust regulation of environmental management of petroleum and greenhouse gas storage activities in Commonwealth waters, and aim to ensure that activities in these areas are: • Undertaken in a manner that is consistent with ecologically sustainable development • In line with the objective that environmental impacts and risks are reduced to as low as reasonably practicable and are of an acceptable level. The Regulations require that a NOPSEMA accepted Environment Plan (EP) and Oil Pollution Emergency Plan (OPEP) be place for any petroleum activity prior to commencement. They also establish requirements for consultation in preparing an EP and for public comment.
Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)	The EPBC Act is the Australian Government's central piece of environmental legislation which provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places—defined in the EPBC Act as matters of national environmental significance. On 28 February 2014, the NOPSEMA Program, which was endorsed by the Australian Government under the EBPC Act, came into effect. The Program provides for NOPSEMA to assess and make approval decisions for new offshore petroleum development projects and shorter-term activities. NOPSEMA's environmental assessment processes consider all project- and activity-specific environmental impacts and risks, including but not limited to those relevant to matters protected under Part 3 of the EPBC Act. Decision-making under the Program ensures that environmental impacts and risks, including to matters protected under Part 3 of the EPBC Act, will be of an acceptable level and reduced to as low as reasonably practicable (ALARP). The object of the Environment Regulations is also to ensure that any petroleum activity or greenhouse gas storage activity is carried out in a manner consistent with the principles of ecologically sustainable development as set out in section 3A of the EPBC Act. Matters of National Environmental Significance (MNES) include: • World heritage properties • National heritage places • Wetlands of international importance (Ramsar wetlands) • Nationally threatened species and ecological communities • Migratory species • Commonwealth marine areas • The Great Barrier Reef Marine Park • Nuclear actions (including uranium mining) • A water resource, in relation to coal seam gas and large coal mining developments. Example: Under the EPBC Act, all cetaceans (whales, dolphins and porpoises) are protected within the Australian Whale Sanctuary, which includes all Commonwealth waters from the state waters limit out to the boundary of the Exclusive Economic Zone. Section 229 of the EPBC Act makes it an offence to kill, injure or interfere with a cetacean within the Australia Whale Sanctuary.

Title	Objectives/Actions relevant to Otway Exploration Drilling Program
Environment Protection and Biodiversity Conservation Regulations 2000 (EPBC Regulations)	Provides for the listing of threatened species and ecological communities, registration of critical habitats, the development of recovery and threat abatement plans and conservation agreements. Part 8 – Interacting with cetaceans and whale watching provides for the protection and conservation of cetaceans, including: • Exclusion and cautions zones around cetaceans and calves • Speed restrictions • Avoidance actions • Posting a lookout • Aircraft heights. Part 9 provides for the conservation of biodiversity in commonwealth areas, Part 10 provides management principles for protected areas, and Parts 11 and 12 provide for commonwealth reserves and activities within these areas.
Protection of the Sea (Prevention of Pollution from Ships) Act 1983 • Part III (Prevention of pollution by noxious substances) • Part IIIA (Prevention of pollution by packaged harmful substances) • Part IIIC (Prevention of pollution by garbage)	Regulates ship-related operational activities and invokes certain requirements of the MARPOL Convention relating to discharge of noxious liquid substances, sewage, garbage, air pollution etc. It requires that ships >400 gross tonnes have pollution emergency plans. Several Marine Orders (MO) are enacted under this Act relating to offshore petroleum activities, including: • MO 91: Marine Pollution Prevention – Oil • MO 93: Marine Pollution Prevention – Noxious liquid substances • MO 94: Marine Pollution Prevention – Packaged harmful substances • MO 95: Marine Pollution Prevention – Garbage • MO 96: Marine Pollution Prevention – Sewage • MO 97: Marine Pollution Prevention – Air Pollution • MO 98: Marine Pollution Prevention – Anti- fouling Systems. The drilling rig and support vessels >400 gross tonnes will adhere to the relevant MOs by having a Shipboard Marine Pollution Emergency Plan (SMPEP), Oil Record Book and Garbage Management Plan in place and implemented, along with international pollution prevention certificates verifying compliance with oil, air pollution and sewage measures.
Australian Maritime Safety Authority Act 1990 (AMSA Act)	Facilitates international cooperation and mutual assistance in preparing for and responding to major oil spill incidents. Encourages development and maintenance of capability to deal with oil pollution emergencies. Requirements are implemented through the Australian Maritime Safety Authority (AMSA), the lead agency for responding to oil spills in the Commonwealth marine environment responsible for implementing the Australian National Plan for Maritime Environmental Emergencies (NatPlan).
AMSA Marine Orders Part 94 (Marine pollution prevention – packaged harmful substances) 2014	Sets out the requirements for preventing harmful substances carried by regulated Australian vessels, domestic commercial vessels and Australian recreation vessels from entering the marine environment, including management of: • Harmful substances in packaged form • Washing substances overboard • Notifying and reporting an incident.

Title	Objectives/Actions relevant to Otway Exploration Drilling Program
AMSA Marine Orders Part 95 (Marine pollution prevention – garbage) 2018	Sets out the requirements for management of: • Cargo residues • Discharges of animal carcasses • Garbage management plans • Garbage record books.
Navigation Act 2012 (& Regulations 2013) and various Marine Orders (appropriate to vessel class) enacted under this Act	Regulates ship-related activities in Commonwealth waters including Safety of Life at Sea (SOLAS) and specific requirements for navigational lighting and invokes certain requirements of the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78) relating to equipment and construction of ships. Although the Act does not apply to the operation of petroleum facilities, it may apply to some of the actions of seabed survey and support vessels (seafarers) in Australian waters. Of relevance are: • Chapter 6 (Safety of navigation), particularly Part 3 (Prevention of collisions). • AMSA MO 21 Safety of Navigation and Emergency Procedures. • AMSA MO 27 Safety of Navigation and Radio Equipment. • AMSA MO 30 Prevention of Collisions. • AMSA MO 50 Special purpose vessels, such as those used for offshore drilling. • AMSA MO 70 Seafarer certification.
Biosecurity Act 2015	Biosecurity obligations are administered by the Department of Agriculture, Fisheries and Forestry (DAFF) and include ballast water and biofouling requirements, specifically: • Pre-arrival information must be reported through MARS before arriving in Australian waters • Biofouling management plan and record book in place • Offshore Biofouling Risk Assessment Register, which considers biofouling and ballast water related risks, which may lead to IMS inspections by suitably qualified personnel • Antifouling system certification for vessels is current and in accordance with AMSA Marine Order Part 98 (Antifouling systems).
Biosecurity (Ballast Water and Sediment) Determination 2017 and the Australian Ballast Water Management Requirements Version 8 (DAWE, 2020)	The International Convention on the Control and Management of Ship's Ballast Water and Sediment (Ballast Water Management Convention) applies to waters out to 200 nm and is given effect in Australia through the Biosecurity Act 2015, Biosecurity (Ballast Water and Sediment) Determination 2017 and the Australian Ballast Water Management Requirements. Australian Ballast Water Management Requirements including ballast water treated via a ballast water treatment system (with Type Approval Certificate) and ballast water record system will be maintained with all ballast water discharges to be reported. Vessels moving between Australian ports and offshore installations, within Australian waters, will manage ballast water in accordance with Australia's domestic ballast water requirements. The acceptable area for a ballast water exchange between an installation and an Australian port is in sea areas >500 m from the offshore installation, and >12 nm from the nearest land (as per DAWE, Australian Ballast Water Management Requirements Version 8).

Title	Objectives/Actions relevant to Otway Exploration Drilling Program
Fisheries Management Act 1991 (& Regulations 2009)	Administered by the Australian Fisheries Management Authority's (AFMA's) to: • Implement efficient and cost-effective fisheries management on behalf of the Commonwealth • Ensure the exploitation of fisheries resources and the carrying on of any related activities are conducted in a manner consistent with the principles of ESD • Maximise the net economic returns to the Australian community from the management of Australian fisheries • Ensure accountability to the fishing industry and to the Australian community in management of fisheries resources, and • Achieve government targets in relation to the recovery of the costs of AFMA.
Underwater Cultural Heritage Act 2018	Protects the heritage values of shipwrecks, sunken aircraft and relics (older than 75 years) in Australian Territorial waters from the low water mark to the outer edge of the continental shelf (excluding the State's internal waterways). The Act allows for protection through the designation of protection zones. Activities / conduct prohibited within each zone will be specified.
Tasmanian Legislation	
Environmental Management and Pollution Control Act 2004 (EMPCA)	The primary environment protection and pollution control legislation in Tasmania administered by the Environment Protection Authority (EPA-Tas). Fundamental objectives are the prevention, reduction and remediation of environmental harm, focussing on preventing environmental harm from pollution and waste. It defines the EPA's jurisdiction during a spill event, prescribes the fee structure to waste events and environmental protection notices and regulates the management and control of controlled wastes. Relevant regulations under the EMPCA include: • Environmental Management and Pollution Control (General) Regulations 2017 • Environmental Management and Pollution Control (Waste Management) Regulations 2010 • The EPA Division Compliance Policy provides the Director of the EPA powers of compliance.
Marine-related Incidents (MARPOL Implementation) Act 2020 (& Regulations)	Deals specifically with discharges of oil and other pollutants from ships and gives effect in Tasmania to the MARPOL international convention on marine pollution.
Living Marine Resources Management Act 1995	Administered by Fishing Tasmania to achieve sustainable development of living marine resources having regard to the need to: • Increase the community's understanding of the integrity of the ecosystem upon which fisheries depend; and • Provide and maintain sustainability of living marine resources; and • Take account of a corresponding law; and • Take account of the community's needs in respect of living marine resources; and • Take account of the community's interests in living marine resources.
Victorian Legislation	

Title	Objectives/Actions relevant to Otway Exploration Drilling Program
Environment Protection Act 1970 (& various Regulations)	Controls discharges and emissions (air, water) to the environment within Victoria. It gives the Environment Protection Authority (EPA) powers to licence premises discharges to the marine environment, control marine discharges and to undertake prosecutions. Provides for the maintenance and, where necessary, restoration of appropriate environmental quality and is relevant to oil pollution in Victorian state waters. The State Environment Protection Policy (Waters of Victoria) designates: • Spill response responsibilities by Victorian Authorities to be undertaken in the event of spills (DPT) with EPA enforcement consistent with the Act and the Pollution of Waters by Oil & Noxious Substances Act 1986. • Requires vessels not to discharge to surface waters sewage, oil, garbage, sediment, litter or other wastes which pose an environmental risk to surface water beneficial uses Discharge of domestic ballast water from emergency response vessels into Victorian State waters must comply with these requirements: • To protect state waters from marine pests introduced via domestic ballast water, ballast water management arrangements applying to all ships in State and territorial waters must be observed as per the Environment Protection (Ships' Ballast Water) Regulations 2006, Waste Management Policy (Ships' Ballast Water) and the Protocol for Environmental Management. • High risk domestic ballast water (ballast water which leachates from an Australian port or within the territorial sea of Australia (to 12 nm)), regardless of the source, must not be discharged into Victorian State waters. • Ship masters must undertake a ballast water risk assessment on a voyage by voyage basis to assess risk level, provide accurate and comprehensive information to the EPA on the status and risk of ballast water contained on their ships, and to manage domestic ballast water discharges with EPA written approval.
Emergency Management Act 2013 (& Regulations 2003)	Provides for the establishment of governance arrangements for emergency management in Victoria, including the Emergency Management Commissioner and an Inspector-General for Emergency Management. Provides for integrated and comprehensive prevention, response and recovery planning, involving preparedness, operational co-ordination and community participation, in relation to all hazards. These arrangements are outlined in the Emergency Management Manual Victoria. Provides for the emergency response structure for managing emergency incidents within Victorian State waters, triggered in the event of a spill impacting or potentially impacting State waters.
Marine (Drug, Alcohol and Pollution Control) Act 1988	Concerns the registration of vessels, pollution of the sea, and the safe and efficient operation of vessels on State waters.
Flora and Fauna Guarantee Act 1988 (& Regulations 2011)	Purpose is to protect rare and threatened species; and enable and promote the conservation of Victoria's native flora and fauna and to provide for a choice of procedures that can be used for the conservation, management or control of flora and fauna and the management of potentially threatening processes. Where a species has been listed as threatened an Action statement is prepared setting out the actions that have or need to be taken to conserve and manage the species and community. Action Statement controls for threatened species present in the environment that may be affected, as adopted (as relevant) within this EP. Triggered if an incident results in the injury or death of a FFG Act listed species (e.g. collision with a whale).

Title	Objectives/Actions relevant to Otway Exploration Drilling Program
Heritage Act 1995	Provides for the protection and conservation of historic places, objects, shipwrecks and archaeological sites in state areas and waters (complementary legislation to Commonwealth legislation), administered by Heritage Victoria. Part 5 of the Act is focused on historic shipwrecks, which are defined as the remains of all ships that have been situated in Victorian State waters for 75 years or more. The Act addresses, among other things, the registration of wrecks, establishment of protected zones, and the prohibition of certain activities in relation to historic shipwrecks. May be triggered in the event of impacts to a known or previously un-located shipwreck in Victorian State waters whilst undertaking emergency response activities.
Marine Safety Act 2010 (& Regulations 2012)	Provides for safe marine operations in Victoria, including imposing safety duties on owners, managers and designers of vessels, marine infrastructure and marine safety equipment; marine safety workers, masters and passengers on vessels; regulation and management of vessel use and navigation in Victorian State waters; and enforcement provisions of Police Officers and the Victorian Director of Transport Safety. Reflects the requirements of international conventions - Convention on the International Regulations for Preventing Collisions at Sea & International Convention for the Safety of Life at Sea. Defines marine incidents and the reporting of such incidents to the Victorian Director of Transport Safety. Applies to vessel masters, owners, crew operating vessels in Victorian State waters.
Fisheries Act 1995 (& Regulations 2009)	Provides a legislative framework for the regulation, management and conservation of Victorian fisheries including aquatic habitats.
Wildlife Act 1975 (& Regulations 2013)	The purpose of this Act is to promote the protection and conservation of wildlife. Prevents wildlife from becoming extinct and prohibits and regulates persons authorised to engage in activities relating to wildlife (including incidents). The Wildlife (Marine Mammal) Regulations 2009 prescribe minimum distances to whales and seals/seal colonies, restrictions on feeding/touching and restriction of noise within a caution zone of a marine mammal (dolphins (150 m), whales (300 m) and seals (50 m). Applies where vessels are within State waters responding to a spill event. Prescribes minimum proximity distances to whales, dolphins and seals will be maintained. Triggered if an incident results in the injury or death of whales, dolphins or seals.
Pollution of Waters by Oil and Noxious Substances Act 1986 (POWBONS) (& Regulations 2002)	Established to protect the sea and other waters from pollution by oil and noxious substances. Implements the MARPOL Convention (the International Convention for the Prevention of Pollution from Ships 1973) in Victorian State waters. Requires mandatory reporting of marine pollution incidents. Within Victorian State waters it restricts the discharge of treated oily bilge water according to vessel classification (>400 tonnes); discharge of cargo substances or mixtures; prohibition of garbage disposal and packaged harmful substances; restrictions on the discharge of sewage; regulator reporting requirements for incidents; ship construction certificates and survey requirements. Section 10 (Duty to report certain incidents involving oil and oily mixtures). Triggered in the event of a spill impacting or potentially impacting State waters.
National and State Plans	

Title	Objectives/Actions relevant to Otway Exploration Drilling Program
National Plan for Maritime Emergencies (NatPlan) (AMSA, 2000)	Implements Australia's obligations under the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969; United Nations Convention on the Law of the Sea, 1982; the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990; and the Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances, 2000 with respect to the management of maritime environmental emergencies.
State Maritime Emergencies (non-search and rescue) Plan (Victoria) (EMV, 2013)	Applies to Maritime Emergencies (non-search and rescue) including marine pollution which results, or may result, in a prohibited discharge into state waters of oil, an oily mixture, or an undesirable substance. • Provides the Victorian Marine Pollution Contingency Plan in accordance with the Marine (Drug, Alcohol and Pollution Control) Act 1988 (the Act). • Gives effect to Victoria's obligations under the National Plan for Maritime Environmental Emergencies and Intergovernmental Agreements. • Provides the State Emergency Response Plan Maritime Emergencies (NSR) Sub-plan in accordance with the Emergency Management Act 2013. • Provides strategic guidance for the effective management of maritime emergencies specifically addressing marine pollution (including oil and hazardous noxious substances) and/or maritime casualty NSR.
Tasmanian Marine Oil and Chemical Spill Contingency Plan (TasPlan) (EPA-Tas, 2022)	Documents the arrangements and procedures for prevention, preparedness, response, and recovery from a marine pollution event in Tasmanian waters. As a State plan, it sits within the national framework under the National Plan for Maritime Environmental Emergencies (NatPlan) and in accordance with the Intergovernmental Agreement (IGA) on the National Plan to Combat Pollution of the Sea by Oil and other Noxious and Hazardous Substances. It is as an Associated Plan to the Tasmanian Emergency Management Arrangements (TEMA).
Plans and Policy Statements established under the EPBC Act	
South-east Commonwealth Marine Reserves Network Management Plan 2013-23 (DNP, 2013) – *expiring June 2023*	Outlines management strategies for research and monitoring, assessment and permitting, compliance, community participation, Indigenous involvement and environmental management. Identifies pressures on the conservation values of the South-east Commonwealth Marine Reserves Network including: • Noise pollution associated with shipping, other vessels and offshore mining operations and offshore construction. • Oil pollution associated with shipping, other vessels and offshore mining operations. • invasive species and diseases translocated by vessels. • Light pollution associated with offshore mining operations and other offshore activities, and • Marine debris. Provides management strategies and actions to achieve objectives of the plan.

Title	Objectives/Actions relevant to Otway Exploration Drilling Program
Wildlife Conservation Plan for Seabirds (CoA, 2020)	Identifies objective 2: Seabirds and their habitats are protected and managed in Australia. Identifies resource extraction including collision with structures, oiling and incineration by flares; Implementing a comprehensive monitoring program of impacts of these offshore platforms should include nature, timing and extent of bird mortality caused by these structures. This information can then be used to better inform regulators responsible for exploration and extraction proposals; Proposals for oil and mineral exploration and exploitation should be adequately assessed and, as appropriate, conditions imposed to ensure there are no adverse effects on seabirds or their habitats. Acute pollution such as oil spill is explicitly identified as a direct and moderate threat to seabirds. Identifies pollution, including marine debris, lighting and acute pollution (given they spend much of their time on the sea surface, are vulnerable to the hazards of oil or fuel spills and are difficult to rehabilitate) as moderate threats with relevant actions: • Manage the effects of anthropogenic disturbance to seabird breeding and roosting areas. • Enhance contingency plans to prevent and/or respond to environmental emergencies that have an impact on seabirds and their habitats.
Wildlife Conservation Plan for Migratory Shorebirds (DEH, 2006)	The background paper to the plan identifies acute pollution such as oil spill as a moderate threat to migratory shorebirds not due to direct contact but rather through impacting important habitat for many years through catastrophic loss of marine benthic food sources. No explicit relevant objectives or management actions.
Threat Abatement Plan for the Impacts of Marine Debris on Vertebrate wildlife of Australia's coasts and oceans (DoEE, 2018)	Address key threatening processes listed under section 183 of the EBPC Act. Details harmful marine debris impacts on a range of marine life, including protected birds, sharks, turtles) and marine mammals. DoEE (2018) defines harmful marine debris to include all plastics and other types of debris from domestic or international sources that may cause harm to vertebrate marine wildlife. This includes land sourced plastic garbage (e.g. bags, bottles, ropes, fibreglass, piping, insulation, paints and adhesives), derelict fishing gear from recreational and commercial fishing activities and ship-sourced, solid nonbiodegradable floating materials lost or disposed of at sea.
EPBC Act Policy Statement 2.1 – Interactions between Offshore Seismic Exploration and Whales: Industry Guideline	Provides practical standards to minimise the risk of acoustic injury to whales in the vicinity of seismic survey operations and provides a framework that minimises the risk of biological consequences from acoustic disturbance from seismic sources to whales in biologically important habitat areas or during critical behaviours. Although these guidelines are specifically designed for seismic survey interactions with cetaceans, some of the provisions may also afford protection for marine species during survey and drilling activities (DEWHA, 2008).
Recovery Plans established under the EPBC Act: Set out the research and management actions necessary to stop the decline of, and support the recovery of, listed threatened species or threatened ecological communities. The aim of a recovery plan is to maximise the long-term survival in the wild of a threatened species or ecological community.	

Title	Objectives/Actions relevant to Otway Exploration Drilling Program
Recovery Plan for Marine Turtles in Australia (CoA, 2017)	Identifies marine debris as a threat resulting in entanglement or ingestion, with no directly relevant objectives or management actions. Identifies chemical and terrestrial discharge (including spills from vessels and drilling operations) as a threat. Action Area A.4 Minimise chemical and terrestrial discharge: Note: none of the 22 marine turtle stocks identified have nesting or foraging habitat within the Environmental Planning Area. Identifies light pollution as a threat where it disrupts critical nesting and hatching behaviours. Action Area A.8: Minimise light pollution: Note: none of the 22 marine turtle stocks identified have nesting or foraging habitat within the Environmental Planning Area. from multiple sources of onshore and offshore light pollution. Identifies vessel disturbance as a threat where it disrupts benthic feeding and internesting behaviours, particularly in shallow coastal foraging habitats; and noise interference as a threat (including vessel movements and noise from oil and gas infrastructure) which may lead to avoidance of important habitat for marine turtle stocks. Action Area A.1: Maintain and improve efficacy of legal and management protections. None of the 22 marine turtle stocks identified have nesting or foraging habitat within the Environmental Planning Area.
Conservation Management Plan for the Blue Whale - A Recovery Plan under the Environment Protection and Biodiversity Conservation Act 1999, 2015-2025 (DOE, 2015)	Long-term recovery objective for blue whales is to minimise anthropogenic threats to allow for their conservation status to improve so that they can be removed from the EPBC Act threatened species list. Identifies noise interference as a threat, with industrial and shipping noise rated as minor risks when taking a precautionary approach. Management Action Area A.2: Assessing and addressing anthropogenic noise: • Assessing the effect of anthropogenic noise on Blue Whale behaviour. • Anthropogenic noise in biologically important areas will be managed such that any Blue Whale continues to utilise the area without injury and is not displaced from a foraging area. Identifies vessel disturbance as a key threat, with vessel collision rated as a high risk. Management Action Area A.4: Minimising vessel collisions: • Ensure all vessel strike incidents are reported in the National Ship Strike Database. • Ensure the risk of vessel strikes is considered when assessing actions that increase vessel traffic in areas where blue whales occur and, if required, appropriate mitigation measures are implemented. Identifies habitat modification as a threat, with no explicit relevant objectives or management actions identified.

Title	Objectives/Actions relevant to Otway Exploration Drilling Program
Conservation Management Plan for the Southern Right Whale - A Recovery Plan under the Environment Protection and Biodiversity Conservation Act 1999, 2011-2021 (DSEWPC, 2012)	Long-term recovery objective is to minimise anthropogenic threats to allow the conservation status of the southern right whale to improve so that it can be removed from the threatened species list under the EPBC Act. Identifies marine debris resulting in entanglement as a moderate risk threat to the southeast population, with no directly relevant objectives or management actions identified. Identifies vessel disturbance as a high risk threat to the southeast population. Management Action A5: addressing vessel collisions: • Develop a national ship strike strategy that quantifies vessel movements within the distribution ranges of southern right whales and outlines appropriate mitigation measures that reduce impacts from vessel collisions. Identifies noise interference as a high risk threat to the southeast population. Management Action Area A.2: Assessing and addressing anthropogenic noise (shipping, industrial): Improve the understanding of what impact anthropogenic noise may have on southern right whale populations by: • Assessing anthropogenic noise in key calving areas. • Assessing responses of southern right whales to anthropogenic noise. • If necessary, developing further mitigation measures for noise impacts. Identifies habitat modification from acute chemical discharge as a low risk threat, with no explicit relevant objectives or management actions identified.
Recovery Plan for the White Shark (Carcharodon carcharias) (DSEWPC, 2013)	The recovery plan does not identify anthropogenic noise as a threat. Identifies habitat degradation (e.g. through pollution) as a threat with no explicit relevant objectives or management actions.
National Recovery Plan for the Australian Grayling (Prototroctes maraena) (DSE, 2008)	The recovery plan does not identify anthropogenic noise as a threat. Identifies poor water quality as a threatening process however does not explicitly identify pollution as a source of habitat degradation.
National Recovery Plan for Threatened Albatross and Giant Petrels 2011-2016 (DSEWPC, 2011)	Overall objective to ensure the long term survival and recovery of albatross and giant petrel populations breeding and foraging in Australian jurisdiction by reducing or eliminating human related threats at sea and on land. Marine pollution is explicitly identified as a potential threat to long term survival in the wild of Albatross and Giant Petrels identified within this plan. With relevant management actions identified: • Where feasible, population monitoring programs also monitor, in a standardised manner, the incidence of o Oiled birds at the nest o Marine debris egestion/entanglement at the nests o Eggshell thinning.
Recovery Plan for the White Shark (Carcharodon carcharias) (DSEWPAC, 2013)	Sets out research and management actions to stop the decline of, and support the recovery of, listed threatened species or threatened ecological communities, with the aim of maximising long-term survival in the wild. No relevant threats identified to species long term survival.

Title	Objectives/Actions relevant to Otway Exploration Drilling Program
National Recovery Plan for the Orange-bellied Parrot (Neophema chrysogaster)	Sets out research and management actions to stop the decline of, and support the recovery of, listed threatened species or threatened ecological communities, with the aim of maximising long-term survival in the wild. Identifies threats from barriers to migration and movement, though there is little more than anecdotal evidence for impacts. Individuals may be killed by flying into barriers, or behaviour may be modified by the presence of barriers, leading to avoidance of some habitat. Barriers may include wind energy turbines, powerlines and associated infrastructure, aircraft including small recreational aircraft, illuminated structures and illuminated boats. The impacts of these barriers may be greatest where they occur on migration routes, where a large portion of the population may be exposed to the barrier during a key life stage.
National Recovery Plan for the Dwarf Galaxias (Galaxiella pusilla)	No relevant threats identified to species long term survival.
Recovery Plan for the Grey Nurse Shark (Carcharias Taurus)	Identifies habitat degradation (e.g. through coastal development, pollution and introduced species) as a threat to species long-term survival. Relevant management action identified to review and assess the potential threat of introduced species and pollutants.
Recovery Plan for Three Handfish Species	Identifies habitat degradation (from marine and coastal developments and pollution) as a principal threat to the species identified in the plan. No explicit relevant objectives or management actions.
Recovery Plan for the Australian Sea-lion (Neophoca cinerea)	Identifies factors that may be contributing to the lack of population recovery including pollution and oil spill, and vessel strike. Relevant management action includes implementation of jurisdictional oil spill response strategies as required.
Recovery plan for the Gould's Petrel (Pterodroma leucoptera leucoptera)	The plan refers to oil spills, stating that oceanic oil spills may pose some risk give in oceanic feeding habits. No explicit relevant objectives or management actions.
Recovery Plans / Conservation Advice for other listed threatened and/or migratory MNES species	Recovery Plans / Conservation Advice for other species that may occur in the relevant EMBAs do not identify relevant (e.g. environmental pollution) threats to species long term survival or have any explicit relevant objectives or management actions.
National Recovery Plan for the Australian Fairy Tern (Sternula nereis nereis)	In the event of an oil spill or ship-related oil spills, the Australian Fairy Tern could be potentially threatened due to the proximity of the species' coastal breeding and inshore feeding habitats to known and potential offshore oil facilities, shipping facilities and sea routes (TSSC 2011). No explicit relevant objectives or management actions provided.
Conservation Advice established under the EPBC Act: provides guidance on immediate recovery and threat abatement activities that can be undertaken to ensure the conservation of a newly listed species or ecological community.	

Title	Objectives/Actions relevant to Otway Exploration Drilling Program
Conservation Advice Balaenoptera borealis Sei Whale (TSSC, 2015)	Provides threat abatement activities that can be undertaken to ensure the conservation of the sei whale Identifies anthropogenic noise and acoustic disturbance as a threat with no explicit relevant objectives. Relevant management action: • Once the spatial and temporal distribution (including biologically important areas) of Sei Whales is further defined an assessment of the impacts of increasing anthropogenic noise should be undertaken on this species. Identifies vessel strike as a key threat with no explicit relevant objectives. Management action: Minimising vessel collisions: • Develop a national vessel strike strategy that investigates the risk of vessel strikes on Sei Whales and also identifies potential mitigation measures. • Ensure all vessel strike incidents are reported in the National Vessel Strike Database Identifies habitat degradation including pollution as a threat with no explicit relevant objectives or management actions.
Conservation Advice Balaenoptera physalus Fin Whale (TSSC, 2015)	Provides threat abatement activities that can be undertaken to ensure the conservation of the fin whale. Identifies anthropogenic noise and acoustic disturbance as a threat with no explicit relevant objectives. Relevant management action: • Once the spatial and temporal distribution (including biologically important areas) of Fin Whales is further defined an assessment of the impacts of increasing anthropogenic noise (including from seismic surveys, port expansion, and coastal development) should be undertaken on this species. Identifies vessel collision as a key threat with no explicit relevant objectives. Management action: Minimising vessel collisions: • Develop a national vessel strike strategy that investigates the risk of vessel strikes on Sei Whales and also identifies potential mitigation measures. • Ensure all vessel strike incidents are reported in the National Vessel Strike Database. Identifies pollution (persistent toxic pollutants) as a threat with no explicit relevant objectives or management actions.
Conservation Advice for Megaptera novaeangliae (Humpback Whale) (TSSC, 2015)	Provides threat abatement activities that can be undertaken to ensure the conservation of the humpback whale. Identifies noise interference as a threat with no explicit relevant objectives. Relevant management actions: • For actions involving acoustic impacts (example pile driving, explosives) on Humpback Whale calving, resting, feeding areas, or confined migratory pathways site specific acoustic modelling should be undertaken (including cumulative noise impacts). • Should acoustic impacts on Humpback calving, resting, foraging areas, or confined migratory pathways be identified a noise management plan should be developed. Identifies habitat degradation including coastal development and port expansion as a threat with no explicit relevant objectives or management actions.
Conservation Advice Rhincodon typus (Whale Shark) (TSSC, 2015)	Identified marine debris and boat strike from large vessels as significant threats. No explicit relevant objectives or management actions.

Title	Objectives/Actions relevant to Otway Exploration Drilling Program
Conservation Advice Megaptera novaeangliae Humpback Whale (TSSC, 2015)	Identifies noise interference (including from industrial noise and shipping noise), entanglement from marine debris and vessel disturbance and strike as threats with no explicit relevant objectives. Management actions: • For actions involving acoustic impacts (example pile driving, explosives) on humpback whale calving, resting, feeding areas, or confined migratory pathways site specific acoustic modelling should be undertaken (including cumulative noise impacts). • All collisions with whales in Commonwealth waters are reported to the National Ship Strike Database. • Ensure the risk of vessel strike is considered when assessing actions that increase vessel traffic in areas where humpback whales occur and, if required appropriate mitigation measures are implemented to reduce the risk of vessel strike.
Conservation Advice for Giant Kelp Marine Forests of South East Australia	No relevant threats identified to species long term survival.
Conservation Advice for the Black rock-cod (Epinephelus daemelii)	No relevant threats identified to species long term survival.
Conservation Advice for the Australian Sea Lion (Neophoca cinerea)	Identifies entanglement in marine debris, habitat degradation from oil spills and noise as threats. Relevant conservation and management priorities include all vessels to have oil spill mitigation measures in place and implement jurisdictional oil spill response strategies as required.
Conservation Advice for the Southern Elephant Seal (Mirounga leonine)	Identifies some potential for entanglement and increasing exposure to chemical pollution that may cause stress or impair health and potentially increase disease risks for individuals. No explicit relevant objectives or management actions.
Conservation Advice for the Subantarctic fur seal (Arctocephalus tropicalis)	Identifies some vulnerability to chemical pollution that can cause stress, impair health and potentially increase disease. No explicit relevant objectives or management actions.
Conservation Advice for the Australian painted-snipe (Rostratula australis)	No relevant threats identified to species long term survival.
Conservation Advice for the Bar-tailed Godwit (northern Siberian) (Limosa lapponica menzbieri)	Identifies habitat loss and habitat degradation (through environmental pollution), pollution/contamination and direct mortality as a consequence of oil spill as a threat.
Conservation Advice for the Blue Petrel (Halobaena caerulea)	No relevant threats identified to species long term survival.

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Conservation Advice Calidris canutus (Red Knot)	Environmental pollution is explicitly identified as a potential threat to Red Knot due to potential impacts on habitat loss and habitat degradation. Further oil spills are identified as a source of direct morality within this plan. With pollution/contamination identified as a having potential to adversely affected migratory shorebirds, both on passage and in non-breeding areas. No explicit relevant objectives or management actions provided.
Conservation Advice Curlew Sandpiper (Calidris ferruginea)	Environmental pollution is explicitly identified as a potential threat to due to potential impacts on habitat loss and habitat degradation. Environmental pollution identified to be of particular concern around settled areas may have reduced the availability of food and at migratory staging sites. Key staging site for Curlew Sandpiper includes the Yellow Sea, China and as such occurs outside of the EMBA. No explicit relevant objectives or management actions provided.
Conservation Advice for the Great Knot (Calidris tenuirstris)	Identifies habitat loss and habitat degradation (through environmental pollution), pollution/contamination and direct mortality as a consequence of oil spill as a threat. No explicit relevant objectives or management actions provided.
Conservation Advice for the Greater Sand Plover (Charadrius leschenaultii)	Identifies habitat loss and habitat degradation (through environmental pollution), pollution/contamination and direct mortality as a consequence of oil spill as a threat. No explicit relevant objectives or management actions provided.
Conservation Advice for the Lesser Sand Plover (Charadrius mongolus)	Identifies habitat loss and habitat degradation (through environmental pollution), pollution/contamination and direct mortality as a consequence of oil spill as a threat. No explicit relevant objectives or management actions provided.
Conservation Advice for Eastern Curlew (Numenius madagascariensi)	Environmental pollution is identified as a threat to due to potential impacts on habitat loss and habitat degradation, of particular concern around settled areas may have reduced the availability of food, along migratory routes. Conservation Advice suggest the Yellow Sea to Australia migration leg is usually undertaken in a single direct flight, with many birds arriving in eastern Australia appearing to move down the coast until mid-February, arriving in southern Tasmania mostly around late August to early October; later arrivals, probably of juveniles, occur until December. No explicit relevant objectives or management actions identified.
Conservation Advice for Pachyptila tutur subantarctica (Fairy Prion Southern)	No relevant threats identified to species long term survival.
Conservation Advice for Pterodroma Mollis (Soft-plumaged Petrel)	No relevant threats identified to species long term survival.
Conservation Advice for the Swift Parrot (Lathamus discolor)	No relevant threats identified to species long term survival.

Title	Objectives/Actions relevant to Otway Exploration Drilling Program
Conservation Advice Thinornis rubricollis rubricollis (Hooded Plover Eastern)	Oil spills, entanglement and injection of marine debris are identified as a threats to Hooded Plover. Management action identified being to prepare oil spill response plans to ensure effective rehabilitation of oiled birds.
Fisheries Plans	
Orange Roughy (Hoplostethus atlanticus) Stock Rebuilding Strategy 2022	Primary objective is to return all orange roughy stocks to levels where they can be harvested in an ecologically sustainable manner consistent with the Commonwealth Fisheries Harvest Strategy Policy and to ultimately maximise the economic returns to the Australian community. No relevant threats identified to species long term survival.
Blue Warehou (Seriolella brama) Stock Rebuilding Strategy 2014	The strategy aims to rebuild the stocks to their biomass limit reference point (AFMA, 2014). No relevant threats identified to species long term survival.
Giant Crab Management Plan (Vic) 2010	Sets out arrangements to manage the commercial catch at levels that prevents overfishing, allows stocks to rebuild and reduces the risk of lower stock abundance. Identifies three main management objectives, being: • Sustainability of the giant crab resource • Resource access and utilisation • Cost-effective and participatory management. No relevant threats identified to species long term survival.
Victorian Rock Lobster Fishery Management Plan (Vic) 2017	Identifies five objectives for the rock lobster fishery: • Ensure the sustainability of the rock lobster resource. • Ensure a fair and equitable allocation of the rock lobster resource. • Ensure optimal economic utilisation of the rock lobster resource. • Cost-effective and participatory management • Maintain the ecological integrity of the fishery ecosystem. No relevant threats identified to species long term survival.
Government Guidelines, Guidance Notes and Information Papers	
National Light Pollution Guidelines (CoA, 2020)	Aims to manage artificial light so wildlife is: • Not disrupted within, nor displaced from, important habitat • Able to undertake critical behaviours such as foraging, reproduction and dispersal. Recommend always using best practice lighting design to reduce light pollution and minimise the effect on wildlife and undertaking an environmental impact assessment for effects of artificial light on listed species for which artificial light has been demonstrated to affect behaviour, survivorship or reproduction.
National biofouling management guidelines for the petroleum production and exploration industry (DAFF, 2009)	Includes the following for operators of petroleum industry related vessels, equipment and infrastructure: • Evaluation of biofouling risk of types of structures/facilities • Guidance on biofouling management and decommissioning • Recording and reporting. Aligns with the IMO Biofouling Guidelines.

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National Strategy for Reducing Vessel Strike on Cetaceans and other Marine Megafauna (DoEE, 2017)	Objectives are to acquire data, determine risks of vessel strike and identify mitigation measures, with the target audience being government agencies responsible for the regulation of marine fauna or vessel activities, industry and those involved in policy development or managing activities in the marine environment.
2011 Guidelines for the Control and Management of Ships Biofouling to Minimise the Transfer of Invasive Aquatic Species (the IMO Biofouling Guidelines) (IMO, 2011)	Provides internationally agreed guidance on how to minimise biofouling on vessels through application of biofouling prevention measures and hull husbandry practices provide a basis upon which operators can develop a vessel-specific biofouling management plan (BFMP) which: • Provides specific details of the antifouling technology used, including antifouling paints and MGPS and how and when they are operated where relevant. • Describes the operating conditions suitable for the chosen technology. • Describes the operational profile of the vessel including operating speeds and time spent stationary. • Provides details of the areas of the hull that are particularly susceptible to biofouling, such as niche areas, and how the technology applied addresses this increased risk. • Provides information relating to the schedule of planned inspections, repairs, maintenance, inspection, and renewal of antifouling systems as well as circumstances by which opportunistic inspection to monitor efficacy might occur. • Describes the documentation required to verify any treatments and activities recorded in the biofouling record book.
Marine Pest Plan 2018-2023: National Strategic Plan for Marine Pest Biosecurity (2018-2023) (CoA, 2018)	Provides Australia's national strategic plan for marine pest biosecurity and outlines a coordinated approach to building Australia's capacity to manage the threat of marine pests over five years. The key relevant objective is to minimise the risk of marine pest introduction, establishment and spread.
Reducing marine pest biosecurity risks through good practice biofouling management (IP1899, NOPSEMA, 2022)	NOPSEMA Information Paper intending to: • Clarify biosecurity requirements relevant to offshore activities. • Provide coordinated good practice advice that is consistent with the expectations of all jurisdictions responsible for regulating biofouling management within the Australian marine environment. • Support the industry's contribution to marine pest risk management consistent with Australia's Marine Pest Plan 2018-2023 (CoA 2018).
Marine Biosecurity Management of Vessels Servicing the Offshore Industry (MIAL, 2020)	Reference case developed by Maritime Industry Australia Ltd (MIAL) for use in the development of Environment Plans by titleholders for offshore resource activities located in Commonwealth waters. Applies to vessels used in the offshore resources industry, and not to offshore installations or trading ships.

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Environment plan decision making guideline (NOPSEMA, 2022)	Set out NOPSEMA's considerations in making decisions in accordance with the legislated criteria relevant to EPs. This guideline: • Communicates the key factors that influence NOPSEMA's decision making in relation to decision making criteria for acceptance criteria for EPs (r 10A). • Includes interpretation arising from the Federal Court appeal decision Santos NA Barossa Pty Ltd v Tipakalippa [2022] as it relates to NOPSEMA's decision making under R10A. • Provides information for proponents and stakeholders to understand NOPSEMA's regulatory decision making. • Imparts transparency on the way in which NOPSEMA's EP regulatory decisions are made.
Consultation in the course of preparing an Environment Plan guideline (NOPSEMA, 2022)	Support clarity and transparency on the legal requirements, including recent case law, for consultation by titleholders in the course of preparing their Environment Plans prior to submission to NOPSEMA. The guideline will also support clarity and transparency around what NOPSEMA will take into consideration when assessing and deciding whether the consultation requirements of the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009 (the Environment Regulations) have been met.
Responding to public comment on environment plans guidance note (-GN1847, NOPSEMA, 2022)	Provides assistance to titleholders in understanding the public comment process for exploratory drilling EPs. It applies solely to EPs prepared for assessment under the Environment Regulations.
Environment plan content requirements guidance note (N1344, NOPSEMA, 2020)	Interprets the EP content requirements that need to be met and demonstrated under the Environment Regulations and provides advice in relation to EP content requirements, the regulatory intent of content requirements, core concepts that are fundamental to each key content requirement and associated EP content considerations.
Oil pollution risk management (GN1488, NOPSEMA, 2021)	Provides titleholders with clarification on the regulatory requirements for oil pollution risk assessment as well as the content and level of detail required in an oil pollution emergency plan (OPEP).
Source control planning and procedures information paper (IP1979, NOPSEMA, 2021)	Describes NOPSEMA expectations with regards to source control planning content of the Environmental Plan (EP), Well Operating Management Plan (WOMP) and the Source Control Emergency Response Plan (SCERP), and to describe the regulatory assessment focus of the EP and WOMP and the compliance monitoring inspection process and focus of the SCERP.
Operational and scientific monitoring programs information paper (IP1349, NOPSEMA, 2020)	Provides information and general advice to assist titleholders to plan for and implement Operational and Scientific Monitoring Programs (OSMPs) for oil spills from offshore activities. More specifically, this Information Paper: • Sets out general principles and practical advice to assist titleholders in their planning for, and application of, fit-for-purpose OSMPs. • Addresses findings and recommendations of the Montara Commission of Inquiry, and implements the Final Australian Government Response to the Inquiry in relation to environmental monitoring for petroleum activities • Incorporates lessons learned from recent marine oil spills, where relevant; and • Captures information relevant to matters protected under the EPBC Act.

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Industry guidelines for avoiding, assessing and mitigating impacts on EPBC Act listed migratory shorebird species (DEE, 2017)	Developed under EPBC Act Policy Statement 3.21 to assist proponents in avoiding, assessing and mitigating significant impacts on migratory shorebirds listed under the EPBC Act, and is a key action under the Wildlife Conservation Plan for Migratory Shorebirds. Identifies that direct mortality of birds may result from a variety of activities including oils spills and actions that introduce risk of mortality in important habitat may result in a significant impact to shorebirds.
Cumulative impact assessment guidelines for state significant projects (NSW, 2022)	Aims to strengthen project-level cumulative impact assessment (CIA) for significant projects (in NSW). Provides general guidance on processes to consider impacts from a proposed project in combination with other future projects that are anticipated or reasonably foreseeable.
Advice Note 17: Cumulative effects assessment relevant to nationally significant infrastructure projects (UK, 2019)	Sets out a staged process for conducting cumulative impact assessment by: • Establishing the long list of other existing development and/or approved development • Establishing a short list of other existing development and/or approved development • Gathering information on location, design, program activities and environmental assessments • Conducting the assessment and evaluating significance • Describing mitigation and monitoring measures.
Industry Guidelines	
Environmental management in the upstream oil and gas industry (IOGP-IPIECA, 2020)	Provides a detailed overview of environmental management practices in the upstream oil and gas industry, with the primary focus on managing risks from potential impacts to the natural environment during exploration and production of oil and gas.
Environmental, Health and Safety Guidelines for Offshore Oil and Gas Development (World Bank Group, 2015)	Includes information relevant to exploratory drilling and ancillary and support operations including industry-specific impacts and management for e.g. air emissions, wastewater discharges, noise generation, spills, etc. They also address potential onshore impacts that may result from offshore oil and gas activities.
Environmental Manual for Worldwide Geophysical Operations (IAGC, 2013)	Provides guidance for all kinds of geophysical surveys (including seabed surveys). Of particular relevance are Section 8.4 (Travel – water travel) – maintain a lookout for, and establish communications with local fishing boats, tourist diving vessels, etc, where possible to minimise interruption with their operations and equipment.
Aerial Observations of Marine Oil Spills Technical Information Paper (ITOPF, 2011)	Presents advice and guidance on conducting effective aerial reconnaissance which are an important element of an effective response to most oil spills, for assessing the location and extent of contamination and verifying predictions of the movement and fate of oil slicks at sea. Aerial surveillance provides information facilitating deployment and control of operations at sea, the timely protection of sites along threatened coastlines and the preparation of resources for shoreline clean-up.

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Aerial Observations of Oil Spills at Sea Good Practice Guideline (IPIECA/OGP, 2015)	Summarises a consensus of industry and government viewpoints on Aerial Observations of Oil Spills at the time of writing, to detect, characterise and quantify spilled oil that may be present in a range of settings (on-water, in-water and onshore). This enables the incident command to effectively determine the scale and nature of the oil spill incident, make decisions on where and how to respond, control various response operations and, over time, confirm whether or not the response is effective.
In-water Surveillance of Oil Spills at Sea Good Practice Guidelines (IPIECA/ IOGP, 2016)	Summarises current views on good practice for a range of oil spill preparedness and response topics to help align industry practices and activities, inform stakeholders, and serve as a communication tool to promote awareness and education. Topics include surveillance, subsea response, communicating data and information and innovations and future developments.
Contingency Planning for Oil Spills on Water Good Practice Guidelines (IPIECA/IOGP, 2015)	Provides guidance on the contingency planning process for potential oil spills in or on water following an accidental release of oil to a marine or aquatic environment, whether that be during the handling, transport, production or storage of oil products.