



Response to submissions

Draft Decommissioning Discussion Paper for WA onshore and State waters petroleum, geothermal and pipeline property, equipment and infrastructure

The purpose of the Draft Decommissioning Discussion Paper for WA onshore and State waters petroleum, geothermal and pipeline property, equipment and infrastructure is to outline the Department of Mines, Industry Regulation and Safety's (DMIRS) expectations and standards for the decommissioning of onshore petroleum, geothermal and pipeline infrastructure pursuant to the *Petroleum and Geothermal Energy Resources Act 1967* (PGERA) and *Petroleum Pipelines Act 1969* (PPA) and decommissioning in State waters pursuant to the *Petroleum (Submerged Lands) Act 1982* (PSLA).

Following this stakeholder consultation, DMIRS intends to create a decommissioning framework, inclusive of a corresponding policy and supporting guidance documentation to assist registered holders in Western Australia to understand their decommissioning and rehabilitation obligations with respect to their operations, and any facilities, infrastructure, equipment, wells and pipelines.

Stakeholder comments

The Draft Decommissioning Discussion Paper was released on the DMIRS website for public comment from 19 September 2022 to 18 November 2022, with 12 stakeholders providing feedback.

The review process notified respondents that their submissions would be made publicly available on the DMIRS website. For the purposes of grouping and responding to feedback from stakeholders more efficiently, the submissions have been arranged by theme. Feedback submissions are included verbatim.

Key themes of feedback received

The key themes of this feedback were related to:

- Use of terminology
- Legislative context
- Planning for decommissioning
- Plastics and other harmful substances
- Leaving product, equipment and infrastructure in situ
- Decommissioning timeframes
- Environment Plans
- Field Management Plans and Well Management Plans
- Stakeholder consultation
- Environmental objectives
- Financial provisions
- Environmental monitoring and timeframes prior to decommissioning
- Surrender of title
- Compliance strategy
- Establishment of decommissioning industry
- Other
- Closing comments

DMIRS thanks all stakeholders for their considered input into the process.

Ref #	Stakeholder	Comment	DMIRS Response
General and administrative			
1.	The Australian Petroleum Production & Exploration Association (APPEA)	<p>1. Introduction</p> <p>Petroleum decommissioning can be a technically complex and costly exercise that requires strong alignment between the objectives of government as the owner of the resource and industry as the developer of the resource. In APPEA's view, these objectives should strive to:</p> <ul style="list-style-type: none"> • Enable appropriate and efficient access to the state's oil and gas resources for development that can benefit the Western Australian economy in terms of investment, jobs and taxation revenue; • Support energy security for the state through the responsible development of Western Australia's substantial energy resources; • Enable the sale and purchase of oil and gas assets which provide opportunity for the optimum recovery of the oil and gas resources; • Enable the right behaviors and risk allocation between asset owners and former owners; • Ensure that the impacts of resource extraction on the environment and other land holders / users of the sea are responsibly managed; • Avoid financial exposure to the Western Australian government for decommissioning costs; • Ensure, at the end of asset life, that the asset is decommissioned in a manner which: <ul style="list-style-type: none"> ◦ is funded by the owner(s) of the asset; ◦ has a proper regard for safety, the environment and potential socioeconomic impacts to other users of the sea or land, including host communities; ◦ is flexible to allow the implementation of decommissioning solutions that are technically feasible, cost effective, suitably paced and socio-economically prudent; and ◦ ensures that risks are reduced to As Low As Reasonably Practicable (ALARP) and are acceptable so that the environment in which the activity is undertaken is maintained and / or enhanced for the benefit of future generations. • Ensure the decommissioning solutions implemented provide confidence to all relevant stakeholders in the safety of asset management; and • Ensure new, safe and cost-effective decommissioning technologies and strategies may be applied, recognising the key differences between onshore and offshore facilities. <p>The following submission from APPEA aims to provide helpful and insightful feedback to DMIRS aligned with the content of the draft discussion paper.</p>	DMIRS acknowledges APPEA's comments and thanks APPEA for providing a submission. Further comments are addressed in detail below.
2.	APPEA	<p>Objective</p> <p>It is APPEA's view that the objective could be stated more clearly, noting that the State Government's position is established through legislation; standards are defined by industry standards and best practice under an objective, risk-based regime; and that the concept of expectations is a term used by the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) which is underpinned by Ministerial and Chief Executive Officer Statements.</p>	DMIRS acknowledges APPEA's comment. DMIRS intends to create a corresponding policy and supporting documentation based on the draft Discussion Paper, which will have a clearly defined objective and scope for decommissioning.

Ref #	Stakeholder	Comment	DMIRS Response
3.	APPEA	<p>APPEA believes that the scope of the document needs to be clarified. For example, the draft discussion paper and presentation slides include discussion of financial liabilities and assurances(sic) however these topics are out of scope.</p> <p>Guidance of the acceptable end state concepts and safety matters were also out of scope. However, international experience has emphasised the importance of prior knowledge of an acceptable end state in informing decommissioning planning and cost estimates for title holders. APPEA would encourage the continued approach as described in the DMIRS 2017 Decommissioning Guideline that provides for the consideration of alternative options, such as leave in place where:</p> <p><i>"...the registered holder must be able to demonstrate that all feasible decommissioning and removal options have been considered and a comparative assessment made, taking into consideration risks associated with the environment and safety, as well as social and economic implications. Future ownership and liability for the decommissioned infrastructure will also need to be determined."</i></p>	Section 3 of the discussion paper clarifies that although case-by-case consideration is appropriate the end goal should be the complete removal of property. It then continues to state that exceptions to full decommissioning may be considered by the Minister.
4.	APPEA	<p>2.1 Introduction</p> <p>APPEA notes that there is an opportunity in the paper to provide a vision and forward plan for discussion. The draft discussion paper is largely faithful to the objects of the Environment Regulations, policy positions from Commonwealth independent regulator NOPSEMA, and Departmental insights / learnings from mine closure planning.</p>	DMIRS acknowledges APPEA's comment.
5.	APPEA	<p>There is limited discussion about public value. For example, the dimensions of public value are – outcome achievement; trust and legitimacy; service delivery quality; and efficiency. These goals can easily frame the opportunities and challenges for decommissioning by a lead agency such as DMIRS:</p> <ul style="list-style-type: none"> • Outcome achievement – e.g. timely and responsible decommissioning / no decommissioning liability transferred to the tax payer. • Trust and legitimacy – Stewardship agenda – building confidence with internal to government and external stakeholders about the regulatory framework. • Service delivery – customer centric focus to titleholders / statutory timeframes. <p>Efficiency – content requirements, approvals and compliance efficiency and socialising across government with admin agreements etc.</p>	DMIRS acknowledges APPEA's comment.

Ref #	Stakeholder	Comment	DMIRS Response
6.	Construction Divisions of the Construction, Forestry, Maritime, Mining and Energy Union (CFMMEU)	<p>Background</p> <p>This submission has been prepared by the Maritime Union of Australia Division (MUA) and Construction Divisions of the Construction, Forestry, Maritime, Mining and Energy Union (CFMMEU).</p> <p>The Maritime Division (MUA) represents approximately 14,000 workers in the shipping, offshore oil and gas, stevedoring, port services and commercial diving sectors of the Australian maritime industry.</p> <p>The Construction Division has been involved in constructing onshore refineries, pipelines, and associated infrastructure for many years. Our members have dug the holes, tied the mesh, poured the concrete, rigged the steel, and lifted them in place since the first Oil Refinery in Laverton Victoria, back in 1924. As much as our members are involved in the construction of such projects, they also take the lead in the demolition of them across the country and will continue to do so in a safe and timely manner.</p> <p>In a future of decommissioning this fossil fuel infrastructure, the two divisions of the CFMMEU will work hand in hand with the removal and demolition of the onshore infrastructure to be then shipped for recycling as well as the offshore decommissioning that will take place by our highly skilled members from the Maritime Division.</p> <p>Summary</p> <p>The CFMMEU Maritime and Construction Divisions welcome the opportunity to make a submission to the draft discussion paper. We support the government taking action to address the issue of decommissioning and removing disused title holder property and encourage the need for a strong decommissioning framework both onshore and offshore in Western Australia.</p> <p>The CFMMEU offers a package of recommendations with the aim of ensuring decommissioning projects in Western Australia are completed safely and with the best environmental outcomes in mind.</p>	DMIRS acknowledges CFMMEU's comments and thanks CFMMEU for providing a submission. Further comments are addressed in detail below.
7.	Department of Climate Change, Energy, the Environment and Water (DCCEEW)	<p>We think your paper is an excellent move, and are very supportive of it being formalised, given most WA state waters is the jurisdiction of the Sea Dumping Act as well.</p> <p>DCCEEW is considering developing similar guidance about what is not allowed to be left in the marine environment for the purpose of the Sea Dumping Act.</p>	DMIRS acknowledges DCCEEW's comments and thanks DCCEEW for providing a submission. DMIRS welcomes DCCEEW's intent to develop guidance on what is not allowed to be left in situ in the context of the <i>Environment Protection (Sea Dumping) Act 1981</i> (Cth) (Sea Dumping Act). DMIRS welcomes opportunities to collaborate with DCCEEW on the development of future guidance to assist registered holders with respect to both State and Commonwealth requirements.
8.	Buru Energy	<p>Thank you for the opportunity to provide feedback on the DMIRS Draft Discussion Paper for WA onshore and State waters petroleum, geothermal and pipeline property, equipment and infrastructure.</p> <p>Buru Energy (Buru) is an established onshore oil and gas producer, with acreage in the Canning and Carnarvon Basins. As an operator with exploration and production assets at different stages of field life, Buru is a key stakeholder and has practical experience in effective decommissioning.</p> <p>Buru welcomes the WA Government's collaborative approach to decommissioning policy and supports the overall end goal of facilitating effective decommissioning to reduce any potential long-term risks to the environment. Buru also believes that effective decommissioning is an important part of the industry maintaining a social licence. As a company with a track record of working closely with our regional stakeholders, Buru supports the intent for decommissioning to be consistent with agreed post-activity land uses.</p>	DMIRS acknowledges Buru's comments and thanks Buru for providing a submission. Further comments are addressed in detail below.

Ref #	Stakeholder	Comment	DMIRS Response
9.	Chevron Australia	<p>Chevron Australia Pty Ltd (Chevron Australia) welcomes the opportunity to comment on the Department of Mines, Industry Regulation and Safety's (DMIRS) draft Discussion Paper "Decommissioning Discussion Paper for WA onshore and State waters petroleum, geothermal and pipeline property, equipment and infrastructure".</p> <p>Decommissioning activity within the oil and gas industry in Australia is increasing and Chevron Australia recognises that operators and regulators need to address the management of mature and end-of-field-life assets. Chevron Australia welcomes clarity on the Department's position, standards and expectations related to the decommissioning of petroleum related infrastructure and rehabilitation.</p> <p>Any decommissioning framework must be fit for purpose, effectively managing financial risk and delivering sound environmental and safety outcomes on an economically viable basis. To this point, the Decommissioning Discussion Paper is limited to implementation of existing legislation. Legislative change would likely provide better solutions to the challenges associated with decommissioning.</p> <p>Chevron Australia is committed to working with the Regulator on Decommissioning issues and provides the following feedback on the discussion paper. Feedback is informed by operator experience and learnings from the implementation of onshore and offshore decommissioning activities under the WA Petroleum regulations. It is recommended that this feedback is considered and addressed prior to finalisation of the Paper and further to the development of other decommissioning policy and/or guidelines. Ongoing engagement with industry and APPEA on subsequent decommissioning policy development and review is requested.</p>	<p>DMIRS acknowledges Chevron's comments and thanks Chevron for providing a submission. This discussion paper is limited to the implementation of the existing regulatory framework and represents one of the first steps towards establishing a robust decommissioning framework. DMIRS is committed to working with all stakeholders to develop a robust decommissioning framework.</p>
10.	APA	<p>Thank you for the opportunity to consult on the Draft Decommissioning Discussion Paper for WA Onshore and State Waters Petroleum, Geothermal and Pipeline Property, Equipment and Infrastructure. APA appreciates the opportunity to contribute.</p> <p>APA is an ASX listed owner, operator, and developer of energy infrastructure assets across Australia. As well as an extensive network of natural gas pipelines, we own or have interests in gas storage and generation facilities as well as electricity transmission networks. Our 15,000 kilometres of natural gas pipelines connect sources of supply and markets across mainland Australia. We operate and maintain networks connecting 1.4 million Australian homes and businesses to the benefits of natural gas. Consistent with our purpose to strengthen communities through responsible energy, our diverse portfolio of energy infrastructure delivers energy to customers throughout Western Australia as well as the rest of Australia. We recognise that our business activities are extensive and are committed to managing our risks and protecting the environment across all areas of our business.</p> <p>Based on the statement above APA would like to comment on the following sections of the Draft Discussion Paper regarding the installation and operation of onshore gas infrastructure and pipelines in order to appropriately manage the decommissioning of petroleum, and pipeline and associated infrastructure and the rehabilitation of land in Western Australia.</p>	<p>DMIRS acknowledges APA's comments and thanks APA for providing a submission. Further comments are addressed in detail below.</p>

Ref #	Stakeholder	Comment	DMIRS Response
11.	Western Australian Fishing Industry Council (WAFIC)	<p>The Western Australian Fishing Industry Council (WAFIC) is the peak industry body representing professional fishing, pearling and aquaculture enterprises, processors and exporters in Western Australia.</p> <p>WAFIC works to secure a responsible and sustainable industry that is confident of resource sustainability and security of access to a fair share of the resource; cost-effective fisheries' management; those businesses can be operated in a safe, environmentally responsible, and profitable way; and that investment in industry research and development is valued and promoted.</p> <p>Regarding decommissioning, WAFIC expects proponents to minimise the health and safety risk to fishers now and in the future; minimise the risk of loss of vessel and gear by reducing snagging risks; minimise the are lost to fishing short, medium and long term; minimise the environmental risks of pollution, plastic, toxic substances which can contaminate catch and damage the marine environment upon which the fishing industry is dependant. WAFIC recognises stakeholder engagement as one of the most important elements of decommissioning, particularly in relation to the commercial fishing industry. It is essential this consultation is genuine and fully considers long term and cumulative implications to other marine users.</p> <p>We have provided some specific comments to the Decommissioning Discussion Paper in Table 1 below for further consideration.</p>	DMIRS acknowledges WAFIC's comments and thanks WAFIC for providing a submission. DMIRS recognises the relevance of decommissioning to a wide spectrum of stakeholders and the need to consult with, and mitigate associated impacts to all relevant stakeholders and their interests.
12.	WAFIC	<p>s. 3. General comment</p> <p>Is this policy applied to projects that already have pre-approved decommissioning Environment Plans (EP), and will it be retrospectively applied?</p>	This contents of this discussion paper will be developed into a decommissioning policy which will apply to Environment Plans, Field Management Plans and Well Management Plans going forward. The ensuing policy will not have retrospective application to previously lodged plans, however the existing regulatory framework requires registered holders to lodge new plans whenever a new activity is proposed or at specified time intervals. For instance, updated Environment Plans are required to be lodged every five years.
13.	Conservation Council of WA (CCWA)	<p>The Conservation Council of WA (CCWA) is the state's foremost non-profit, non-government conservation organisation representing more than 100 environmental organisations across Western Australia.</p> <p>We have been a prominent and forthright voice for conservation for more than 50 years working directly with the government, media, industry, community groups, and political parties to promote a more sustainable WA and to protect our natural environment.</p> <p>CCWA represents more than 100 environmental organisations across Western Australia, with tens of thousands of engaged individuals state-wide. This broad collective of like-minded groups and individuals creates a vibrant and passionate community, dedicated to the conservation of our unique and diverse state.</p>	DMIRS acknowledges CCWA's comments and thanks CCWA for providing a submission. Further comments are addressed in detail below.
14.	CCWA	<p>Summary of CCWA submission points CCWA welcomes the opportunity to provide comments on the Draft Decommissioning Discussion Paper for WA onshore and State waters petroleum, geothermal and pipeline property, equipment and infrastructure (the Discussion Paper). It is encouraging to see DMIRS maintain an in-principle requirement for the removal of all infrastructure from petroleum and geothermal projects in WA. CCWA, nevertheless, expects greater clarity on any exemptions to these rules. CCWA also welcomes DMIRS' intention to introduce public reporting of non-compliances and publishing of directions issued.</p> <p>There are, however, a number of deficiencies in the Discussion Paper with regard to the provision for decommissioning within planning and design phases of environmental review, the absence of financial securities imposed on proponent bodies, and the public consultative processes. This submission will expand on these concerns and address relevant consultation questions.</p>	DMIRS will consider adding greater clarity on any exemptions to the full removal base case in the supporting guidance that will be developed following this discussion paper.

Ref #	Stakeholder	Comment	DMIRS Response
15.	CCWA	<p>CCWA's points for submission are:</p> <ol style="list-style-type: none"> 1. Decommissioning should be incorporated into the earliest environmental plans and demonstrate that decommissioning is achievable. 2. Financial resources should be available for full decommissioning and be secured at the earliest stages of planning. 3. No infrastructure should be left behind on the ocean bed or on land. 4. There is a requirement for post-closure maintenance and monitoring. 5. Improvements to consultative processes with decision-makers is required. 	DMIRS acknowledges CCWA's comments.
Use of terminology			
16.	APPEA	<p>Commentary on transfer applications on page 7 could have included stronger wording and reflect that the government is a party to late life asset transfers and therefore government has a role to play in terms of transfer diligence and applicant suitability (transferee).</p>	DMIRS acknowledges APPEA's comment. The transfer of titles is not a primary focal point of this discussion paper. While DMIRS will undertake its due diligence in assessing the suitability of prospective title holders, this discussion paper does not seek to establish the parameters and suite of considerations applicable to title transfer applications.
17.	WAFIC	<p>s. 3. DMIRS Principal Position, page 3</p> <p><i>The principal position supports decommissioning and rehabilitation in an ecologically sustainable manner, consistent with agreed environmental outcomes.</i></p> <p>WAFIC recommends strengthening this position by explicitly stating ecologically sustainable outcomes include social and economic objectives. Specifically, decommissioning has broader social and economic implications to the commercial fishing industry.</p>	<p>DMIRS acknowledges WAFIC's comment. Regulation 3 of the Petroleum and Geothermal Energy Resources (Environment) Regulations 2012 states the object of the regulations is to ensure that any petroleum activity or geothermal activity carried out in the State is carried out in a manner consistent with the principles of ecologically sustainable development. These principles include social and economic objectives.</p> <p>Section 2.2.1 of the 'Guideline for the Development of Petroleum, Geothermal and Pipeline Environment Plans in Western Australia' provides more detail on ecologically sustainable development.</p> <p>Further, the objectives of the Regulations also state that the environmental impacts and environmental risks of the activity will be reduced to ALARP. The definition of 'environment' (r4 of the Petroleum and Geothermal Energy Resource (Environment) Regulations 2012) includes social, economic and cultural features.</p>
18.	Mahinder Nayar	<ul style="list-style-type: none"> - Technical documents are expected to be brief and to the point. Document carries long worded statements in an attempt to catch all/not have anything missing legally. - Too much repetition of the intent. - Why different terms ie registered holder, Operator etc - ALARP is overapplied - Decommissioning plan is also included for project approval. It can updated revised as time moves on. - Title of Discussion paper is not clear/should match the scope. - The terms Purpose/Objective/Scope and Introduction are more or less repeating the same. 	<p>This document has been developed as a discussion paper; while it addresses technical subject matter, it is written in broad terms to establish baseline expectations and to generate discussion and comments from stakeholders. It is important for these documents to be as clear and unambiguous as possible to convey information to a broad audience. The content of this discussion paper will be developed into a bespoke decommissioning policy.</p> <p>Different terms such as 'registered holder' and 'registered operator' are used throughout this document to reflect the different obligations attached to registered holders and registered operators as established in the various Petroleum Acts and Petroleum Regulations. 'Title holder' is a term used commonly throughout the various Petroleum Acts and 'operator' is used throughout the various Petroleum Regulations. There are different obligations attached to registered holders as compared to registered operators.</p> <p>Aspects of decommissioning are included and required as part of project/activity approval (e.g. Environment Plan); however, DMIRS acknowledges that information informing decommission planning will be determined and refined during the course of operations and will be captured in subsequent Environment Plans. The decommissioning components of each Environment Plan will become more detailed and specific during operations and this is the basis of DMIRS' expectation that a holistic final decommissioning plan should be available five years prior to the end of field or asset life. This will be further refined through the development of the decommissioning policy.</p>

Ref #	Stakeholder	Comment	DMIRS Response
Legislative context			
19.	APPEA	<p>2.2 Legislative Context</p> <p>APPEA notes the following statement from the draft discussion paper on page three, as follows: <i>'The suite of regulations establish that decommissioning is to be addressed primarily in Environment Plans, as well as Well Management Plans, Field Management Plans and Safety Cases or Safety Management Systems, which are required to be submitted for each proposed activity.'</i></p> <p>APPEA would consider that this statement is incorrect. The environment regulations in Western Australia were not enacted to consider or address decommissioning specifically, but to provide specific protections to the surrounding environment that in large part mirror the Commonwealth offshore regulations. The only set of state petroleum regulations that foreshadows decommissioning is the Resource Management and Administration Regulations (RMAR), per the contents of field management plans (Schedule 3 Item 16). This is also evidenced by linkages of, for example, section 91A of the Petroleum and Geothermal Energy Resources Act 1967 (PGERA) (insurance) with the well management plan (Schedule 1 Item 15(n)).</p>	DMIRS acknowledges APPEA's comments. To clarify, this statement is provided to indicate that decommissioning is a component that is required to be addressed in Environment Plans as required by the various Petroleum Environment Regulations. Similarly, it is DMIRS' expectation that decommissioning be considered in Field Management Plans and Well Management Plans, though the Environment Plan will contain the most detail and also permit any exceptions to the base case.
Planning for Decommissioning			
20.	APPEA	APPEA generally supports the concept of asset stewardship, however, advocates for a risk-based approach to the timing of decommissioning of infrastructure. For example, the expectation for progressive decommissioning could result in significant inefficiencies, increased cost and increased health and safety risk to execute piecemeal removal and drive against campaigning and collaboration opportunities for decommissioning. There may be cases where the ALARP position is to make safe and retire equipment until the end of life of overall asset or site.	DMIRS' baseline expectation is that decommissioning should be undertaken in a robust and proactive manner. DMIRS asserts that progressive decommissioning and rehabilitation should be undertaken where opportunities exist; however, this is predicated on a risk-based approach in consideration of other relevant factors such as safety risks. As stated in the discussion paper, <i>'progressive decommissioning and rehabilitation should be undertaken in a safe and environmentally responsible manner, in accordance with relevant approvals'</i> .
21.	CFMMEU	<p>Recommendation: Decommissioning planning throughout the life of the project.</p> <p>The CFMMEU recognises that DMIRS has made several considerations on ensuring decommissioning is planned for throughout the life of the project. We agree that planning for decommissioning and removal of facilities and infrastructure is considered on a continuous basis and allows title holders to plan which we believe will lead to better decommissioning outcomes.</p>	DMIRS acknowledges CFMMEU's comments.
22.	WAFIC	<p>s. 3.1. Early planning, continual review and preparation is critical to decommissioning and rehabilitation success, page 4</p> <p><i>"Identify relevant experience from other projects and research. Planning should identify good quality material".</i></p> <p>WAFIC recommends including a definition section within the policy to ensure key words (for example 'relevant experience' and 'good quality material') comply with legislation and to manage different interpretations leading to inconsistent outcomes.</p>	WAFIC's comments are acknowledged, DMIRS will consider including a definition section as part of the development of the ensuing decommissioning policy document and supporting documentation. In this case, relevant experience refers to lessons learnt from other projects.
23.	Environmental Protection Authority (EPA)	In addition to the encouragement of early and progressive consideration - up front requirements for life cycle analysis, incorporation of circular economy principles from the Waste Strategy 2030, and application of the mitigation hierarchy, which requires (in preference order) avoidance, minimisation, rehabilitation, offsetting.	DMIRS acknowledges the EPA's comments. These matters will be considered during the development of a decommissioning policy and supporting guidance, however, it is noted these matters may be beyond the scope of this discussion paper.
24.	EPA	In addition to having a decommissioning plan 5 years prior to end of life - up front requirements for the plan to achieve specified environmental outcomes, and ongoing obligations to review and continuously improve plans and management measures to achieve or exceed these outcomes.	These matters will be considered during the development of a decommissioning policy and supporting guidance. DMIRS considers that planning for decommissioning should be based on adaptive management and should identify relevant experience from other projects and research. DMIRS expects a commitment in Environment Plans towards full removal, unless the registered holder has written approval from the Minister in the form of an approved permissioning document that states otherwise.

Ref #	Stakeholder	Comment	DMIRS Response
25.	Chevron Australia	<p>Clarity on DMIRS Expectations for End State</p> <p>In relation to alternative end states, the Discussion Paper sets out that exceptions to full removal can be considered if 'equal or greater outcomes' are achieved and that property is to be removed unless 'demonstrated that it is more beneficial' to leave in situ. Clarity is required as to whether this is limited to equal or greater <i>environmental</i> outcomes or broader outcomes as the guideline also references technical and full social and economic considerations when undertaking comparative assessment. Clarification is sought as to how better outcomes, such as ecological benefit and better social or regional outcomes, which can result from re-use and re-purposing of infrastructure, are assessed when EP acceptance criteria are focused on the management of environmental risk to ALARP. Similarly, how is 'more beneficial' considered by the Minister or delegates per their satisfaction during the title surrender process. As stated above, a fit for purpose Decommissioning Plan could allow for broader consideration of other relevant decision drivers beyond environmental risk.</p> <p>In relation DMIRS expectations for a commitment towards full removal of all property, equipment and infrastructure as base case, clarification is sought in relation to the full removal commitment to be included in the EP and property that has been installed below seabed such as piles associated with offshore infrastructure which may extend many metres below seabed. Chevron queries whether the full removal commitment should extend to below seabed infrastructure such as piles where removal is technically complex and likely to cause significantly greater environmental impact compared to leaving in situ. Clarification is also sought as to how the commitment towards full removal interfaces with projects that have Ministerial approval under the <i>Environmental Protection Act 1986</i> to leave infrastructure in situ, including where DMIRS (or preceding departments) were consulted as part of the assessment.</p>	<p>DMIRS acknowledges Chevron's comments. These matters will be considered during the development of a decommissioning policy and supporting guidance.</p> <p>Regulation 3 of the Petroleum and Geothermal Energy Resources (Environment) Regulations 2012 states the object of the regulations is to ensure that any petroleum activity or geothermal activity carried out in the State is carried out in a manner consistent with the principles of ecologically sustainable development. These principles include social and economic objectives by their very meaning.</p> <p>Further, the objectives of the Regulations also state that the environmental impacts and environmental risks of the activity will be reduced to ALARP. The definition of 'environment' includes social, economic and cultural features.</p> <p>DMIRS acknowledges that some below seabed infrastructure is best left in-situ. Hence the acknowledgement that DMIRS will consider deviations from full removal on a case-by-case basis where it can be demonstrated in the Environment Plan that it would be more beneficial to leave this property in situ.</p> <p>Where Ministerial approval has been given under the <i>Environmental Protection Act 1986</i> to leave certain property in situ and that approval does not require the further consideration of requirements that may prevail at the time of decommissioning, the registered holder may have a compelling case for deviation from full removal in relation to that property. In such circumstances, the commitment as to full removal may apply in respect of property for which Ministerial approval has not been given. Due to the intricacies of these cases, DMIRS believes that case-by-case consideration of deviations and individual circumstances is appropriate.</p>
26.	APA	<p>Section 3- Principle 1- Early planning, continual review and preparation is critical to decommissioning and rehabilitation success</p> <p>APA seeks clarification on Principal 1 regarding early planning, for decommissioning for new projects, which are early in the project feasibility and design stage (before project approvals).</p> <p>Q-1 Can APA expect DMIRS to provide consideration to formal submissions of decommissioning and rehabilitation risk assessments (potential for leaving pipeline infrastructure in place and consideration of post activity land uses) early in the planning, and preparation phase for feasibility of onshore gas infrastructure developments, prior to project approvals and the development of Construction and/or Operations Environment Plans?</p>	<p>Registered holders should plan towards full decommissioning at these stages including financial considerations and budget and planning.</p> <p>DMIRS would not consider submissions of standalone risk assessments, except where they are included in an environment plan for a petroleum, geothermal or pipeline activity.</p>
27.	APA	<p>Q-2 If such consideration is to be given to early submissions of decommissioning and rehabilitation risk assessments for onshore gas infrastructure developments, could APA expect a similar 3 Month review period following formal submission?</p>	<p>Assessment timeframes for environment plans are set out in the Petroleum Environment Regulations and DMIRS has existing procedures regarding assessment processes. There are currently no changes proposed to the timeframes.</p>
28.	EPA	<ul style="list-style-type: none"> • Consideration of cumulative and holistic effects – see page 7 of the Statement of Principles, Factors, Objectives and Aims of EIA for explanations of these. 	<p>DMIRS acknowledges the EPA's comments. These matters will be considered during the development of a decommissioning policy and supporting guidance.</p>

Ref #	Stakeholder	Comment	DMIRS Response
29.	CCWA	<p>1. Decommissioning should be incorporated into the earliest environmental plans and demonstrate that decommissioning is achievable</p> <p>CCWA supports the DMIRS draft principles of early planning and continual review of decommissioning and rehabilitation. However, CCWA believes that decommissioning plans should be incorporated into the earliest environmental plans and not support any delay by proponents in this crucial element of planning and design. Allowing proponents to delay the development of a comprehensive decommissioning strategy until 5 years prior to the end of field or asset life does not offer the necessary certainty required to establish the financial resources that may be required, how the proponent intends to decommission a facility, or whether decommissioning is viable. The life of petroleum and geothermal projects can extend to many decades and decommissioning and rehabilitation strategies, and their viability, should be clear from the outset of a project.</p>	<p>DMIRS acknowledges and agrees with CCWA's comments. To clarify, the various Petroleum Environment Regulations require Environment Plans (which contain a decommissioning planning component) to be submitted for each proposed activity, and are then required to be revised and submitted for assessment in five year intervals. Registered holders are required to establish a baseline decommissioning and rehabilitation plan and commitment with each Environment Plan submission (not solely at the all-encompassing Environment Plan five years prior to the end of field or asset life).</p> <p>In this manner, registered operators are required to declare and commit to a decommissioning strategy for each relevant activity which ordinarily, will require the full removal or property, equipment and infrastructure.</p> <p>DMIRS expects the information for decommissioning planning to be commensurate to the nature, scale and duration of the relevant activity, with enhanced detail and planning at each five year revision. That is, DMIRS recognises that there will be limited information available to inform decommissioning planning during the exploration or planning phase, but expects a baseline plan and commitment for decommissioning, with an enhanced level of detail in subsequent revisions.</p> <p>The position paper also explicitly covers the cost of decommissioning and rehabilitation should be factored into projections of economic limits prior to the field becoming uneconomic to ensure financial and environmental liabilities are accurately accounted for.</p>
30.	CCWA	<p>In view of the above points, CCWA provides the following recommendations on the Draft Decommissioning Discussion Paper:</p> <p>Recommendation:</p> <p>1. Decommissioning plans should be incorporated into the earliest environmental plans. The life of petroleum and geothermal projects can extend to many decades and decommissioning and rehabilitation strategies, and their viability, should be made explicit from the outset of a project.</p>	<p>DMIRS acknowledges CCWA's comments. DMIRS agrees with CCWA's position.</p>
31.	CCWA	<p>Recommendation:</p> <p>9. In addition to infrastructure removal and rehabilitation, remediation of contamination and post-closure maintenance and monitoring should also be addressed as part of the decommissioning process.</p>	<p>DMIRS acknowledges CCWA's comments. DMIRS agrees with this position, as stated in the discussion paper, <i>'DMIRS expects registered holders to monitor the status of the affected environment and undertake remedial works to address any subsequent risk or impacts. The duration of the monitoring phase will occur over a number of years and will be risk-based, before any title can be surrendered'</i>.</p>
Plastics & other potentially harmful substances			
32.	APPEA	<p>An absolute statement about the fate of plastics left in-situ also runs counter to the ALARP principle.</p> <p>Decisions about decommissioning outcomes should be based on a holistic assessment of short- and long-term environmental, health and safety and socioeconomic risk and impacts. As an example, the excavation and removal of buried infrastructure with minor amounts of plastic to allow this infrastructure to be disposed of in landfill may not result in improved environmental outcomes. Such a blanket statement (through only an environment lens) may fetter the discretion the Minister or delegate has per the consent to surrender title with regards to socio-economic impacts for other terrestrial and marine users.</p>	<p>DMIRS concurs with APPEA's comments. To clarify, the discussion paper does not make an absolute statement with respect to the fate of plastics left in situ. The statement indicates that it is <i>unlikely</i> that DMIRS will approve plastic products being left in situ, however this statement is predicated in the section by the statement <i>'case-by-case consideration is appropriate but the end goal should be the complete removal of property and return the site to an agreed state'</i>. In this regard, DMIRS will assess each operation on an individual basis having regard to the ALARP principle and a holistic assessment.</p>

Ref #	Stakeholder	Comment	DMIRS Response
33.	Chevron Australia	<p>The paper includes a statement that 'It is very unlikely that DMIRS will approve operators leaving any plastics products in situ. As such, operators should plan for the full removal of any property, equipment or infrastructure that contains plastics'. Clarity is sought on what types or materials and quantities constitute plastic. Given the increase in decommissioning activity, there is a need for further regulatory guidance on infrastructure and materials that could be considered for in situ abandonment such as for differing infrastructure types and where infrastructure and plastic characteristics (type, application, volumes, buried / unburied etc) can represent a considerably different risk. Decisions on infrastructure end state need to balance environmental risk with both the ecological and social benefit that can result from infrastructure being decommissioned in situ, along with the environmental impact from removal.</p> <p>An understanding is required as to how DMIRS position on plastics within the draft Paper interfaces with the 2017 Decommissioning Guideline which recognises that a derogation example might be that the removal of a facility or pipeline may create more environmental damage than leaving it in place, such as where pipelines are buried and will stay buried. Furthermore, following the introduction of the Recycling and Waste Reduction (Export-Waste Plastic) Rules 2021 under the <i>Recycling and Waste Reduction Act 2020</i>, there is significant uncertainty on the ability for industry to export steel infrastructure with residual plastics which may therefore lead to this material being disposed of via landfill.</p>	DMIRS acknowledges Chevron's comments. These matters will be considered during the development of a decommissioning policy and supporting guidance.
34.	DCCEEW	<p>We are particularly supportive of the plastics line and the lines about full removal as this sends a strong regulatory signal.</p> <p>We suggest some definition be given to 'plastics' given that things like thin coatings/ship coat type products may be captured by this statement, possibly a wording like 'bulk plastics', noting that we have not tested such wording.</p> <p>Consideration could be given to also include a prohibition or indication on non-approval of leaving substances like persistent organic pollutants in foams, NORMs and mercury in-situ and other similar potentially harmful substances.</p>	DMIRS welcomes DCCEEW's suggestion. DMIRS will consider inserting additional guidance in the ensuing decommissioning policy document.
35.	Buru Energy	<p>2. Buru's view is that the statement made on page 5 of the discussion paper regarding plastics "<i>It is very unlikely that DMIRS will approve operators leaving any plastic products in situ. As such, operators should plan for the full removal of any property, equipment or infrastructure that contains plastics</i>" is counter to the objective risk-based framework that underpins the WA petroleum legislation.</p> <p>To reflect this risk-based framework, Buru suggests that there should be tolerance to leave plastics in situ in circumstances where it can be demonstrated that the risk is both ALARP and acceptable as defined by the PGER Environment Regulations 2012. It is also noted that the risk profile of leaving plastics in situ in a marine environment is significantly different to the risk posed by plastics that are buried onshore. Specifically, there is likely to be comparatively more environmental impact (e.g. disturbance of vegetation, potential for erosion) associated with the removal of a buried pipeline onshore for the plastic to then be subsequently buried in landfill.</p>	DMIRS acknowledges and concurs with Buru Energy's comment. It is DMIRS' expectation that the base case for decommissioning is that all property, equipment and infrastructure should be removed and that ordinarily, it is unlikely that DMIRS will approve plastic products to be left in situ, however this is predicated on the basis that DMIRS will consider decommissioning requirements for each operation on a case-by-case basis. While operators should plan for the full removal of any property, equipment or infrastructure (regardless of whether it contains plastics or not), if registered holders seek to leave property, equipment or infrastructure in situ, they will need to adequately demonstrate that it would be beneficial, consistent with the ALARP principle and acceptable from a risk-based approach.

Ref #	Stakeholder	Comment	DMIRS Response
36.	WAFIC	<p>s. 3.3. Case-by-case consideration is appropriate but the end goal should be the complete removal of property and return the site to an agreed state, page 5</p> <p><i>"It is very unlikely that DMIRS will approve operators leaving any plastic products in situ. As such, operators should plan for the full removal of any property, equipment or infrastructure that contains plastics."</i></p> <p>WAFIC requests that plastics should never be approved to remain in situ or any infrastructure containing chemical or toxic compounds. Factors such as degradation rates also need to be considered.</p>	<p>DMIRS acknowledges WAFIC's comments. While this is a preferred baseline position, there are circumstances whereby the removal of plastic products, or any other petroleum infrastructure, may cause more detrimental harm than if the item were left in situ. The circumstances and reality of the industry are varied, meaning it would be prudent for DMIRS to assess each operation on a case-by-case basis to determine the specific decommissioning requirements. The future decommissioning policy and supporting guidance will apply to both onshore and offshore operations and whilst WAFIC's comment is based on submerged waters there are times onshore where the benefits of leaving in situ would outweigh the damage associated with removal.</p>
Leaving property, equipment and infrastructure in situ			
37.	APPEA	<p>APPEA considers that the transfer of use of property, particularly in the onshore could provide significant long-term benefit to landholders and surrounding communities. For example, the transfer of water bores, and associated water transport and storage infrastructure, could have significant benefit to agricultural activities. To this end, the phrase 'more beneficial' is somewhat ambiguous and unhelpful as it does not clarify what the Minister or delegates may consider per their satisfaction or discretion to the consent to surrender. APPEA would welcome working with DMIRS to develop guidelines that provide clarity on the government expectations regarding removal of property (i.e. what may be left in-situ, etc)</p>	<p>DMIRS acknowledges APPEA's comments. DMIRS agrees that there would be instances whereby the transfer or use of property could provide a benefit to landholders or surrounding communities. The phrase 'more beneficial' has been utilised as a general term as it is not possible to capture or foresee specific instances that may arise and will be unique to individual operations and determined on a case-by-case basis. DMIRS is exploring ways in which the transfer of property could occur. DMIRS acknowledges APPEA's comments and welcomes APPEA's invitation to collaborate to provide greater clarity to industry.</p>
38.	CFMMEU	<p>No deviation from removal requirements should be allowed</p> <p>The union agrees that all titleholders shall adhere to the base case outlined in the West Australian Government's Offshore Petroleum Decommissioning Guidelines. Total removal of infrastructure and remediation of the earth's crust shall always be the best practice.</p> <p>While the legislation refers to remediation of the earth's crust, this must be understood to include relevant seabed, subsoil, environment and ecosystems, in consultation with relevant First Nations.</p> <p>Deterioration of equipment will take hundreds of years, and it is impossible to predict the risks that could develop with deteriorating equipment if left in place forever. Therefore, oil and gas facilities must be considered temporary structures that must be decommissioned and removed when the extraction is complete.</p> <p>During decommissioning projects, straying from the base case of full removal must only occur if it is impossible to remove the oil and gas infrastructure safely. Any infrastructure remaining must continue to be monitored by the titleholder and reported back to the government in perpetuity.</p>	<p>DMIRS acknowledges CFMMEU's comments. The existing framework in the various Petroleum Regulations requires registered operators to submit updated Environment Plans (including decommissioning planning) every five years for approval. This methodology allows for a continued evolution and refinement of decommissioning planning based upon updated information and accounting for new technologies and process improvements.</p> <p>DMIRS' expectation is that the all-encompassing decommissioning plan should be submitted five years prior to the end of field or asset life with an expectation that the base case for decommissioning is that all property, equipment and infrastructure should be removed unless it can be demonstrated that an alternative strategy will be more beneficial or less harmful to the environment. This will be guided by the ALARP principle, a risk-based comparative analysis and any available scientific information submitted by the applicant and available to the assessment officers at the time of the application.</p> <p>DMIRS considers that this approach is practical to ensure that industry is able to undertake decommissioning informed by the most up-to-date information and consistent with contemporary best practices.</p>
39.	CFMMEU	<p>The union believes there is no benefit for the workforce or community of leaving infrastructure to deteriorate without a valid reason. Unwanted expenditure on decommissioning oil and gas property should not motivate the government to grant environment plan applications that deviate from the current legislation requiring removal.</p> <p>The CFMMEU notes that DMIRS draft document refers to infrastructure being left in place subject to 'equal or greater outcomes'. This is unclear and must be much more tightly defined.</p>	<p>DMIRS agrees with CFMMEU's position; approval to leave property, equipment and infrastructure will only be provided in instances where it can be demonstrated that equal or greater outcomes is likely to be achieved i.e. the removal of the property, equipment or infrastructure would cause greater harm or impact to the environment. A proposal to leave property, equipment and infrastructure in situ based upon a financial or economic argument will not suffice.</p> <p>DMIRS notes CFMMEU's comment seeking clarification regarding the term 'equal or greater outcomes'. DMIRS will consider this as part of the development of the future decommissioning policy and supporting guidance.</p>

Ref #	Stakeholder	Comment	DMIRS Response
40.	CFMMEU	<p>Recommendation: Indefinite monitoring systems for wellheads that remains in situ.</p> <p>After speaking with experts in this field, the union recognizes the importance of wellhead structures remaining, as this allows easy access to the well for re-plugging if leaks develop from abandoned wells. Given the long-term risk that oil and methane leaks pose to the environment and the atmosphere, DMIRS must require ongoing monitoring of abandoned wells.</p> <p>Improperly abandoned wells can significantly threaten to groundwater quality and marine ecosystems. Queensland farmers are facing this disaster, whose water supply is being impacted by Shell's corroded and leaking gas wells.</p> <p>It is impossible to evaluate how long a well may be sealed before leaking of toxic leaks can occur. For this reason, it is crucial that there is an agency with long-term responsibility for regular monitoring and inspections that are funded by industry.</p>	<p>DMIRS expects registered holders to monitor the status of the affected environment and undertake remedial works as necessary to address any subsequent risks or impacts. DMIRS expects the duration of the monitoring phase to occur over a number of years before a title is able to be surrendered. As established in the various Petroleum Acts, registered holders are, amongst other things, required to remove all property and make good the surface of the Earth's crust, to the satisfaction of the Minister, prior to the surrender of a title. Monitoring of the affected environment to demonstrate the robustness of the decommissioning activities and to assess the impacted environment will form part of the consideration of whether the pre-requisites allowing for the surrender of a title have been satisfied.</p>
41.	CFMMEU	<p>The <i>Commonwealth Environment Protection (Sea Dumping) Act 1981</i> (Sea Dumping Act) includes an option for the Minister to require title holders to continue monitoring any infrastructure that has been left in situ (s. 21 (1), or a title holder can also pay for a Commonwealth agency to carry out this role (19 (9)). The West Australian government should ensure that it has these options available to it.</p> <p>The 2021 trailing liability amendments to the OPGGS Act allow titleholders to be called back to repair wells if there is a problem with leakage or any other issue. The West Australian government should ensure that it has a similar power.</p>	<p>Through this discussion paper, DMIRS is developing its expectations and approach for decommissioning, and it is intended that an ensuing decommissioning policy document will be created from the contents of this discussion paper, as well as further guidance material.</p> <p>DMIRS acknowledges CFMMEU's comments, however trailing liability and liability for long-term monitoring are beyond the scope of this particular discussion paper.</p>
42.	Department of Transport (DoT)	<p>My only comment is that Section 3 specifically outlines that it is very unlikely DMIRS will approve operators leaving any plastic products in situ. Is it worth adding anything around not leaving any equipment with hydrocarbons/chemicals in situ also? Noting this should hopefully be covered by the preference to have complete removal of equipment (and I have no doubt is covered by the assessment process anyway).</p>	<p>DMIRS clarifies that equipment with hydrocarbons/chemicals must not be left in situ. <i>Bullet point four in Section 3 provides all property, equipment and infrastructure must be completely removed and disposed of appropriately, unless the registered holder has written approval from the Minister (in the form of an approved permissioning document) that states otherwise.</i> This requirement is inclusive of equipment with hydrocarbons/chemicals, which must not ordinarily be left in situ and is reflected in sections 92(3) PGERA, 38(c) PPA and 98(3) PSLA.</p>
43.	Mahinder Nayar	<p>Would have been good if something was also mentioned about the final disposal of the assets removed.</p>	<p>The intent of this paper is to establish the baseline expectations and standards with respect to decommissioning petroleum and geothermal energy infrastructure in Western Australia. Following the finalisation of the ensuing policy document, DMIRS will then prepare more targeted documents for industry with respect to specific aspects of decommissioning. This paper seeks to provide an outline of DMIRS' expectations with respect to decommissioning; however, does not seek to address the specific modes of disposing of property, equipment and infrastructure. This will be determined on an individual case-by-case basis. Notwithstanding, as this paper provides the final disposal of assets must not include leaving property, equipment or infrastructure in situ unless prior written approval (in the form of a permissioning document) has been provided.</p> <p>DMIRS notes the Department of Jobs, Tourism, Science and Innovation has partnered with the Centre of Decommissioning Australia (CODA), who is currently conducting a range of studies into the cost and methods of decommissioning oil and gas rigs throughout Australia. This includes a review of opportunities for local disposal and recycling of oil and gas infrastructure. Further information on this partnership can be found by contacting CODA at contact@decommissioning.org.au</p>
44.	Buru Energy	<p>Buru would like to provide the following feedback on specific matters raised in the Discussion Paper:</p> <p>1. Buru supports the <i>"base case of full removal of all property, equipment and infrastructure unless it can be demonstrated that it is more beneficial to leave in situ on a case-by-case basis, and as approved by the Minister, supported by a comparative risk assessment"</i>.</p> <p>Further, it is Buru's view that comparative risk assessments are a very important tool to arrive at a conceptual end state that balances environmental, safety, social and economic assessments. To ensure integrity of outcomes, it is also suggested that comparative assessments should be supported by best practice science and be specific to the infrastructure and the surrounding environment.</p>	<p>DMIRS acknowledges and thanks Buru for its comments. DMIRS agrees that comparative risk assessments should be supported by best practice science and be specific to the infrastructure and the surrounding environment. DMIRS will clarify this point in the ensuing decommissioning policy document.</p>

Ref #	Stakeholder	Comment	DMIRS Response
45.	Chevron Australia	<p>Duplication of Regulatory Requirements and Permissioning associated with in situ Decommissioning Interface between the end state permissioning process i.e. the EP and the permitting requirements of the <i>Commonwealth Environmental Protection (Sea Dumping) Act 1981</i> which are both required for infrastructure which is proposed to remain in situ should be clarified. In recognition that the decommissioning of oil and gas infrastructure is set to increase in the coming years, Chevron Australia considers that there is a need for streamlining of end state permissioning where a duplicative regulatory requirement under other Australian legislation exists, including the requirement for long term monitoring. A streamlining process such as that which is being trialed by the National Offshore Petroleum Safety and Environmental Management Authority and the Department of Climate Change, Energy, the Environment and Water is recommended to integrate requirements and reduce regulatory overlap and associated administrative burden on titleholders whilst maintaining environmental outcomes.</p>	<p>DMIRS acknowledges Chevron Australia's comments and acknowledges the presence of overlapping regulatory requirements. DMIRS appreciates Chevron's position, however advises that is not in a position to provide specific guidance on the Sea Dumping Act as this Act is administered by another agency and in another jurisdiction.</p> <p>In instances where both DMIRS approval and a Sea Dumping approval is required DMIRS would facilitate joint discussions with the Commonwealth with respect to decommissioning in both jurisdictions in order to ensure that the requirements are aligned. For the purposes of this paper the requirements of the Sea Dumping Act are beyond the scope of this paper.</p>
46.	DCCEEW	<p>We recommend that a line such as 'other approvals may apply to leave items in situ or otherwise dispose of them in the marine environment, even if approved by DIMRs' be added to the document.</p> <p>We would appreciate it if a line such as 'you may require a sea dumping permit or other environment approval such as under the EPBC Act or WA enviro protection legislation to leave items in situ or otherwise dispose of them in the marine environment, even if approved by DIMRs' was added, but understand if this is not possible.</p>	<p>DMIRS is cognisant of the requirements of the Sea Dumping Act and the impact that it may have on registered holders. While the Sea Dumping Act is a Commonwealth Government administered Act, beyond the scope of the Western Australian Government and this discussion paper, DMIRS encourages registered holders to be aware of their obligations under both State and Commonwealth legislation. DMIRS intends that the ensuing decommissioning policy document will include a reference for registered holders to check their obligations under State and Commonwealth legislation as other approvals, such as a sea dumping permit pursuant to the Sea Dumping Act, may be required.</p>
47.	CCWA	<p>3. No infrastructure should be left behind on the ocean bed or on land</p> <p><i>DMIRS expects to see a commitment towards full removal of all property, equipment and infrastructure as a base case. Partial removal may be considered by the Minister on a case-by-case basis and the responsibility lies with the registered holder to demonstrate equal or greater outcomes. (DMIRS Discussion Paper p6)</i></p> <p><i>DMIRS will only consider the surrender of a title when all obligations are satisfied, including the fulfilment of all decommissioning and rehabilitation commitments and expectations to the satisfaction of the Minister. This may include the full removal of all property, equipment and infrastructure and the restoration of the Earth's crust to the satisfaction of the Minister (see for example section 98(2) of PGERA). (DMIRS Discussion Paper p7)</i></p> <p>CCWA notes the statutory requirements for a registered holder of an instrument to remove from an area all its property (unless otherwise approved by the Minister). CCWA further proposes that there be a requirement for registered holders of an instrument to make an area safe, stable, and non-polluting. The latter point is of particular importance, insofar as any property left behind has the potential to cause pollution, now and in the future. For example, infrastructure left in the ocean, has the potential to leach metals or produce ongoing food-chain impacts; plastics left in situ have the potential to breakdown and add to microplastic pollution on both land and sea; and fracking infrastructure can contain chemical toxicants or leak methane, causing groundwater, soil and air pollution.</p>	<p>Section 3.1.4.2 (Decommissioning, Rehabilitation and Closure) of the Guideline for the <i>Development of Petroleum, Geothermal and Pipeline Environment Plans in Western Australia</i> states 'DMIRS' principal closure objectives are for rehabilitated petroleum sites to be (physically) safe to humans and animals, stable, non-polluting/non-contaminating, and capable of sustaining an agreed post-activity land use.'</p> <p>DMIRS acknowledges CCWA's comment and will provide a clarification in the ensuing decommissioning policy document that this closure objective carries through to decommissioning as a relevant objective and expectation.</p>

Ref #	Stakeholder	Comment	DMIRS Response
48.	CCWA	<p>The scenarios under which any property is allowed to remain after decommissioning and rehabilitation must be made explicit in any guideline or policy directives and should be further investigated to determine whether DMIRS expectations of 'ecological sustainability' can be met. Nevertheless, CCWA does not consider that leaving any property behind can be viewed as ecologically sustainable, especially if the property has the potential to impede the movement of wildlife, degrade, leak, or produce legacy pollution. It should not be the responsibility of the State to manage industry's legacy pollution.</p> <p>CCWA argues that ambiguities of decommissioning process, including Ministerial authorisations and/or allowances for proponents to leave infrastructure in situ, require greater clarification and review. If it is the intention of a proponent to leave infrastructure behind, this should be made explicit from the outset, and processes put in place to ensure that remaining structures can be made safe, stable, and non-polluting. For example, if subsea pipeline will be left under the guise of becoming habitat, the materials the pipeline is constructed from should not be capable of degrading, leaching or bioaccumulating toxics through the marine foodchain, and it should not produce any physical barrier within the marine environment; or if land rehabilitation is to take place around infrastructure and is likely to be disturbed during decommissioning operations, then land rehabilitation practices require more careful review at the design and planning stages. Any proposal to leave property in situ should be identified at the design phase</p>	<p>DMIRS acknowledges CCWA's comments. DMIRS will consider possible alternatives, comparative risk assessments and all available information in determining whether property, infrastructure or equipment is able to be left in situ. Any proposal to leave property, equipment or infrastructure in situ must demonstrate that it would result in equal or greater outcomes. Due to the varied nature and longevity of petroleum operations in Western Australia, DMIRS recognises there may be instances whereby it may not be appropriate to remove all property, equipment and infrastructure as doing so may result in greater harm to the surrounding environment.</p> <p>Where property, infrastructure or equipment is able to be left in situ, registered holders will be required to decommission the property, infrastructure or equipment and undertake monitoring before being able to surrender the relevant title. Through this process, DMIRS will ensure the risk to the surrounding environment is consistent with the ALARP principle.</p> <p>DMIRS will endeavour to provide greater clarification with respect to the manner in which property, equipment and infrastructure is able to remain in situ in the future supporting decommissioning guidance document.</p>
49.	CCWA	<p>CCWA also identifies the following points for further consideration in the policy formulation for decommissioning:</p> <p><i>Exploration</i></p> <p>CCWA asserts that on-shore exploration projects also require consideration for decommissioning strategies. Unattended infrastructure, including exploration wells or ponds can be subject to damage, to weather degradation, can leak methane and produce other emissions to air, water, and land.</p>	<p>DMIRS agrees and clarifies that all activities at all stages in the life cycle of a petroleum operation, including exploration, are required to plan and account for decommissioning. This is clarified in the <i>Guideline for the Development of Petroleum, Geothermal and Pipeline Environment Plans in Western Australia</i> and will be clarified in the ensuing decommissioning policy document.</p>
50.	CCWA	<p><i>Residual contamination</i></p> <p>In addition to property removal and land rehabilitation, CCWA believes that remediation of contamination should also be addressed as part of the decommissioning process.</p> <p>For example, hydraulic fracturing projects require the use of many hazardous chemicals and the regulatory controls for these chemicals is currently viewed as inadequate to protect against environmental impacts. Residual contamination must be explicitly factored into the decommissioning plan of any facility and this should include a remediation strategy and ongoing maintenance and monitoring beyond the life of the proposal.</p>	<p>DMIRS acknowledges CCWA's comments. DMIRS notes that decommissioning and closure planning must identify any environmental legacies (including contaminated sites) that may restrict the agreed post-activity land use(s). This is described in the <i>Guideline for the Development of Petroleum, Geothermal and Pipeline Environment Plans in Western Australia</i>.</p> <p>In the subsequent decommissioning policy document, DMIRS intends to clarify its expectation that decommissioning and closure processes identify any environmental legacies that may restrict the agreed post-activity land use(s), and describe contamination remediation and monitoring that will be undertaken until closure objectives are met.</p>
51.	CCWA	<p>Recommendation:</p> <p>5. No infrastructure should be left behind on the ocean bed or on land.</p>	DMIRS acknowledges CCWA's comments.
52.	CCWA	<p>Recommendation;</p> <p>6. The scenarios under which property can be left behind after decommissioning and rehabilitation should be made explicit in any guidance or policy documents and require further environmental review to determine whether they meet with the DMIRS expectations of 'ecological sustainability' and whether an area can be made safe, stable and non-polluting.</p>	DMIRS acknowledges CCWA's comments.
53.	CCWA	<p>Recommendation;</p> <p>7. Any proposal by a registered holder to leave infrastructure in situ after decommissioning should form part of the design and planning process and assessed for viability at that stage.</p>	DMIRS agrees with CCWA's position.

Ref #	Stakeholder	Comment	DMIRS Response
Decommissioning timeframes			
54.	CFMMEU	<p>Decommissioning Deadlines Recommendation: Reduce the time frame for decommissioning projects</p> <p>DMIR has noted that all wells should be plugged or closed off within three years of inactivity; however, there is no reason for title holders to take this long to plug disused wells. We believe that DMIRS should reduce the time frame to six months.</p> <p>Furthermore, operators should only require 12 months to remove all associated infrastructure on the completion of a project. Allowing five years to complete this work may result in inaction by the title holder, and further deterioration of infrastructure that may make removal difficult or impossible to undertake safely.</p> <p>The MUA has recently witnessed timeline overlaps on projects located on the east coast of Australia, where disused oil and gas infrastructure is likely to inhibit the development of renewable energy projects. In these scenarios, the government must manage these timeline conflicts by giving precedence to commencing renewable energy projects.</p>	<p>DMIRS considers that an expectation that all wells should be plugged or closed off within three years on inactivity and all other property, equipment and infrastructure is to be decommissioned within five years of the cessation of operation are appropriate timeframes. DMIRS intends to put together a risk-based approach to timing of asset decommissioning that will include (but not be limited to) consideration of:</p> <ul style="list-style-type: none"> • Type of licence/tenure (exploration permit vs production licence) • Number of years the wells/infrastructure have been inactive (inactive defined as: none of the objectives for which the wells were initially drilled or re-purposed are being carried out) • Age of the asset • Number of years since cessation of operation (meaning no further activity on the licence notwithstanding care and maintenance activities) <p>DMIRS acknowledges CFMMEU's comments; however, registered holders may contemplate seeking retention leases where the targeted resource is demonstrated as not being commercially viable at the time. A retention lease is granted for an initial term of five years and time ought to be afforded to registered holders to consider their options, develop an application that demonstrates a resource is not currently commercially viable and time for this application to be assessed.</p> <p>Additionally, while DMIRS encourages proactive decommissioning planning and progressive decommissioning where appropriate, DMIRS acknowledges the various logistics involved in planning, surveying and analysis for decommissioning, as well as the lack of decommissioning resources, remote location of some operations and time required to monitor the trials and results of decommissioning activities. This is the rationale behind establishing the relevant timeframes as baseline expectations.</p>
55.	APPEA	<ul style="list-style-type: none"> • With regards to the following statement in the draft discussion paper - 'All wells to be plugged or closed off within three years of inactivity' provides a number of problems, as follows: • 'Inactivity' and 'cessation of operation' are not defined – see comments above regarding termination provisions (section 64A of PGERA). • 'All wells' would capture suspended wells on production licences, suspended wells on retention leases, and suspended wells within permit renewal terms. • For clarity, does DMIRS mean suspended wells on permits? As wells are generally drilled within the secondary period of an exploration permit, a three-year limit to well inactivity would entertain a renewal of the permit for well decommissioning to take place. • Concern with regards to how this requirement would fit with suspended wells on retention leases. <p>APPEA advocates for a risk-based approach to the timing of decommissioning of wells. This approach ensures the risk and impacts of suspended wells are appropriately balanced with risk and impacts of decommissioning activity and opportunities to campaign decommissioning.</p>	<p>DMIRS acknowledges the concerns put forward by APPEA. In response to these comments DMIRS intends to put together a risk-based approach to timing of asset decommissioning that will include (but not be limited to):</p> <ul style="list-style-type: none"> • Type of licence/tenure (exploration permit vs production licence) • Number of years the wells/infrastructure have been inactive (inactive defined as: none of the objectives for which the wells were initially drilled or re-purposed are being carried out) • Age of the asset. • Number of years since cessation of operation (meaning no further activity on the licence notwithstanding care and maintenance activities)

Ref #	Stakeholder	Comment	DMIRS Response
Environment plans			
56.	APPEA	<p>With regards the following final point, as follows: <i>"Operators are expected to have established all-encompassing decommissioning and rehabilitation Environment Plans at least five years prior to end of field or asset life."</i></p> <p>APPEA would raise several issues of concern as to how this requirement could be met. Clarity is needed from DMIRS, specifically:</p> <ul style="list-style-type: none"> • Is the decommissioning and rehabilitation environment plan (EP) a new type of EP? • Will this new requirement be reflected in renewed environment regulations? • In consideration that a decommissioning and environment plan would be required to address planned activities beyond a five-year time horizon, how could this be accomplished when current EPs are limited to a duration of no longer than five years? • Would applicants be required to obtain Ministerial approval for decommissioning states that deviate from full removal for activities greater than five years? <ul style="list-style-type: none"> ◦ If so, what is the mechanism to obtain this approval? • In many cases the assessment of environmental impacts from decommissioning activities requires input from contracted services. It is unlikely to be commercially acceptable to acquire contract services for the decommissioning activity far enough in advance to incorporate contractor input into an EP five years before end of field life. 	<p>Please see responses to APPEA's queries below:</p> <ul style="list-style-type: none"> • The decommissioning/rehabilitation Environment Plan is simply an Environment Plan that describes these particular petroleum activities that may be undertaken within the five year period after the previous Environment Plan approval, or such other period when an Environment Plan is revised from time to time. It is not a new type of Environment Plan. • It is not a new requirement. Operators are already required to provide details of decommissioning and rehabilitation within an Environment Plan and operators have already been submitting environment plans specifically for decommissioning and/or rehabilitation for several years. • Environment Plans currently describe planned activities that are expected to continue beyond a five-year time horizon. Many petroleum recovery and conveyance assets in WA have design lives spanning multiple decades. The Environment Plan needs to demonstrate that decommissioning planning is evident; not all of the activities described in an Environment Plan must be implemented within the five year term of the revision. As you may be aware, there is the provision to revise environment plans every five years under Regulation 20, such that Environment Plans are not limited to a period of five years and decommissioning and rehabilitation planning can commence early in the life of the activity and be refined over time. • If titleholders are seeking to deviate from full removal requirements, there are existing approval processes to consider the merits on a case-by-case basis. Those processes formally begin with an application to surrender the relevant title. Noting that decommissioning and rehabilitation planning and execution can take years to decades, it is therefore imperative that operators and titleholders begin work early on decommissioning and rehabilitation and must plan to meet the legislative requirement for full removal, even if that is not their preferred option. • The operator of an activity should include as much information as possible in their decommissioning and rehabilitation Environment Plan. DMIRS understands they may not have all the details available more than five years prior to decommissioning. Progressive Environment Plan revisions should demonstrate higher levels of detail. Certain details, such as those informed by contractor selection, should be included as that information becomes available.
57.	APPEA	<p>Plans for decommissioning must take into account a combination of factors – safety, technical, environment, cost (including timing), socioeconomic and resource management. APPEA is concerned that the current framework for decommissioning does not allow non-environment factors to be considered when deciding upon decommissioning activities. This creates the risk that decommissioning options are constrained by the existing regulatory framework, to the detriment of reaching the 'optimal' outcome for each particular case. The draft discussion Paper is silent on this issue. Further, the activity-based nature of the environment plan coupled with five-year revision cycles means it is a problematic permissioning document for decommissioning.</p>	<p>Decommissioning is an all-encompassing operation impacting multiple operational areas within industry and Government and requires multiple approvals.</p> <p>The framework described by DMIRS encompasses Environment Plans, Field Management Plans and Well Management Plans and can take into account factors such technical, environment, cost, socioeconomic and resource management. As outlined in section 4 under the bullet point "Risk Assessment", DMIRS' expectation is that any comparative risk assessment should <i>"include all factors, weighting, risks, benefits, environmental impacts, technical risk, effect on other users and full social and economic considerations. This should then be followed by a demonstration of how the proposal meets the ALARP principle (as low as is reasonably practicable)"</i>.</p> <p>In recognising the need to achieve an optimal outcome, DMIRS also included the statement <i>"DMIRS encourages Well Management Plans and Environment Plans for decommissioning to be provided at the same time for assessment"</i> in the discussion paper. Coordinating the development of various approvals documents for parallel submission to DMIRS will enhance understanding of industry proposals and facilitate due consideration of the relevant factors.</p> <p>DMIRS does not agree with the statement that Environment Plans are problematic permissioning document for decommissioning.</p>

Ref #	Stakeholder	Comment	DMIRS Response
58.	APPEA	APPEA considers that there could potentially be a 'missed opportunity' to reform the framework so that it provides for the 'optimal' outcome for all stakeholders, striking the necessary balance for government, industry, agricultural / pastoral and other marine industries and taxpayers.	DMIRS acknowledges APPEA's comment; however, legislative amendments are beyond the scope of this discussion paper. This discussion paper seeks to establish the baseline expectations for decommissioning. Notwithstanding, DMIRS will consider possible legislative amendments with respect to decommissioning as it develops the ensuing decommissioning policy, framework and associated guidance documents.
59.	APPEA	<u>Inventory of all Property, Equipment and Infrastructure</u> APPEA notes that there is no explicit regulatory grounds for this type of content within an environment plan and suggests the request is tenuously linked to regulation 14(1)(b). The New Zealand Government has recently made regulatory amendments which may provide further insights for future policy discussions on this topic. However, APPEA would encourage DMIRS to consider how this information would be collected, stored, managed, and at what level of detail, and the resultant compliance burden that would otherwise result to industry.	DMIRS acknowledges APPEA's view. DMIRS needs the full inventory of all property, equipment and infrastructure that has been brought into the title area in order to make an informed decision. In regard to the Environment Plan, the inventory may have broader implications for DMIRS' environmental assessment, including the requirements in sub-regulations 14(1) (a), (b), (c) and (d). In DMIRS' experience, titleholders and operators that do not have a full inventory of all property, equipment and infrastructure are unable to reasonably satisfy the Minister in relation to these provisions and that results in requests for further information and significant time delays. DMIRS has also specified that it expects operators to provide this level of detail in order to inform any subsequent title relinquishment process as to infrastructure, equipment or property for which alternative arrangements (instead of full removal) may be considered.
60.	APPEA	<u>Maintenance of Infrastructure</u> Asset integrity primarily presents a workforce hazard. Incorporating these requirements into an environment plan would likely duplicate existing provisions in a safety case, safety management system, or well management plan.	The Environment Plan does not need to provide the level of detail that would be included in a safety case. What is required is demonstrated evidence that property, equipment and infrastructure is being maintained in such a way to allow for full removal.
61.	APPEA	<u>Description of Full Decommissioning</u> APPEA considers this information is better suited to be located in a well management plan, field management plan and Annual Title Assessment Report (ATAR).	DMIRS acknowledges APPEA's comment. Coordinating the development of various approvals documents for parallel submission to DMIRS will enhance understanding of industry proposals and facilitate due consideration of the relevant factors.
62.	APPEA	<u>Commitment to Full Removal:</u> APPEA notes that full removal of infrastructure may not necessarily represent the best environmental, health and safety and socioeconomic outcome for all infrastructure. Therefore, APPEA recommends operating, maintaining and planning to not preclude full removal until the point where options for decommissioning end states are assessed holistically and accepted through permissioning documents, similar to the position provided in the DMIRS 2017 Decommissioning Guideline.	DMIRS acknowledges APPEA's comments. As established in the various Petroleum Acts, registered holders are required to remove all property brought into the area to the Minister's satisfaction as a prerequisite for the surrender of a title. As an expectation, DMIRS asserts this is the baseline standard for decommissioning for all established and new operations, unless it can be demonstrated that an alternative decommissioning strategy would lead to equal or better outcomes. It is up to proponents to demonstrate and justify the use of an alternative decommissioning strategy and similarly, the timing of when an alternative strategy is sought is at the proponent's discretion. The underlying intent is that proponents must actively demonstrate a commitment and sufficient planning and detail for decommissioning. DMIRS recognises there may be instances whereby it is appropriate for alternative decommissioning strategies to be utilised, however, the underlying intent should always be for the full removal of property, equipment and infrastructure.

Ref #	Stakeholder	Comment	DMIRS Response
63.	Chevron Australia	<p>Permissioning Expectations - Environment Plan</p> <p>Whilst it is understood that transparency and early planning for decommissioning is required, there can be significant challenges with developing an Environment Plan (EP) that details final end state and associated activity descriptions 5+ years prior to end of field life (EOFL). Early planning is required but should be at a level that is commensurate with potential uncertainty and therefore any framework for decommissioning permissioning needs to be sufficiently flexible to include information as details are defined. In this regard, clarity is sought on DMIRS expectation that operators are 'to have established all-encompassing decommissioning and rehabilitation Environment Plans at least five years prior to end of field or asset life' Specifically, is the expectation that the EP will present planned end state (the what), or does the EP extend to risk assessment and management of removal activities (the how)?</p> <p>Definition of end state often relies upon technical information and data that can only be collected after cessation of production is complete and therefore premature end state definition may fail to recognise key risks or benefits associated with end state alternatives. In relation to developing an EP to describe management of removal activities, it is important that this is not done prematurely to ensure that risks identified from data collected during cessation of production is considered. Additionally, in order to adequately define an activity description and undertake the associated risk assessment it is necessary that contracting and engineering are sufficiently progressed which would generally not occur until 12-24 months from planned execution.</p> <p>The environment regulations require EPs to be revised and resubmitted every five years, therefore development of a decommissioning EP 5+ years prior to EOFL would result in the need to resubmit the decommissioning EP prior the approved decommissioning activities occurring or end state being implemented. For end states that deviate from the base case removal requirement, it is unclear what certainty potential acceptance of an EP 5+ years prior to EOFL would provide if resubmission is required again at EOFL. Would the previously accepted end state be open to reassessment and therefore result in ongoing uncertainty. Chevron concurs that early planning and transparency are required, however, further understanding is required as to how the complexities outlined above would be managed.</p>	<p>DMIRS agrees that decommissioning planning and the level of detail provided should be commensurate with the nature, scale and duration of the relevant operation. DMIRS also recognises that further information with respect to decommissioning will be available over the course of the operation as compared to the exploration stage.</p> <p>Notwithstanding, DMIRS' expectation is that a comprehensive decommissioning plan is submitted five years prior to the end of field or asset life. This all-encompassing decommissioning Environment Plan should contain the best-available information and include the most concrete decommissioning and rehabilitation commitments that are able to be made. DMIRS recognises that further relevant decommissioning-related information, which could alter or otherwise impact upon the manner of decommissioning, may be obtained in the time following the submission of the comprehensive decommissioning plan and advises that registered operators are able to submit revised Environment Plans at any time within the required five year interval. The assessment of the appropriateness of an Environment Plan will amongst other things, be dependent upon the previously established commitments and the best-available information.</p> <p>DMIRS recognises Chevron's comment with respect to the planning and evaluation for decommissioning, the timing of the awarding of contracts and the associated flow-on effects. While DMIRS recognises this situation represents existing decommissioning planning practices, DMIRS' rationale for the discussion paper and establishing an expectation for all-encompassing decommissioning plans five years prior to end of field or asset life is to encourage industry to adopt a greater proactive and robust planning process well in advance of the end of field or asset life.</p>
64.	Chevron Australia	<p>Furthermore, infrastructure end state decisions are far broader than an assessment of environmental criteria, such as safety and socio-economic criteria, and therefore use of the EP does not allow an operator to present a holistic assessment of end state alternatives. These broader criteria are recognised within the Discussion Paper when referring to comparative assessment and use of criteria beyond environmental criteria. Use of the EP as the permissioning document for end state decisions does not allow for adequate consideration of the complex and varied decision drivers that extend beyond environmental risk. A fit for purpose Decommissioning Plan would allow for a more balanced assessment of end states with the EP permissioning process to be used to manage the risk of execution activities.</p>	<p>The concept of a fit for purpose Decommissioning Plan and potential legislative amendments are beyond the scope of this discussion paper, but are noted for future reference. DMIRS recognises Chevron's comments with respect to other factors that contribute towards decommissioning and end state planning. This is the rationale for why the statement <i>"DMIRS encourages Well Management Plans and Environment Plans for decommissioning to be provided at the same time for assessment"</i> was included in the discussion paper. DMIRS suggests utilising this approach may establish a better contextual understanding of the factors impacting decommissioning planning.</p>

Ref #	Stakeholder	Comment	DMIRS Response
65.	Chevron Australia	<p>Use of EP Process Beyond Primary Intent of Environment Regulations</p> <p>In referring to the cost of decommissioning and rehabilitation, the discussion paper sets out that ‘the absence of sufficiently detailed information in the Annual Environment Report (submitted as part of the requirements for regulation 16 of the Environment Regulations) may trigger the need for an inspection that focusses on proper care and maintenance and subsequent decommissioning and rehabilitation’.</p> <p>The paper also sets out that the EP should discuss trends in offtake/production rates and that this information should be accompanied by estimates on remaining resources and also that an inventory of all property, equipment and infrastructure is required within the EP. We do not believe the regulations provide grounds for this information, e.g. inventory has been linked in the paper to a requirement of reg. 14(1)(b), however this regulation requires ‘details of the construction and layout of any facility’ which is considerably different.</p> <p>Chevron Australia does not consider it appropriate or consistent with the requirements of reg. 16, for Annual Environmental Reports to include information on forecasted decommissioning costs. Nor is it appropriate for the EP to detail trends in offtake/production rates. EPs are already complex documents and inclusion of additional information that is not specific to the main purpose of the EP, that being achieving environmental outcomes and demonstrating that activities are being undertaken consistent with the principles of Ecologically Sustainable Development should be avoided. Chevron Australia is concerned that the addition of such information will lead to protracted assessment timeframes which is of critical concern given existing regulatory resourcing constraints.</p> <p>Rather than including the information outlined above in the EP which is intended for the primary purpose of environmental protection, we recommend that consideration is given to regulatory reform and the potential introduction of a fit for purpose Decommissioning Plan. In the short term, other permissioning documents may be more suitable to include the requested information such as the Field Management Plan and Annual Title Reports. It is also noted that the additional information set out in the Discussion Paper to be included in EPs and associated reporting (inclusion of trends in production rates, property inventory and forecast of decommissioning costs) is inconsistent with the Guideline for the Development of Petroleum, Geothermal and Pipeline Environment Plans in WA which was revised as recently as 2021, with a focus on adding decommissioning and closure requirements. Titleholders require clarity on regulatory expectations and changing expectations results in uncertainty. We recommend a more wholistic approach to regulatory reform, followed by the development of supporting policy and guidelines is taken.</p>	<p>As the regulator, DMIRS utilises all information available to identify potential breaches, non-compliances, concerns or trends, which may be appropriate to be followed-up. Some of these indicators could be safety or hazard-related, others may be environmental-based, and more serious anomalies may be indicative of greater problems such as liquidity issues. As the regulator, DMIRS has a responsibility to use the information available to it to ensure the Western Australian community is not burdened with the financial and environmental liability to address non-compliances arising from registered holders and operators. In the example provided, the absence of sufficiently detailed information in the Annual Environmental Report may be indicative or symptomatic of greater problems which may impact the ability to undertake decommissioning, and on that basis, DMIRS may follow-up such matters with environmental inspections.</p> <p>DMIRS seeks a standardised level of information to be presented in Environment Plans so that it is able to assess the veracity of the Environment and decommissioning planning, strategy and commitment. In many cases, operators provide a broad spectrum of information, however not all operators provide a level of information that enables DMIRS to undertake an assessment. This usually results in a request for further information and subsequent delays. The reference to trends in offtake/production rates and inventory are presented as DMIRS’ expectations or suggestion (as opposed to a strict regulatory requirement) on the basis that this level of relevant contextual information enables DMIRS to make an assessment against the veracity of the Environment Plan and mitigates the risk of unforeseen delays. As suggested in the discussion paper, operators are encouraged to submit Well Management Plans and Environment Plans in a coordinated manner for assessment. DMIRS suggests this is an appropriate manner to present relevant contextual information that contributes towards the decision making for decommissioning.</p> <p>DMIRS acknowledges Chevron’s comment with respect to legislative reform and a fit for purpose Decommissioning Plan. Legislative reform is beyond the scope of this discussion paper, however DMIRS appreciates and notes Chevron’s comments for future reference. DMIRS will consider opportunities to progress legislative amendments as it develops the ensuing decommissioning policy document and supporting guidance.</p>
Field management plans and well management plans			
66.	APPEA	<p>APPEA notes that Field Development Plans (FDPs) are accepted by the regulator early in a development life cycle and currently require revision and resubmission only when certain conditions change. APPEA generally supports earlier engagement with regulators to demonstrate long-term planning for ‘development through to decommissioning’, which will aim to drive improved decommissioning outcomes. However, decommissioning considerations should not be limited to environmental criteria alone. Defining decommissioning outcomes through environment plans alone does not allow a titleholder to present a holistic assessment of decommissioning alternatives that includes consideration of the varied decision criteria that extend beyond environmental risk. It is recommended that the assessment of decommissioning outcome is assessed through a framework which allows for a holistic assessment on a long-term planning basis. This may include FDP or other approvals mechanisms. This is considered in the DMIRS 2017 Decommissioning Guideline which describes the roles of well management plans, field management plans, environment plans and safety cases or safety management systems for decommissioning approvals.</p>	<p>DMIRS acknowledges APPEA’s comments. Decommissioning considerations should not be limited to environmental criteria alone. While environmental matters represent a significant portion of decommissioning considerations, there are a variety of other considerations relevant to decommissioning and this is the basis on which DMIRS encourages the coordination of other documents, such as Well Management Plans to be submitted for assessment at the same time as an Environment Plan. The coordinated development of relevant documents from industry is likely to lead to a similar complementary effect when DMIRS reviews complementary documents, which present a suite of relevant contextual information that identifies the key considerations that go toward decision making for decommissioning.</p> <p>APPEA’s comments with respect to a holistic decommissioning framework is beyond the scope of this discussion paper; however, is noted for future reference.</p>
67.	APPEA	<p>The topic sentence is clear but it is not clear how this relates to field management plans. APPEA would suggest that the contents of drilling environment plans and well management plans (new field wildcat/exploration well) should be the first (per Schedule 1 of the RMAR).</p>	<p>The contents of this discussion paper will be developed into a decommissioning policy which will cover all Environment Plans, Field Management Plans and Well Management Plans going forward.</p>

Ref #	Stakeholder	Comment	DMIRS Response
68.	APPEA	<p>APPEA does not support the trial arrangements of the Administrative Agreement between DMIRS and the Department of Water and Environmental Regulation (DWER). We anticipate this is the reason why DMIRS is requesting environment plans and well management plans to be submitted at the same time. Our in-principle opposition to the trial arrangements with DWER stem from the fact both agencies are cost recovered and that DMIRS has a performance metric of average cost of resource regulation per live title.</p> <p>From a scheduling perspective, environment plans will always be more contestable, more relevant and accessible to the public interest, and ultimately have longer lead times for preparation and approval.</p>	<p>DMIRS encourages the coordinated development and submission of complementary documents, such as Field Management Plans with Environment Plans etc., as this approach would allow for a thorough presentation of the suite of relevant information that goes towards decision making with respect to decommissioning. Through this approach, industry will be able to develop detailed documents and DMIRS will be able to understand the key drivers for the proposed decommissioning strategy. DMIRS recognises there is a variety of information, beyond environmental considerations, that is relevant to decommissioning planning. It is anticipated that this information can be readily compiled in coordinated documents. This is the rationale behind DMIRS' encouragement for Field Management Plans and Environment Plans to be submitted in a coordinated manner; there is no linkage to the administrative agreement between DMIRS and the Department of Water and Environmental Regulation.</p> <p>DMIRS clarifies there is currently no cost recovery mechanism imposed for the provision of petroleum environmental management, while there is some cost recovery associated with resource management.</p>
Stakeholder consultation			
69.	APPEA	<p>DMIRS should also account for inter-jurisdictional requirements around decommissioning planning. Mechanisms for overseeing decommissioning planning should seek alignment between the Commonwealth and the States. Information on decommissioning plans provided to government also needs to be flexible enough to facilitate opportunistic activity scenarios, such as those created by vessels of opportunity. APPEA strongly supports the approach taken in the DMIRS 2017 Decommissioning guideline that:</p> <p><i>DMIRS, as the primary point of contact, will facilitate meetings between the registered holder and all other government stakeholders to formulate a whole-of-government approach for the approval of submitted decommissioning programs by the registered holder.</i></p> <p>APPEA agrees that post decommissioning rehabilitation and resultant future land use should be informed by relevant authorities, landholders and other holders of rights and interests in land.</p>	<p>APPEA's comments are acknowledged. While the requirements of other jurisdictions are beyond the parameters of this discussion paper, DMIRS agrees, where there is opportunity and it is appropriate to do so, regulatory requirements ought to align to ensure consistency in decision making and planning across related regulatory bodies. DMIRS will facilitate, where possible joint discussions with the Commonwealth where proponents seek additional information and guidance with respect to decommissioning in across both jurisdictions.</p> <p>This contents of this discussion paper will be developed into a decommissioning policy which will set DMIRS' expectations regarding decommissioning.</p>
70.	APPEA	<p><u>Stakeholder Engagement</u></p> <p>APPEA support stakeholder engagement programs in line with a comparative assessments of different decommissioning options, however, a bespoke engagement program is an embellishment of regulation 17. It is important to make the distinction whether the titleholder is also the dutyholder for environmental impacts. Stakeholders may have differing and conflicting views but ultimately comparative assessments may be progressed to an end state concept without full stakeholder consensus.</p>	<p>DMIRS acknowledges APPEA's comments, but disagrees with the comment that it would be 'an embellishment of regulation 17'. On the contrary, consultation between the operator and relevant authorities and relevant interested persons and organisations is a requirement of the Environment Plan. Ultimately the DMIRS decision maker needs to be reasonably satisfied that the plan has demonstrated an appropriate level of consultation.</p> <p>Recent Federal court decisions have highlighted the importance of consultation.</p> <p>Stakeholder consultation is not about reaching full stakeholder consensus. DMIRS acknowledges that despite the operator's best interest sometimes stakeholders will simply be opposed to an activity.</p>
71.	CFMMEU	<p>Transparency</p> <p>Recommendation: Improved transparency and public engagement on decommissioning project information.</p> <p>The CFMMEU welcomes DMIRS intention to introduce public reporting of non-compliances and publishing directions issued under the Petroleum Acts. However, the union would also like to see all documents relating to decommissioning made available to the public. Transparency of all decommissioning documents will ensure stakeholders know the titleholder's intentions on project end states.</p>	<p>DMIRS acknowledges CFMMEU's comments; however, the Petroleum Acts specify that documentary information (such as an Environment Plan) obtained by the Minister is confidential. Notwithstanding, registered operators are required by regulation 11(7) of the Petroleum Environment Regulations to submit a document for public disclosure at the time of Environment Plan submission. This registered operator has discretion to select the full Environment Plan, a public copy of the Environment Plan or an Environment Plan summary to be used for public disclosure, which will be made publicly available on DMIRS' website.</p> <p>Potential legislative amendments with respect to permanently confidential information is beyond the scope of this discussion paper.</p>

Ref #	Stakeholder	Comment	DMIRS Response
72.	CFMMEU	<p>Increased transparency of decommissioning documentation is also being called for in the Commonwealth offshore oil and gas sector. DISER's December 2020 document 'Enhancing Australia's decommissioning framework' included proposals to require:</p> <ul style="list-style-type: none"> • A public comment period on decommissioning environment plans that seek NOPSEMA's acceptance. • Public reporting of environmental performance once a petroleum activity is underway. • Publication of 'close-out' reports once an activity has been complete, to NOPSEMA's satisfaction <p>Public reporting of all documents relating to decommissioning should be made public across all industries. This will enable interested parties to follow the decommissioning industry closely and hold title holders to account.</p>	DMIRS acknowledges CFMMEU's comments; however, the Petroleum Acts specify that documentary information obtained by the Minister is permanently confidential in nature. Potential legislative amendments with respect to permanently confidential information is beyond the scope of this discussion paper.
73.	CFMMEU	<p>The CFMMEU identifies as a relevant person under regulations 15(11)/15(9) and 17(1)(b) from the <i>Guideline for the Development of Petroleum, Geothermal and Pipeline Environment Plans in Western Australia</i>.</p> <p>We wish to also be consulted on future environment plans regarding proposed end states of disused equipment and decommissioning activities taking place both onshore and offshore in Western Australia.</p> <p>Further, we note that each guideline pertaining to the relevant legislation recommends the involvement of the workforce to ensure that all employees are aware of the potential exposures of future decommissioning project risks and hazards. As representatives of this workforce, it is vital that the union is consulted about projects that will require future decommissioning.</p>	DMIRS acknowledges CFMMEU's interest in decommissioning and its desire to be consulted as part of future Environment Plans. To clarify, the obligation to undertake consultation with interested persons or organisations is placed on the registered holder preparing the Environment Plan.
74.	WAFIC	<p>s. 4.a. Expectations for consideration of decommissioning in applications submitted to DMIRS, page 7 <i>"The consultation should cover all the proposed scenarios (from leaving in situ to full or partial removal, and not just the preferred scenario)."</i></p> <p>Stakeholder engagement is one of the most important elements of decommissioning, particularly in relation to the commercial fishing industry. WAFIC recommends referencing the need for consultation earlier in the policy, to highlight its importance and expectation that stakeholder engagement should progress alongside the project's lifetime and be included in 5-year EP revisions. It is essential that consultation is genuine and fully considers long term and cumulative implications to marine users and ensures proponents are not basing decisions on associated costs. WAFIC's previous experience has shown proponents often commit to artificial reefing options prior to any consultation with the commercial fishing industry.</p>	DMIRS acknowledges WAFIC's comments and will consider additional references to stakeholder consultation in the ensuing decommissioning policy document.
75.	CCWA	<p>5. Improvements to consultative processes with decision-makers is required <i>"A detailed and bespoke consultation and engagement program that focusses on the impacts of decommissioning, rehabilitation and monitoring must be included in the Environment Plan in accordance with regulation 17(1)(b) of the Environment Regulations. The consultation should cover all the proposed scenarios (from leaving in situ to full or partial removal, and not just the preferred scenario)."</i> (DMIRS Discussion Paper p7)</p> <p>CCWA remains concerned by the lack of opportunities for public consultation on individual environmental plans with the decision-making body (DMIRS). Instead, the public is being directed to consult with the proponent but only where interested parties are able to self-identify⁴ to the proponent. CCWA argues that it is the public consultation facility offered by regulatory bodies that better provides the opportunity for the public to influence decision-making and that aligns with the WA Department of Premier and Cabinet (2003) 'Consulting Citizens' guideline⁵, which argues that consultation inherently must offer "...opportunity to influence the final outcome" (p21). However, with consultation passed from public to private, regulators give proponents the power to decide which issues are worthy of consideration and who to consult with, but without any obligation to act on well-founded community concern.</p>	<p>DMIRS acknowledges CCWA's comments.</p> <p>The described public consultation facility would require enabling legislative amendments to the Environment Regulations that are beyond the remit of the decommissioning discussion paper and the ensuing decommissioning policy document.</p> <p>It is noted that public consultation facilities exist in relation to certain proposals assessed under the <i>Environmental Protection Act 1986</i>.</p>

Ref #	Stakeholder	Comment	DMIRS Response
76.	CCWA	10. Public consultation should be with the decision-maker and not the proponent. Public consultation carries the expectation of influencing the decision, which can only occur if consultation is with the decision-maker.	DMIRS acknowledges CCWA's comments. The described public consultation facility would require enabling legislative amendments that are beyond the remit of the decommissioning discussion paper and the ensuing decommissioning framework. CCWA are always welcome to contact DMIRS to discuss any matters as required.
Environmental objectives			
77.	EPA	<p>The Environmental Protection Authority (EPA) welcomes the DMIRS Draft Decommissioning Discussion Paper for WA onshore and State waters petroleum, geothermal and pipeline property, equipment and infrastructure.</p> <p>Consistent with the EPA's 2021 submission on the draft Environment Plans guideline, the EPA believes that adoption of environmental objectives and principles similar to the EPA's would be effective to both 1) achieve environmental protection, and 2) reduce the different standards and processes which apply across agencies. It would also facilitate the EPA being able to take DMIRS processes into account when deciding whether/ how to assess and recommend conditions on petroleum proposals.</p> <p>The EPA encourages the following be included in the decommissioning guideline:</p> <ul style="list-style-type: none"> In addition to the overall aim of decommissioning being in an ecologically sustainable manner - include specific objectives for discrete environmental factors, such as marine environmental quality and marine fauna (State waters) and terrestrial environmental quality and flora and vegetation (onshore). The EPA's environmental factors, and the environmental objectives for them, are set out in the EPA's Statement of Principles, Factors, Objectives and Aims of EIA. 	<p>DMIRS acknowledges the EPA's comments.</p> <p>The described environmental objectives and principles are beyond the remit of the decommissioning discussion paper and the ensuing decommissioning policy document.</p> <p>DMIRS supports a consistent whole-of-government approach to the environmental regulation of the resources sector and is interested in exploring the described approach further with the EPA.</p> <p>DMIRS follows an outcomes-based regulatory regime, whereby petroleum activities need to be carried out to demonstrate that they are ALARP and acceptable. DMIRS also notes that it has an Environmental Objectives Policy for Mining, pursuant to the <i>Mining Act 1978</i>, and it details DMIRS' environmental factors and objectives for decision making on mining activities.</p>
78.	CCWA	<p>Recommendation:</p> <p>4. Registered holders of an instrument should be required to make an area safe, stable, and non-polluting.</p>	<p>Section 3.1.4.2 (Decommissioning, Rehabilitation and Closure) of the <i>Guideline for the Development of Petroleum, Geothermal and Pipeline Environment Plans in Western Australia</i> states 'DMIRS' principal closure objectives are for rehabilitated petroleum sites to be (physically) safe to humans and animals, stable, non-polluting/non-contaminating, and capable of sustaining an agreed post-activity land use.'</p> <p>This closure objective carries through to decommissioning as a relevant objective and expectation.</p>
79.	CCWA	<p>Recommendation:</p> <p>8. Exploration projects should be required to meet decommissioning requirements in the same manner as for other projects.</p>	DMIRS acknowledges CCWA's comment.
Financial provisions			
80.	CFMMEU	<p>Financial provisions</p> <p>Recommendation: Require of financial assurance for decommissioning</p> <p>All new oil and gas projects must provide financial assurance to cover decommissioning costs.</p> <p>The CFMMEU recommends that DMIRS utilises its powers under the Mining Securities Policy² to ensure that financial assurance to cover decommissioning, removal and remediation costs are available on the completion of a project. Such sureties should be in a form that would be available to the Government in the case of the titleholder going into liquidation.</p> <p>Financial assurance is best practice in other petroleum jurisdictions globally, and has been proposed at a commonwealth level in DISER's December 2020 document 'Enhancing Australia's decommissioning framework'. This document includes recommendations to require new projects to provide financial assurance to cover decommissioning costs through updating guidelines under s.571 of the Offshore Petroleum and Greenhouse Gas Storage Act 2006 (Australia) (p.5, 8-9). We understand this is in the process of being implemented.</p>	<p>DMIRS recognises CFMMEU's comments; however, financial provisions and insurance are beyond the scope of this discussion paper.</p> <p>Notwithstanding, the various Petroleum Acts do contain provisions relating to insurance against expenses or liabilities associated with the work performed on a title (see for example section 91A of the <i>Petroleum and Geothermal Energy Act 1967</i>).</p> <p>The proposed Petroleum Legislation Amendment Bill (No. 2) 2022 also contains proposed environmental amendments to address pollution caused by released of petroleum in the form of the 'polluter pays principle'. This is intended to complement the existing insurance provisions contained within the Petroleum Acts.</p> <p>For clarity, the Mining Securities Policy referred to by CFMMEU is only applicable to titles pursuant to the <i>Mining Act 1978</i> (Mining Act) and is separate to the Petroleum Acts. The financial insurance/ securities provisions within the Petroleum Acts are written in different terms to those contained within the Mining Act.</p>

Ref #	Stakeholder	Comment	DMIRS Response
81.	WAFIC	<p>s. 3.1. As above, page 4</p> <p>Cost of decommissioning.</p> <p>WAFIC supports DMIRS inclusion of decommissioning costs into economic projections prior to fields becoming uneconomic. This restricts proponents to either leave the State to deliver and/or use artificial reefs/habitat enhancing arguments to keep infrastructure in situ.</p>	Comments noted with thanks.
82.	CCWA	<p>2. Financial resources should be available for full decommissioning and be secured at the earliest stages of planning</p> <p>The DMIRS Discussion Paper recognises the importance of factoring in the cost of decommissioning and rehabilitation by new and prospective registered holders, however, CCWA highlights that the provision for bonds or other securities is not considered within the context of petroleum, geothermal or pipeline decommissioning.</p> <p>While the provision for progressive decommissioning allows for some elements of a project to be managed prior to end of asset life, CCWA remains concerned that without improved regulatory capacity to secure bonds, levies, or bank guarantees prior to end of asset life, there exists a risk that some sites could become a financial liability for the State. This becomes a particularly important consideration when the responsibility for decommissioning is transferred from larger primary registered holders to much smaller companies, often without the long-term capacity to decommission or rehabilitate a project to the highest standard, including any remediation or post-closure maintenance and monitoring requirements.</p> <p>The application of bonds or other securities mechanisms also provide a strong incentive for industry to decommission and rehabilitate to the required standard, and can provide a source of funds for unforeseen remediation costs, management of perpetual impacts requiring ongoing management, or for the decommissioning itself, should a company become insolvent. The financial burden for decommissioning, remediation, rehabilitation and post-closure maintenance and monitoring should remain with industry and the application of bonds and other securities can provide this protection.</p> <p>In summary, CCWA sees a need for improved financial security instruments to provide greater focus and priority on avoiding further industrial pollution legacies.</p>	DMIRS acknowledges and appreciates CCWA's comments; however, financial securities for decommissioning is beyond the scope of this discussion paper.
83.	CCWA	<p>Recommendation:</p> <p>2. The costs for decommissioning, remediation, and rehabilitation should lie solely with the proponent bodies.</p>	DMIRS supports CCWA's position.
84.	CCWA	<p>Recommendation:</p> <p>3. To avoid risks associated with insolvency of a registered holder or an unforeseen pollution event, DMIRS should seek bonds or other financial securities from proponent bodies to minimise the risk of financial burden for the State and to avoid the creation of industrial pollution legacies. Financial safeguards should be secured at the earliest stages of planning.</p>	Bonds and other financial securities are beyond the scope of this discussion paper. DMIRS notes CCWA's comment for future reference.
Environmental monitoring and timeframes prior to surrender			
85.	APPEA	<p>APPEA agrees that monitoring should be risk-based and also advocates that monitoring is objective driven. The scope and duration of monitoring should be driven by the objectives of a monitoring program. In regard to the statement: 'The duration of the monitoring phase will occur over a number of years and will be risk-based, before any title can be surrendered', APPEA suggests that this commentary could be strengthened and simplified as per that provided in the DMIRS 2017 Decommissioning Guideline. Industry understands the value of baseline and surveillance monitoring and the presentation of data and information towards the timely consent to surrender. Notwithstanding section 98(2) – after (f) of the PGERA provides that the Minister shall not unreasonably refuse consent to the surrender.</p>	DMIRS acknowledges APPEA's comments.

Ref #	Stakeholder	Comment	DMIRS Response
86.	APPEA	<p><u>Monitoring</u></p> <p>APPEA supports the position provided in the DMIRS 2017 Decommissioning Guideline that:</p> <p><i>Following the completion of decommissioning activities there is a period of observation, monitoring (length of time to be specified on a case-by-case basis) and reporting, through DMIRS to relevant regulatory agencies, to confirm the efficacy of the decommissioning program. Reporting period and frequencies will also be on a case-by-case basis.</i></p>	DMIRS acknowledges APPEA's position.
87.	Buru Energy	<p>3. The discussion paper sets out the expectation that title holders will monitor the status of an activity area until all rehabilitation obligations are satisfied, with the monitoring program to be objective driven and to occur prior to the title being surrendered.</p> <p>Whilst the requirement for objective monitoring programs is supported, Buru does not support the premise that a petroleum title such as a production licence cannot be surrendered until this monitoring is complete. As petroleum production licences do not generate revenue during the monitoring period, Buru strongly submits that that annual permit fees should be removed for the duration of the monitoring period once decommissioning activities are complete.</p>	DMIRS acknowledges Buru Energy's comments; however, DMIRS asserts that registered holders and operators have obligations to the community in the form of health, safety and environmental social licences, which ought to be maintained during the decommissioning and monitoring phase of operations. DMIRS does not consider financial or economic arguments to be relevant in decommissioning, rehabilitation and monitoring operations. This expectation ought to be accounted for as part of diligent decommissioning planning well in advance of the end of field or asset life.
88.	Buru Energy	<p>4. With regards to specified timeframes for the decommissioning of inactive wells and infrastructure, Buru proposes that DMIRS should consider applying a risk-based trigger for decommissioning as opposed to arbitrary timeframes linked to 'inactivity' or the 'cessation of operations' and notes that both of these terms are poorly defined in the paper and the petroleum legislation.</p> <p>In closing, Buru appreciates the opportunity to provide comment on the draft discussion paper for decommissioning and is available should DMIRS wish to discuss any of the feedback provided in this letter or matters related to decommissioning more generally.</p>	<p>DMIRS has received conflicting timeframes from stakeholders about what is and what is not considered reasonable expectation for the plugging and closing off of wells and the decommissioning of all other property, equipment and infrastructure.</p> <p>DMIRS acknowledges the concerns put forward by Buru Energy. In response to these comments DMIRS intends to put together a risk-based approach to timing of asset decommissioning that will include (but not be limited to):</p> <ul style="list-style-type: none"> • Type of title (e.g. exploration permit, production licence, retention lease) • Number of years the wells/infrastructure have been inactive (inactive defined as: none of the objectives for which the wells were initially drilled or re-purposed are being carried out) • Age of the asset • Number of years since cessation of operation (meaning no further activity on the licence notwithstanding care and maintenance activities) <p>It is also important to note that these timeframes are used as a guide and case by case consideration will be appropriate. DMIRS will make this clearer in the policy and associated guidance.</p>
89.	Chevron Australia	<p>FWAR and Absence of Regulatory Acceptance Process</p> <p>The Discussion Paper describes how the final well activity report (FWAR) is submitted to DMIRS on completion of plugging or closing off wells and that the FWAR is reviewed prior to surrender of title. The Paper sets out that the title can only be surrendered if the Minister is reasonably satisfied with the written report of the plugging or closing off process.</p> <p>In both onshore and offshore environments, years of rehabilitation or monitoring may occur before a titleholder is in a position to apply to surrender the respective title. This results in lengthy periods between the submission of the FWAR and the title surrender application without the titleholder receiving feedback as to whether DMIRS are satisfied with the process of abandonment and disincentivizes titleholders to complete the abandonment and remove wellheads. Certainty, in the form of acceptance of the FWAR should be provided and we recommend that a formal process of acceptance is implemented similar to that used in the Commonwealth jurisdiction.</p>	The regulatory acceptance process of the final well activity report is beyond the scope of this discussion paper. However, DMIRS acknowledges the comments by Chevron Australia and will explore the implementation of an acknowledgement process similar to Commonwealth jurisdiction for FWAR.

Ref #	Stakeholder	Comment	DMIRS Response
90.	APA	<p>Section 4 - Expectations for consideration of decommissioning in applications submitted to DMIRS</p> <p>APA seeks clarification on licensing and tenure expectations outlined in Section 4 of the Draft Paper in consideration of Section 23- the Pipeline Pipelines Act 1969, that the surrender of a land title associated with the pipeline asset, will only be considered when all obligations are satisfied with regards to the fulfilment of all decommissioning and post -decommissioning rehabilitation and monitoring. Post-decommissioning rehabilitation and monitoring for onshore gas infrastructure and pipelines may be ongoing for five years or more after all other activities are completed.</p> <p>APA requests DMIRS provide some clarity on:</p> <ul style="list-style-type: none"> • Will DMIRS Environment Division ensure that communication is provided to DMIRS Resource Tenure Division in order for them to approve a “conditional surrender” of the License for post decommissioning monitoring and rehabilitation activities to continue until DMIRS Environment Division are satisfied that the post decommissioning monitoring and rehabilitation commitments have been delivered? • Can APA expect variation to the requirements for licence reporting, and costs associated with ongoing licence fees post-decommissioning, when only rehabilitation and monitoring activities? • Can APA expect a conditional or partial surrender of licence to be accepted, where post-decommissioning rehabilitation and monitoring works are all that remain after all other activities are completed and the pipeline is Gazetted? 	<p>DMIRS acknowledges APA’s comments. DMIRS internal processes are outside the scope of this discussion paper, however, DMIRS clarifies that:</p> <ul style="list-style-type: none"> • Generally pipeline licensees should apply for consent to surrender a licence <u>after</u> their obligations have been met and liabilities addressed. This includes post-decommissioning monitoring until completion criteria are met and obligations associated with submission of data and reports have been fulfilled. • DMIRS asserts that pipeline licensees have obligations to the community in the form of health, safety and environmental social licences, which ought to be maintained during the decommissioning and rehabilitation stages of the activity. Variation to reporting requirements or title fee concessions are beyond the scope of the discussion paper. The associated costs should be factored into financial decisions about the project and ought to be accounted for as part of diligent decommissioning planning well in advance of the end of field or asset life. • Regarding partial surrender of licences, the specific circumstances may be considered on a merits and case-by-case basis.
91.	WAFIC	<p>s. 3.3. As above, page 5</p> <p><i>“DMIRS expects registered holders to monitor the status of the affected environment.”</i></p> <p>In line with the Scottish Fishermen’s Federation decommissioning policy (Attachment 1), monitoring post-decommissioning should include, if in a trawl area, a verification trawl sweep or seabed survey to ensure no unplanned hazards/snags remain and provide assurance it is safe for use.</p>	<p>DMIRS acknowledges WAFIC’s comment. The discussion paper is a high level overview of DMIRS’ expectations with respect to decommissioning on both onshore and offshore Western Australia and does not seek to establish specific expectations with respect to the mode of decommissioning. The undertaking of fishing trawl sweeps or seabed surveys will be considered on a case-by-case basis for applicable decommissioning operations.</p>
Surrender of title			
92.	APPEA	<p>APPEA is concerned with the premise that the consent to surrender a production licence or retention lease (i.e., titles with high holding costs, in the form of annual fees) should be delayed because of environmental monitoring alone or a lack of scientific certainty. A risk-based approach could allow a licence to be surrendered because other tenure options are theoretically available to undertake environmental monitoring (in line with an implementation strategy of an approved environment plan). These alternate title options could include access authorities and scientific consents.</p>	<p>DMIRS advises the consent to surrender a title will be undertaken through a risk-based approach, inclusive of an expectation of environmental monitoring to demonstrate the effectiveness of the decommissioning and rehabilitation activities undertaken.</p> <p>DMIRS recognises APPEA’s comments on alternative title options; however, this matter is beyond the scope of this discussion paper. DMIRS asserts that registered holders and operators have obligations to the community in the form of health, safety and environmental social licences, which ought to be maintained during the decommissioning and monitoring phase of operations. DMIRS does not consider financial or economic arguments to be relevant in decommissioning, rehabilitation and monitoring operations. This expectation ought to be accounted for as part of diligent decommissioning planning well in advance of the end of field or asset life.</p>
93.	CFMMEU	<p>Once decommissioning, removal, well plugging, and remediation of the earth’s crust are complete, title holders will seek to surrender their petroleum licences and titles back to the government. It is essential that independent government inspections ensure that all infrastructure is properly and thoroughly removed and secured and remediation complete before titles and licences are surrendered.</p>	<p>DMIRS supports CFMMEU’s position. Please see comments below for further information on DMIRS’ considerations for surrender of titles.</p>

Ref #	Stakeholder	Comment	DMIRS Response
94.	CFMMEU	<p>Recommendation: Inspections before title surrender</p> <p>The Australian mining industry has a long and disappointing history of dealing with toxic waste, further stressing the importance of a robust regulatory framework to oversee the handover process of titleholder licenses back to the state.</p> <p>The Wittenoom debacle, located in Australia's Northwest, is a prime example of a town degazetted due to irresponsible mining of toxic materials that are now the obligation of the government and, ultimately, taxpayers. This example highlights the importance of understanding how land will be affected years after works are complete and the cost to the public if remedial works take place. This scenario has also significantly impacted First Nations people, who cannot access this sacred land fifty years later.</p> <p>DMIRS must take the necessary steps to ensure this does not happen again. Independent inspections of all petroleum titles to ensure full and satisfactory removal and remediation must take place before all titles and licenses are handed back to being public land.</p>	<p>DMIRS acknowledges CFMMEU's comments in relation to the mining industry. With respect to the petroleum and geothermal industry, DMIRS will undertake a range of compliance checks and assessments, including inspections, to assess whether it is appropriate (i.e. whether the pre-requisites for surrender are satisfied) for a title to be surrendered. From an environmental perspective, this will include checks to ensure all commitments and obligations have been met and appropriate post-decommissioning monitoring has been undertaken to demonstrate the effectiveness of decommissioning and rehabilitation. Registered holders will not be permitted to surrender their title where they have simply completed their resource operation, or where they have completed decommissioning activities; rather, registered holders will be required to demonstrate they have met all obligations and the decommissioning and rehabilitation works have been successful, consistent and achieves the relevant closure objective and rehabilitation criteria.</p>
95.	CCWA	<p>4. There is a requirement for post-closure maintenance and monitoring</p> <p>Rehabilitation and remediation efforts outcomes can vary between projects and after many years some may fail. Under scenarios where infrastructure is not completely removed, problems can arise post-closure. CCWA asserts that post-closure monitoring and maintenance are critical to ensure the long-term stability of closed oil and gas infrastructure.</p>	<p>DMIRS acknowledges CCWA's comments. As outlined in the discussion paper, DMIRS expects registered holders to monitor the status of the affected environment and undertake remedial works to address any subsequent risks or impacts. The duration of the monitoring phase will likely occur over a number of years and will be risk-based, and dependent upon the circumstances of each operation, before any title can be surrendered. Following the surrender of title, the State assumes responsibility of the land.</p>
Compliance strategy			
96.	APPEA	<p>APPEA notes that issuing directions is one example of a compulsory compliance regime and that directions are currently served for acute non-compliances with the potential to cause damage and or serious environmental harm.</p> <p>The suite of regulations currently in place provides for regulatory enquiry through requests for further written information and then revision requests for approved plans. Revision requests are procedurally fair as they provide for a process whereby the titleholder has a reasonable period to service a right of reply. A reasonable request for clarification could also be sought for the ATAR.</p> <p>APPEA notes that the period of suspension (including care of maintenance) is clearly five years in the primary petroleum acts however, the rights conferred by a licence (s 62(1)(b)) of PGERA provide the right to continue to explore and exploit the resource potential around the producing asset.</p> <p>It should be noted that publicly listed companies must disclose materially important information to the market. DMIRS should consider a compliance strategy that includes "horizon scanning of reporting" to the market.</p> <p>APPEA observes that a non-compliance register may be difficult to establish and maintain. An alternate option to consider would be to publish directions and notices, similar to that which is currently undertaken by NOPSEMA.</p>	<p>DMIRS acknowledges APPEA's comments. As stated in the discussion paper, DMIRS intends to introduce public reporting of non-compliances and publishing directions issued under the Petroleum Acts.</p>

Ref #	Stakeholder	Comment	DMIRS Response
Establishment of decommissioning industry			
97.	Friends of the Earth (FoEA)	<p>Friends of the Earth (Australia) (FoEA) welcomes the opportunity to make a submission to this Discussion Paper.</p> <p>FoEA strongly urges the department and the Western Australia government to grasp this opportunity to transform offshore gas and oil rig decommissioning in Australia by forming a new industry that will create thousands of direct and indirect jobs at no cost to the state.</p> <p>FoEA calls on the WA government to express support for the concept of an Australian Rig Recycling Centre (ARRC) to be built in a port city such as Port Hedland.</p> <p>The growing number of redundant gas and oil assets off the WA coast would be towed or shipped to a large onshore facility to be cleaned and scrapped, with the steel and other products recycled.</p> <p>The ARRC would also be used to scrap rigs in Bass Strait and the many hundreds of assets requiring decommissioning in Asian waters to the north. According to a recent Royal Geographical Society report, there are nearly 2,600 platforms, 35,000 wells, 7.5 million tonnes of steel and 55,000 kilometres of pipelines will need to be decommissioned over the next decade across the Indo-Pacific region.</p> <p>Any profits from the ARRC could then be granted to the port's Traditional Owners, who, in Port Hedland's case, are the Kariyarra people. This proposal has been sent to the Kariyarra people for approval.</p> <p>An Australian Rig Recycling Centre would:</p> <ul style="list-style-type: none"> - Create a new industry, with associated flow-on benefits to small businesses and the community. - Create hundreds of ongoing jobs (including many reserved for Traditional Owners). - Safely dispose of legacy offshore fossil fuel assets now off WA, in Bass Strait and the entire Indo-Pacific region in a sustainable manner. - Prevent the dumping of such assets in unsafe, exploitative, and polluting maritime wrecking sites in South Asia. - Provide ongoing income for housing, health, education and employment for Traditional Owners. <p>The ARRC would be established and funded by an extension of the Federal Government's offshore gas levy once the levy's original purpose – to pay for the decommissioning of particular abandoned assets in the Timor Sea – is fulfilled. The ongoing levy could then be used to finance the cutting free and relocation of offshore assets to the ARRC for processing.</p> <p>An ARRC, funded by this federal, industry-wide levy, would ensure oil and gas firms now enjoying extraordinary financial windfalls would pay, themselves, for the clean-up of drilling sites, rather than writing decommissioning off on tax at the expense of the Australian population, as happens now.</p> <p>FoEA strongly urges the Western Australian government to conduct a business and feasibility study for the ARRC, and to press the Federal Government to extend the Offshore Petroleum (Laminaria and Corallina Decommissioning Cost Recovery) Levy so as to fund it.</p> <p>It is a visionary plan that will bring great benefits.</p>	<p>DMIRS thanks FoEA for providing a submission.</p> <p>The draft discussion paper seeks to provide guidance on DMIRS' expectations for the decommissioning of onshore and State waters petroleum assets under the various Petroleum Acts. The paper provides that during decommissioning, in most instances, all property, equipment and infrastructure must be completely removed and disposed of appropriately. The specific disposal method is considered out of scope for this discussion paper, however DMIRS acknowledges the mode of disposal and the idea of an Australian Rig Recycling Centre are critical issues for decommissioning, and being considered more broadly across Government.</p> <p>DMIRS notes the Department of Jobs, Tourism, Science and Innovation has partnered with the Centre of Decommissioning Australia (CODA), who is currently conducting a range of studies into the cost and methods of decommissioning oil and gas rigs throughout Australia. This includes a review of opportunities for local disposal and recycling of oil and gas infrastructure. Further information on this partnership can be found by contacting CODA at contact@decommissioning.org.au</p>

Ref #	Stakeholder	Comment	DMIRS Response
98.	CFMMEU	<p>Recommendation: Establishment of decommissioning facilities and yards.</p> <p>The Centre of Decommissioning Australia (CODA) has reported that in the offshore oil and gas sector alone, 89% of Australia's decommissioning infrastructure will come from Western Australia in the next decade.⁷ For this reason, the state must have facilities to deal with this demand.</p> <p>Currently, there are limited facilities that can deal with the scale and scope of the required work, despite the NERA report observing \$1.5 billion in cost savings could be made by dismantling large structures locally rather than south-east Asia.</p> <p>An Australian decommissioning yard and recycling program should be established in Western Australia on an ongoing basis. With both state and Australian Government support, a dedicated facility where petroleum equipment could be dismantled, recycled, and processed would create jobs (particularly in trades which are currently facing adjustments in the wake of the ongoing energy transition) and could establish Australia as a world leader in decommissioning practice.</p> <p>The West Australian government should carry out a gap analysis of the required dismantling, recycling and processing facilities and workforce, and work with the Commonwealth to ensure that facilities are built in appropriate locations that provide maximum social, economic, and environmental benefit. Training facilities must also be incorporated into this assessment. Consideration should also be given to what vessels will be required to carry out the work, and vessel procurement could be coordinated through the Commonwealth to ensure they are available.</p> <p>Funding for establishing shared facilities and workforce training could be provided from the industry by expanding the functions of the new Laminaria-Corallina Decommissioning Levy. Facilities should prioritise hiring workers from offshore facilities reaching end of life to ensure a just transition.</p>	<p>DMIRS acknowledges CFMMEU's comments.</p> <p>The draft discussion paper seeks to provide guidance on DMIRS' expectations for the decommissioning of onshore and State waters petroleum assets under the various Petroleum Acts. The paper provides that during decommissioning, in most instances, all property, equipment and infrastructure must be completely removed and disposed of appropriately. The specific disposal method is considered out of scope for this discussion paper, however DMIRS acknowledges the mode of disposal and the idea of a dedicated decommissioning facility and industry are critical issues for decommissioning, and being considered more broadly across Government.</p>
Native title			
99.	CFMMEU	<p>First Nations and Native Title</p> <p>Recommendation: DMIRS commits to full support to First Nations rights.</p> <p>We recognise that the issue of decommissioning petroleum, geothermal and pipeline-associated infrastructure will affect Traditional Owners within the West Australian region. First Nations must also be thoroughly consulted by the government while developing decommissioning regulations, for Environmental Plans covering removal and remediation, and for local disposal project facilities in this area.</p>	<p>DMIRS acknowledges CFMMEU's comments. Native title holders; and other interested persons and organisations are consulted as part of the Environment Plan development process. Where applicable, registered holders and operators are required to comply with the <i>Native Title Act 1993</i> (Cth) and the contents of individual Indigenous Land Use Agreements.</p>
Workforce			
100.	CFMMEU	<p>Recommendation: Ongoing training and workforce skills.</p> <p>DMIRS must consider including provisions within the decommissioning draft document that uphold the responsibility of titleholders to ensure ongoing employee training and improve workforce skills. These provisions should include:</p> <ol style="list-style-type: none"> a. The use of locally produced and supplied goods and services. b. Employers maximising the employment of suitably qualified local workers. c. Employers to provide for training and skills development of local workers, including worker transition opportunities from industries facing structural adjustments and/or decline. d. Employers to increase job and income opportunities for Aboriginal and Torres Strait Islander people. e. The creation of skilled employment positions to deal with toxic waste including naturally occurring radioactive materials (NORMS). 	<p>CFMMEU's comments are acknowledged, however the ongoing training and workforce skills relating to decommissioning are beyond the scope of this discussion paper. This discussion paper sets out the baseline expectations for decommissioning but does not seek to prescribe a specific mode for undertaking decommissioning. While these comments are worthwhile, they go beyond the parameters of the Petroleum Acts and the associated suite of Regulations.</p>

Ref #	Stakeholder	Comment	DMIRS Response
101.	CFMMEU	<p>Recommendation: Introduction of decommissioning licence.</p> <p>DMIRS must consider implementing a decommissioning Licence for contractors to ensure that those carrying out decommissioning work have a minimum of ten year's experience in the Australia petroleum industry, be genuinely based in Australia and have Australian staff, and be fit to carry out the work, including not having been subject to safety or environmental infringements in the past five years. For decommissioning work, that contractor must be required to employ workers with a minimum of ten years of experience in the Australian petroleum industry. To facilitate this, DMIRS should introduce a Decommissioning Work Card that workers can apply for to have DMIRS validate their ten years of work experience.</p>	CFMMEU's comments are acknowledged; however, this matter is beyond the scope of the discussion paper.
Other			
102.	APPEA	<p><u>Opportunities for Efficiencies and Streamlining and Coordination with Other Government Agencies</u></p> <p>More consideration on improved service delivery and exploration of efficiency goals would also be welcomed considering DMIRS is a cost recovered agency. APPEA observes that there is currently little apparent coordination with other relevant government agencies in the administration of petroleum decommissioning activities.</p>	<p>DMIRS acknowledges APPEA's comments, however clarifies that the lodgement and assessment of Environment Plans, Field Management Plans and Well Management Plans is not cost recovered, while there is some cost recovery associated with resource management. DMIRS does have a Petroleum and Geothermal Safety Levy in place; however, safety-related aspects are beyond the scope of this paper.</p> <p>Where appropriate, DMIRS undertakes an ongoing practice of referring specific matters to specialist Government agencies for advice and seeks to collaborate with other Government agencies as the decommissioning framework is continually developed.</p>
103.	CFMMEU	<p>Recommendation: Independent environmental research.</p> <p>A significant issue noticed by the CFMMEU is a need for more independent peer-reviewed and publicly available scientific research on the long-term effects of oil and gas infrastructure on the environment. We know that the oil and gas industry is spending millions on research to attempt to demonstrate the supposed environmental benefits of leaving oil and gas infrastructure in place, which could save them even more in removal costs.</p> <p>Industry-funded research has been a critical justification for Esso Resources Australia, in their application via an environmental plan to leave eight large oil and gas platform bases on the seafloor at heights of 18m to 38m. They have refused to make this research publicly available.</p> <p>This example highlights the need for independent peer-reviewed and publicly available research regarding leaving infrastructure in situ. DMIRS must ensure the environment and rehabilitation of the earth's crust and the affected environment, ecosystems and seabed is always prioritised over industries cost saving methods.</p>	DMIRS acknowledges CFMMEU's comment. Decommissioning plans, comparative risks assessments etc. should be informed by scientific data to demonstrate the impacts of the proposed decommissioning strategy on the surrounding environment. DMIRS acknowledges the lack of scientific research with respect to decommissioning and notes that decommissioning is continuing to be a developing field, both in Western Australia, and across the world. DMIRS expects to see, and welcomes future scientific research, and studies specific to decommissioning.
Closing comments			
104.	APPEA	<p>APPEA reviewed the draft discussion paper in concert with the published web story, briefing sessions DMIRS hosted throughout September and October 2022, DMIRS hosted in Decommissioning workshop in December 2021 and the DMIRS 2017 Decommissioning Guidelines.</p> <p>It is unfortunate that there is no reference to the DMIRS 2017 Decommissioning Guidelines in the draft discussion paper. The 2017 Guidelines provide somewhat similar, but in several instances more detailed information on decommissioning than that provided in the draft discussion paper. APPEA is uncertain as to the status of the 2017 Guidelines, in relation to this draft discussion paper, noting that it remains publicly accessible on the DMIRS website.</p>	DMIRS acknowledges and thanks APPEA for taking the time to provide a submission. This discussion paper forms one of the initial steps in developing a contemporary decommissioning framework. The ensuing decommissioning policy and associated guidance material seek to build upon the 2017 Decommissioning Guidelines and will work together to establish clear guidance to registered holders and operators.

Ref #	Stakeholder	Comment	DMIRS Response
105.	APPEA	The draft discussion paper is largely faithful to the objects of the suite of petroleum environment regulations; policy positions adopted by NOPSEMA; and high-level objectives for environmental regulation under the Mining Act 1978 framework (mine closure planning). However, APPEA considers that an opportunity may have been missed in this draft discussion paper to clearly determine the existing and upcoming decommissioning challenges for the state. This could have been achieved through an examination and analysis of the current decommissioning challenges in the state, informing targeted questions to stakeholders, for potential solutions.	Through this discussion paper, DMIRS has sought to provide stakeholders with a position on its expectations and position on decommissioning at a high level. This position provides industry with some flexibility to adapt and work through existing and upcoming decommissioning challenges without prescribing any specific mode of decommissioning. This discussion paper and the ensuing policy document will establish DMIRS' key baseline expectations for all registered holders and operators, including the need to thoroughly plan for decommissioning and continually refine these plans. DMIRS acknowledges APPEA's comment and advises stakeholders there will be opportunities in the future to continue to contribute towards the development of the decommissioning framework as additional guidance material is prepared. DMIRS welcomes an opportunity to explore these challenges and potential solutions with APPEA.
106.	APPEA	The draft discussion paper provides for an onerous petroleum decommissioning framework that has to be addressed under the existing field management plan, well management plan and environment plan approvals. This leads to the question; has DMIRS considered the opportunity for regulatory changes that could provide a decommissioning plan approval similar to a Mine Closure Plan?	This discussion paper and the ensuing decommissioning policy and associated guidance represents the initial steps in developing a contemporary decommissioning framework. DMIRS will consider opportunities for legislative reform throughout development of the decommissioning framework.
107.	APPEA	APPEA strongly recommends that subsequent decommissioning policy review and discussion clearly identifies the decommissioning challenges to the state and to be brave and innovative in identifying solutions to these challenges.	DMIRS acknowledges APPEA's comment. DMIRS welcomes an opportunity to explore these challenges and potential solutions with APPEA.
108.	Chevron Australia	Conclusion Thank you again for the opportunity to comment on the draft discussion paper. Chevron Australia would be pleased to discuss the items raised with DMIRS and encourage an open dialogue to ensure concerns are addressed, a consistent understanding of requirements is achieved and that the regulatory framework is suitably developed to address the complexities associated with decommissioning.	DMIRS acknowledges Chevron's comment. DMIRS welcomes an opportunity for continued engagement with Chevron on the complexities associated with decommissioning.
109.	CFMMEU	The CFMMEU urges further consideration to be made by DMIRS on the recommendations outlined in this document. In terms of the welfare of workers regarding issues of decommissioning both onshore and in state waters, the CFMMEU looks forward to further discussions about the best way to carry out decommissioning work.	DMIRS acknowledges CFMMEU's comment. DMIRS welcomes an opportunity for continued engagement with CFMMEU on decommissioning.

Government of Western Australia

**Department of Mines, Industry Regulation
and Safety**

8.30am – 4.30pm

Mineral House, 100 Plain Street
East Perth, Western Australia 6004
Tel: +61 8 9222 3333
Fax: +61 8 9222 3862

Online

Website: www.dmirs.wa.gov.au
Email: REC.Consultation@dmirs.wa.gov.au

Mailing address

Locked Bag 100
East Perth WA 6892

National Relay Service: 13 36 77
Translating and Interpreting Service (TIS) 13 14 50
This publication is available in other formats
on request to assist people with special needs.