

ATTACHMENT B: Applicable legislation on and off petroleum site

Agency	Within the petroleum site	Outside of the petroleum site
<p>DPIR</p>	<p>Approves and enforces compliance with approved plans which, under section 58 of the Petroleum Act, requires a licensee to comply with General Conditions and the objective under section 3 of the Act:</p> <p>Enforces the environmental offence provisions under the Petroleum Act section 117AAC</p> <p>Petroleum Exploration Permit holders have a right to use water pursuant to Clause 29(2)(d) of the <i>Petroleum Act</i>. For domestic use and for any purpose in connection with an approved technical works program and other exploration. (However, this right is not bestowed on retention licence and production licence holders)</p>	<p>Collect, administer and disseminate information about petroleum potential and geology</p> <p>Select areas for acreage release</p> <p>Administration of petroleum tenure</p>
	<p>Assesses technical work programmes in accordance with the Schedule of Onshore Petroleum Exploration and Production Requirements and provides operational approvals at different stages during seismic surveying, drilling, stimulation, testing, suspension and decommissioning operations for wells</p>	
	<p>Assesses (ensuring that requirements under relevant legislation have been met and approvals obtained), approves (if delegated by Minister), monitors and enforces compliance with, environment management plans (EMP) under the Petroleum (Environment) Regulations (PER). Refer to the explanatory guide to the Petroleum (Environment) Regulations, Chapter 2, page 15 link for a fulsome explanation of the regulatory framework and context.</p>	
	<p>An erosion and sediment control plan is required if there is a risk associated with construction and operation of site and this should be approved by the Department of Primary Industry and Resources as the site regulator.</p>	
<p>NT EPA</p>	<p>Administers Environmental Assessment Act (EAA) as described in the “Guide to the Environmental Impact Assessment Process in the NT” link</p> <p>All petroleum activities that trigger the requirements for a Notice of Intent (NoI) link must prepare an NoI in accordance with NT EPA guidelines link or alternatively a proponent may submit an EMP in lieu of an NoI.</p> <p>The NT EPA assess the NoI (seeking input from relevant agencies) to determine whether or not assessment is required under the EAA. If an assessment is required because of the potential for ‘Significant’ environmental impacts and risks the NT EPA will determine the level of assessment; public environment report (PER), environmental impact statement (EIS) or public inquiry for which the it will prepare terms of</p>	

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	<p>reference (ToR).</p> <p>If no assessment is required, DPIR will ensure that the proposal meets all the approval criteria under applicable NT and Commonwealth laws before approving or recommending that the Minister approve the activity and accompanying EMP.</p> <p>If an assessment is required, the outcome of an assessment by the NT EPA is an environment report with recommendations that is prepared for the NT Minister for Environment and Natural Resources. The Minister for Environment and Natural Resources considers the report and may deliver the environment report to the responsible minister (Minister for Resources) in its original form or may propose additional or alternative recommendations to the responsible Minister. Please refer to the flowchart on the NT EPA website. link</p> <p>The responsible Minister may accept the environment report and additional or alternative recommendations from the Minister for Environment and Natural Resources. If there is any deviation from the original environment report by either the Minister for Environment and Natural Resources or the responsible Minister, the Minister(s) must table a Notice in the Legislative Assembly stating their reasons for their decision within seven parliamentary sitting days from making that decision.</p> <p>Through a bi-lateral agreement with the Commonwealth Department of the Environment, the NT EPA may perform an assessment of a proposal that triggers any matters of national environmental significance (MNES) under the <i>Environment Protection and Biodiversity Conservation Act (EPBC)</i>. While, the NT EPA (assisted by DENR staff) perform the assessment, the Federal Minister for the Environment has the ultimate power under the act to require conditions on the proposal or to withhold approval overriding any powers held by Territory Ministers.</p>	
	<p>Pursuant to section 5 of the WMPCA, the Act applies to all land if the waste or contamination is not confined to the petroleum site meaning that, if waste or contamination emanates from a petroleum site, the NT EPA may enforce compliance and prosecute under the WMPCA.</p>	<p>Issues Environment Protection Approvals and Environment Protection Licences under the <i>Waste Management and Pollution Control Act (WMPCA)</i>.</p> <p>Issues Waste Transport Certificates under Schedule B of the <i>National Environment Protection (Movement of Controlled waste Between States and Territories) Measure</i></p>
	<p><i>National Environment Protection Measures (Implementation) Act:</i></p> <ul style="list-style-type: none"> - National Pollutant Inventory - Assessment of Site Contamination - Ambient Air Quality - Air Toxics - Movement of Controlled Waste Between States and Territories 	
<p>NT Work-Safe</p>	<p>Administers the <i>Work Health and Safety (National Uniform Legislation) Act</i></p> <p>Administers the <i>Dangerous Goods Act</i></p> <p>Monitors and enforces compliance with the Code of Practice and <i>Nuclear Waste, Transport, Storage and Disposal (Prohibition) Act</i> for the transportation, storage and disposal of any radio-active waste in concentrations exceeding the levels specified in the Code of Practice.</p>	

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		Administers the <i>Transport of Dangerous Goods by Road and Rail Act</i>
DENR	Under section 7 of the <i>Water Act</i> , petroleum activities are exempt from the requirements of section 15, section 16 (if waste or polluted water confined to the petroleum site), Part 5 and Part 6 except Part 6 Division 5 applies if the waste is not confined within the petroleum site.	Grants and enforces permits to construct or alter water control structures in waterways, surface water and groundwater extraction licences, water bore driller licences, bore construction permits and waste discharge licences under the <i>Water Act</i>
	<p>The following exemptions operate in respect of requirements for permits and licences under the <i>Water Act</i>:</p> <ul style="list-style-type: none"> • A permit is not required to construct a water control structure on a waterway if the embankment height is less than 3m and the catchment area is less than 5 square kilometres. • A licence is not required to take or use water from a rural dam on a waterway if the dam has a bank height of less than 3m and a catchment area of less than 5 square kilometres. • A licence to take water from a bore if the bore is equipped to deliver no more than 15 L/sec and the bore is located outside a water control district. 	
	Enforces compliance with the <i>Weeds Management Act</i> . An approved weed management plan is required if the presence of weeds is identified as a risk.	
	Enforces compliance with the <i>Soil Conservation and Land Utilisation Act</i> .	
	Administers the <i>Territory Parks and Wildlife Conservation Act (Part IV, Divisions 1 to 5.)</i> . A flora and fauna/wildlife management plan in accordance with DENR requirements to be prepared if the loss of protected species, bio-diversity or wildlife is identified as a risk.	
	Administers the <i>Bushfires Management Act</i> . A bushfire management plan in accordance with DENR requirements to be prepared if uncontrolled bushfires are identified as a risk.	
DTC	<i>Territory Parks and Wildlife Conservation Act</i> (except Part IV, Divisions 1 to 5)	
	<i>Heritage Act</i>	
	Aboriginal Areas Protection Authority – <i>Northern Territory Aboriginal Sacred sites Act</i>	
DIPL	Enforces compliance with <i>Traffic Act</i> . An approved Traffic Management Plan is required for traffic management on (and entry to) public roads and must be included in an EMP	
	Enforces compliance with <i>Control of Roads Act</i> and construction of roads on public lands	
	Enforces compliance with <i>Planning Act</i>	
DoH	Investigates complaints about public health nuisance, issue public health notices and	

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	orders, may conduct inquiries, has emergency powers, powers to take action and obtain health information under the <i>Public and Environmental Health Act</i>	
	Issues licences for the use of radiation sources, registers, monitors and records personnel exposure to radiation, issues compliance certificates and enforces compliance under the <i>Radiation Protection Act</i>	Utilities Commission - Licencing of water supply and sewerage services and issues approvals for the discharge of trade waste to sewers under the <i>Water Supply and Sewerage Services Act</i> . Sets standards of service to customers including quality of drinking water.

DPIR – Department of Primary Industry and resources

NT EPA – Northern Territory Environment Protection Authority

DENR – Department of Environment and Natural Resources

DTC – Department of Tourism and Culture

DIPL – Department of Infrastructure Planning and Logistics

DoH – Department of Health