Appendix 1
Commonwealth, State and Territory Legislation

COMMONWEALTH LEGISLATION

Commonwealth Legislation/ Regulation	Scope	Related International Conventions	Administering Authority
Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) (& Regulations 2000)	Protects matters of national environmental significance (MNES), provides for Commonwealth environmental assessment and approval processes and provides an integrated system for biodiversity conservation and management of protected areas. MNES are: 1. World heritage properties; 2. National heritage places; 3. Wetlands of international importance (Ramsar wetlands); 4. Nationally threatened species and ecological communities; 5. Migratory species; 6. Commonwealth marine environment; 7. The Great Barrier Reef Marine Park; 8. Nuclear actions (including uranium mining); and 9. A water resource, in relation to coal seam gas development and large coal mining development. **Relevance to this activity:** This EP includes a description and assessment of MNES and migratory species (Item 4 and Item 5 in this list) including the Commonwealth marine environment (Item 6), that may be impacted by the activity.	• Republic of Korea Migratory Birds Agreement 2006 (ROKAMBA). • Convention on Biological Diversity and Agenda 21 1992. • Agreement between the Government and Australia and the Government of the People's Republic of China for the Protection of Migratory Birds and their Environment 1986 (CAMBA). • Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention) 1979. • Agreement between the Government and Australia and the Government of Japan for the Protection of Migratory Birds and Birds in Danger of Extinction and their Environment 1974 (JAMBA). • Convention on International Trade in Endangered Species of Wild Fauna and Flora 1973 (CITES). • Convention on Wetlands of International Importance especially as Waterfowl Habitat 1971 (RAMSAR). • International Convention for the Regulation of Whaling 1946.	DCCEEW (National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) in the case of this activity)

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Offshore Petroleum Greenhouse Gas Storage Act (OPGGSA) 2006 and OPGGS (Environment) Regulations 2023	The Act addresses all licensing and HSE issues for offshore GHG activities extending beyond the 3 nm limit. The Regulations (Part 2) specify that an EP must be prepared for any petroleum activity and that activities are undertaken in an ecologically sustainable manner. **Relevance to this activity:** The submission and acceptance of this EP satisfies the key requirements of this legislation.	Not applicable.	NOPSEMA
Environment Protection (Sea Dumping) Act 1981 (& Regulations 1983)	Aims to prevent the deliberate disposal of wastes (loading, dumping, and incineration) at sea from vessels, aircraft, and platforms. **Relevance to this activity:** There will be no dumping at sea within the meaning of the legislation that would require a sea dumping permit to be obtained.	• Protocol on the Prevention of Marine Pollution by Dumping of Waste and Other Matter 1996 [London Protocol] • Convention on the Prevention of Marine Pollution by Dumping of Waste and Other Matter 1972 [London Convention]	DCCEEW
Australian Maritime Safety Authority Act 1990	Facilitates international cooperation and mutual assistance in preparing and responding to a major oil spill incidents, and encourages countries to develop and maintain an adequate capability to deal with oil pollution emergencies. Requirements are effected through the Australian Maritime Safety Authority (AMSA). AMSA is the lead agency for responding to oil spills in the Commonwealth marine environment and is responsible for implementing the Australian National Plan for Maritime Environmental Emergencies (NatPlan). **Relevance to this activity:** In the event of a Level 2 or 3 hydrocarbon spill to sea from a vessel in Commonwealth waters, AMSA is the designated Combat Agency and implements the NatPlan. In the event of a spill from a well blowout, AMSA will assist the Drilling Incident Management Team (DIMT)	• Protocol on Preparedness, Response and Cooperation to Pollution Incidents by Hazardous and Noxious Substances 2000 • International Convention on Oil Pollution Preparedness, Response and Cooperation 1990 (OPRC).	AMSA

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Underwater Cultural Heritage Act 2018	Protects the heritage values of shipwrecks, sunken aircraft and relics (older than 75 years) in Australian Territorial waters below the low water mark to the outer edge of the continental shelf (excluding the State's internal waterways. It is an offence to interfere with a shipwreck covered by this Act. This Act replaced the *Historic Shipwrecks Act* 1976 and came into effect on 1 July 2019. **Relevance to this activity:** No historic shipwrecks have been identified within the operations area through desktop research. In the event of discovery of, and damage to, previously unrecorded wrecks, this legislation may be triggered.	• Convention on Protection of the Underwater Cultural Heritage 2001. • Agreement between the Netherlands and Australia concerning old Dutch Shipwrecks 1972.	DCCEEW
Ozone Protection and Synthetic Greenhouse Gas Management Act 1989	Regulates the manufacture, importation and use of ozone depleting substances. **Relevance to this activity:** The MODU and support vessels will have a register of ozone-depleting substances (ODS).	• United Nations Framework Convention on Climate Change 1992. • Montreal Protocol on Substances that Deplete the Ozone Layer 1987.	DCCEEW
Recycling and Waste Reduction Act 2020 *Recycling and Waste Reduction (Mandatory Product Stewardship—Mercury added Products) Rules* 2021	The Rules are made under the *Recycling and Waste Reduction Act* 2020 and reflect requirements outlined with paragraph 94(1)(c) regarding Australia's obligations to agreements made with one or more other countries, in this case the rules support the implementation of Australia's commitment to the Minamata Convention. The Rules aim to reduce the risks to human health and environment from mercury used in imported and manufactured products. Prohibiting Australia from importing, exporting, and manufacturing mercury-added products listed in Annex A, Part I of the Minamata Convention, incorporation of listed mercury-added products into other products is also prohibited. **Relevance to this activity:** the management of mercury in drill cuttings and muds is addressed in Section 7.6.	• The Minamata Convention (2013).	DCCEEW (lead) & relevant state and territory governments.

Commonwealth Legislation/ Regulation	Scope	Related International Conventions	Administering Authority
Navigation Act 2012 (& Regulations 2013)	This Act regulates ship-related activities in Commonwealth waters and invokes certain requirements of the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78) relating to equipment and construction of ships. Several Marine Orders (MO) are enacted under this Act relating to offshore petroleum activities, including: • MO Part 21: Safety of navigation and emergency procedures • MO Part 30: Prevention of collisions • MO Part 50: Special purpose ships • MO Part 59: Offshore industry vessel operations • MO Part 70: Seafarer certification. **Relevance to this activity:** Support vessels will adhere to the relevant MOs while operating within Commonwealth waters.	• International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) as amended, 1995. • United Nations Convention on the Law of the Sea 1982 (UNCLOS). • International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978 (MARPOL). • International Convention for the Safety of Life at Sea 1974 (SOLAS). • Convention on the International Regulations for Preventing Collisions at Sea 1972 (COLREG).	AMSA

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Protection of the Sea (Prevention of Pollution from Ships) Act 1983 Protection of the Sea (Prevention of Pollution from Ships) (Orders) Regulations 1994	Regulates ship-related operational activities and invokes certain requirements of the MARPOL Convention relating to discharge of noxious liquid substances, sewage, garbage, air pollution etc. Requires that ships >400 gross tonnes to have pollution emergency plans. Several MO are enacted under this Act relating to offshore petroleum activities, including: • MO Part 91: Marine Pollution Prevention – Oil • MO Part 93: Marine Pollution Prevention – Noxious Liquid Substances • MO Part 94: Marine Pollution Prevention – Harmful Substances in Packaged Forms • MO Part 95: Marine Pollution Prevention – Garbage • MO Part 96: Marine Pollution Prevention – Sewage • MO Part 97: Marine Pollution Prevention – Air Pollution • MO Part 98: Marine Pollution Prevention – Anti-fouling Systems. **Relevance to this activity:** The MODU and support vessels > 400 gross tonnes will adhere to the relevant MOs by having a SMPEP, Oil Record Book and Garbage Management Plan in place and implemented, along with international pollution prevention certificates verifying compliance with oil, air pollution and sewage measures.	• Various parts of MARPOL.	AMSA

Commonwealth Legislation/ Regulation	Scope	Related International Conventions	Administering Authority
Protection of the Sea (Civil Liability for Bunker Oil Pollution Damage) Act 2008	Sets up a compensation scheme for those who suffer damage caused by spills of oil that is carried as fuel in ships' bunkers. There is an obligation on ships > 1,000 gross tonnes to carry insurance certificates when leaving/entering Australian ports, or leaving/entering an offshore facility within Australian coastal waters. **Relevance to this activity:** Vessels will hold the required insurance certificates.	• International Convention on Civil Liability for Bunker Oil Pollution Damage 2001.	AMSA
Protection of the Sea (Harmful Antifouling Systems) Act 2006	Creates an offence for a person to engage in negligent conduct that results in a harmful anti-fouling compound being applied to a ship. Also provides that Australian ships must hold 'anti-fouling certificates', provided they meet certain criteria. **Relevance to this activity:** The MODU and support vessels will hold the required valid anti-fouling certificates.	• International Convention on the Control of Harmful Anti-fouling Systems on Ships 2001.	AMSA
Protection of the Sea (Shipping Levy) Act 1981	Provides that where, at any time during a quarter when a ship with tonnage length of no less than 24 m was in an Australia port, there was on board the ship a quantity of oil in bulk weighing more than 10 tonnes, a levy is imposed in respect of the ship for the quarter. **Relevance to this activity:** The support vessels will adhere to the shipping levy, as required.	Not applicable.	AMSA
Maritime Legislation Amendment (Prevention of Air Pollution from Ships) Act 2007	This Act implements the requirements of MARPOL 73/78 Annex VI for shipping in Commonwealth waters as per: • MO Part 97: Marine Pollution Prevention – Air Pollution. **Relevance to this activity:** The MODU and support vessels will use low sulfur diesel fuel.	• Various parts of MARPOL.	Department of Infrastructure, Transport, Regional Development and Communications

Commonwealth Legislation/ Regulation	Scope	Related International Conventions	Administering Authority
National Greenhouse and Energy Reporting Act 2007 (NGER) (& Regulations 2008)	Establishes the legislative framework for the NGER Scheme, which is a national framework for reporting GHG emissions, GHG projects and energy consumption and production by corporations in Australia. **Relevance to this activity:** Under the NGER Act, a controlling corporation assesses its reporting obligations by reference to the facilities that are under its 'operational control.' As the MODU and support vessel contractors do not come under EOG's operational control, they will be required to collect and submit their own emissions data under the NGER Act (if triggered).	• United National Framework Convention on Climate Change (UNFCCC), entered into force in 1994. Goals under the framework are updated during the annual convention.	Clean Energy Regulator
Biosecurity Act 2015 (& Biosecurity Regulations 2016 and Biosecurity Amendment (Biofouling Management) Regulations 2021)	This Act provides the Commonwealth with powers to take measures of quarantine, and implement related programs as are necessary, to prevent the introduction of any plant, animal, organism or matter that could contain anything that could threaten Australia's native flora and fauna or natural environment. The Commonwealth's powers include powers of entry, seizure, detention and disposal. Offshore petroleum installations outside of 12 nm are located outside of Australian territory for the purposes of the Act. While these installations are not subject to biosecurity control, aircraft and vessels (not subject to biosecurity control) that leave Australian territory and are exposed to the installations are subject to biosecurity control when returning to Australian territory. When a vessel or aircraft leaves Australian territory and interacts with an installation or petroleum industry vessel it becomes an 'exposed conveyance' and is subject to biosecurity control when it returns to Australian territory unless exceptions can be met.	• IMO Guidelines MEPC 207 for the Control and Management of Ships' Biofouling to Minimise the Transfer of Invasive Aquatic Species 2011. • International Convention for the Control and Management of Ships Ballast Water & Sediments 2004. • World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures (SPS agreement) 1995. • World Organisation for Animal Health and the International Plant Protection Convention 1952.	DCCEEW

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	The person in charge of an exposed conveyance carries the responsibility for pre-arrival reporting under the Act and must arrive at a first point of entry. This Act includes mandatory controls in the use of seawater as ballast in ships and the declaration of sea vessels voyaging into and out of Commonwealth waters. The regulations stipulate that all information regarding the voyage of the vessel and the ballast water is declared correctly to the quarantine officers. The Biosecurity Amendment (Biofouling Management) Regulations 2021 entered into force on the 15th of June 2022 and requires that vessel operators provide information on biofouling management practices prior to arriving in Australia. **Relevance to this activity:** The MODU and support vessels sourced from foreign ports will adhere to the DCCEW guidelines regarding quarantine clearance to enter Australian waters.		

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Marine Safety (Domestic Commercial Vessel) National Law Act 2012 (& Regulations 2013)	This Act provides for a national system for Domestic Commercial Vessels (DCV) between states and territories to ensure their safe operation. This system provides for MO and National Standards to be adopted for DCVs of different classes. Current MO include: • MO 501 (Administration – National Law) 2013 • MO 502 (Vessel Identifiers – National Law) 2013 • MO 503 (Certificates of Survey – National Law) 2013 • MO 504 (Certificates of Operation and Operational Requirements – National Law) 2013 • MO 505 (Certificates of Competency – National Law) 2013 • MO 507 (Load Line Certificates – National Law) 2013. This law does not over-ride state legislation with respect to marine environmental management, dangerous goods management, speed limits, navigation aids, rules for prevention of collisions, monitoring of marine communications systems, workplace health and safety or emergency management and response. **Relevance to this activity:** The MODU and support vessels will adhere to the relevant MOs while operating within Commonwealth waters.	Not applicable.	AMSA
Native Title Act 1993	Allows for recognition of native title through a claims and mediation process and also sets up regimes for obtaining interests in lands or waters where native title may exist. **Relevance to this activity:** Native Title Determination area does not cover the operational area, and therefore there is no relevance to this activity.	Not applicable.	National Native Title Tribunal (NNTT)

Commonwealth Legislation/ Regulation	Scope	Related International Conventions	Administering Authority
Fisheries Management Act 1991 (& Regulations 2009)	This Act aims to implement efficient and cost-effective fisheries management on behalf of the Commonwealth, ensure that the exploitation of fisheries resources and the carrying on of any related activities are conducted in a manner consistent with the principles of Ecologically Sustainable Development (ESD), maximise the net economic returns to the Australian community from the management of Australian fisheries, ensure accountability to the fishing industry and to the Australian community in in the Australian Fisheries Management Authority's (AFMA's) management of fisheries resources, and achieve government targets in relation to the recovery of the costs of AFMA. **Relevance to this activity:** Provides the regulatory and other mechanisms to support any necessary fisheries management decisions in the event of a hydrocarbon spill in Commonwealth waters.	Not applicable.	AFMA
Aboriginal and Torres Strait Islander Heritage Protection Act 1984	This Act provides for the preservation and protection from injury or desecration areas and objects that are of significance to Aboriginal people, under which the Minister may make a declaration to protect such areas and objects. Under the Act, discovery of Aboriginal remains must be reported to the Environment Minister. **Relevance to this activity:** No known sites of Aboriginal heritage significance occur within the operational area. May be relevant in the event of a hydrocarbon spill requiring shoreline access for clean-up purposes.	Not applicable.	DCCEEW

WESTERN AUSTRALIAN LEGISLATION

WA Legislation/ Regulation	Scope	Relevance to activity	Administering Authority
Conservation and Land Management Act 1984	This Act makes provision for the use, protection and management of certain public lands and waters and the flora and fauna. It establishes authorities responsible for such protection. This Act covers the management of Nationally Important Wetlands that are present along the coast of the EMBA.	This Act would be triggered in the event of a hydrocarbon spill that threatens coastal marine parks, or that access to respond to a hydrocarbon spill is required through such parks.	Conservation and Parks Commission
Contaminated Sites Act 2003 (& Regulations 2006)	This Act provides for the identification, recording, management and remediation of contaminated sites. Under the Act, a 'site' is an area of land or water in WA, including surface water, groundwater and offshore areas out to 3 nm. A site is 'contaminated' if it has a substance in it at above background concentrations, which presents or has the potential to present a risk of harm to human health or the environment.	This Act would be triggered in the event that a hydrocarbon spill contaminates shorelines and requires remediation.	Department of Water and Environmental Regulation (DWER)
Environmental Protection Act 1986	This is the principal Act relating to environmental protection in WA. It establishes the EPA and gives the EPA overall responsibility for the prevention, control and abatement of environmental pollution and for the conservation, preservation, protection, enhancement and management of the environment. Part 5 of the Act states that a person who causes pollution or environmental harms or allows pollution or environmental harm to be caused commits an offence.	Hydrocarbons are listed in Schedule 1 of the Act as a Listed Waste. The Act would be triggered in the event of a hydrocarbon spill that reaches the coast, particularly with regard to waste treatment, transport and disposal.	Office of the EPA
Environmental Protection (Controlled Waste) Regulations 2004	These regulations detail the appropriate management and handling of controlled wastes in respect to the environment. Schedule 1 of the regulations lists waste oil and water, or hydrocarbons and water, mixtures or emulsions as a controlled waste.	These regulations may be triggered in the event that a hydrocarbon spill enters state waters and reaches shorelines, requiring collection and onshore handling, transport and disposal.	DWER

WA Legislation/ Regulation	Scope	Relevance to activity	Administering Authority
Environmental Protection (Unauthorised Discharges) Regulations 2004	These regulations make it an offence to cause pollution through unauthorised discharges, particularly with regard to dark smoke (anything darker than shade 1 on the Australian Miniature Smoke Chart, AS 3543, 1989). It may be a defence to cause dark smoke to prevent irreversible damage to a significant part of the environment. Schedule 1 of the regulations lists hydrocarbon as a material that must not be discharged to the environment.	This Act would be triggered in the event that a hydrocarbon spill enters state waters and/or in-situ burning is a response consideration.	DWER
Emergency Management Act 2005	This Act provides for prompt and coordinated organisation of emergency management in the State. Hazards captured under the Act include events that result in destruction of or damage to the environment. It establishes the State Emergency Management Committee (SEMC), which is the key plan in responding to emergencies of state significance.	This Act would be triggered in the event that a hydrocarbon spill threatens state waters and shorelines. The SEMC would implement the State Emergency Management Plan on behalf of the state.	SEMC
Aquatic Management Resources Act 2016 (ARMA)	This Act provides for the ecologically sustainable development and management of the State's aquatic resources including management of aquatic biosecurity.	This Act would be triggered in the event that a hydrocarbon spill enters state waters and has the potential to impact commercial fishing activities (e.g., closures).	Department of Primary Industry and Regional Development (DPIRD)
Harbours and Jetties Act 1928	This Act relates to the liability of owners of ships for damage to harbours and jetties, and works connected therewith.	This Act may be triggered in the event that a support vessel used for the project causes loss or damage to a harbor or jetty.	Department of Transport (DoT)
Pollution of Waters by Oil and Noxious Substances Act 1987 (& Regulations 1993)	This Act provides for the protection of the sea and certain waters from pollution by oil and other noxious substances discharged from ships (as defined in the WA Marine Act, see below). This Act prohibits the discharge of oil or noxious substances into State waters and provides for the removal of oil or any mixture containing oil from affected waters.	This Act may be triggered in the event that a hydrocarbon spill enters state waters.	EPA & DoT
Western Australian Marine Act 1982 (& (Infringements) Regulations 1985)	This Act regulates navigation and shipping in WA waters.	Activity vessels traversing WA state waters (e.g., in the event of hydrocarbon spill) must abide by the requirements of the Act with regard to marine safety requirements.	DoT

WA Legislation/ Regulation	Scope	Relevance to activity	Administering Authority
Biodiversity Conservation Act 2016 (& Regulations 2018)	This Act provides for the conservation and protection of wildlife. Licences to take (i.e., for fauna, to kill, capture, disturb, hunt and for flora to gather, pluck, dig up, destroy, etc) protected flora and fauna on Crown land (e.g., coastal parks) are required under this act. The regulations provide for the issuing of licences to take, keep, import and export flora and fauna, and for the caring of sick or injured fauna.	This Act would be triggered in the event that native wildlife rescue and treatment is required in the event of a hydrocarbon spill, or that native habitat on the coast may be damaged in the process of responding to coastal stranding of hydrocarbons.	Department of Biodiversity, Conservation and Attractions (DBCA)
Animal Welfare Act 2002 (& Animal Welfare (General) Regulations 2003)	This Act is established to provide for the welfare, safety and health of animals, to regulate the use of animals for scientific purposes and for related purposes. The Act is focused on prohibiting cruelty to, and other inhumane or improper treatment of, animals.	This Act would be triggered in the event that wildlife rescue and treatment is required in the event of a hydrocarbon spill.	DPIRD

NORTHERN TERRITORY LEGISLATION

NT Legislation/ Regulation	Scope	Relevance to activity	Administering Authority
Environment Protection Act 2019 (& Regulations 2020)	This Act provides the requirement for operators in the Northern Territory to hold an 'environmental approval' for proposed actions that will have a significant impact on the environment or require referral under a 'referral trigger'.	The Act would be triggered in the event of a hydrocarbon spill that reaches the shoreline, particularly with regard to pollution and waste containment, avoidance and abatement.	NT EPA
Waste Management and Pollution Control Act 1998 (& (Administration) Regulations 1998)	Legislation protecting the environment through the encouragement of effective waste management, pollution prevention and control practices (relevant for waste disposal and transfer).	This Act and its regulations may be triggered in the event that a hydrocarbon spill enters state waters.	NT EPA
Dangerous Goods Act 1998 (& Regulations 1985)	This Act provides for the safe storage, handling and transport of certain Dangerous Goods.	This Act and its regulations may be triggered in the event that a hydrocarbon spill enters state waters, with regard to incident reporting requirements.	NT Worksafe
Marine Pollution Act 1999 (& Regulations 2003)	This Act provides protection of the marine and coastal environment by minimising intentional and negligent discharges of ship sourced pollutants to coastal waters. It also enacts Annexures 1, 2, 3 and 5 of MARPOL.	This Act and its regulations may be triggered in the event that a hydrocarbon spill enters state waters.	NT Department of Environment, Parks and Water Security (DEPWS)