



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

Response to submissions

Draft Policy and Guideline – Decommissioning of
petroleum and geothermal energy property, equipment
and infrastructure in Western Australian onshore
areas and State coastal waters

March 2024

The purpose of the draft policy and guideline – Decommissioning of petroleum and geothermal energy property, equipment and infrastructure in Western Australian onshore areas and State coastal waters is to outline the Department of Energy, Mines, Industry Regulation and Safety’s (DEMIRS) 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) (together, referred to as the Petroleum Acts).

Following this stakeholder consultation, DEMIRS has finalised the policy and guideline to establish a decommissioning framework 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 Decommissioning Discussion Paper was released on the DEMIRS website for public comment from 9 October 2023 to 8 December 2023, with six stakeholders providing feedback.

The review process notified respondents that their submissions would be made publicly available on the DEMIRS 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
- Planning for decommissioning
- Plastics and other potentially harmful substances
- Leaving property, equipment and infrastructure in situ
- Decommissioning timeframes
- Environment Plans
- Field Management Plans and Well Management Plans
- Stakeholder consultation
- Financial provisions
- Surrender of title
- Workforce and industry

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

Ref #	Stakeholder	Comment	DEMIRS Response
General and administrative			
1.	APA Group Limited (APA)	<p>Thank you for the opportunity to consult on the Draft Policy and Guideline for the Decommissioning of petroleum and geothermal energy property, equipment and infrastructure in Western Australian onshore areas and State coastal waters. 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 Policy and Guidelines in order to appropriately manage the decommissioning of petroleum and pipelines and associated infrastructure and the rehabilitation of land in WA.</p>	DEMIRS acknowledges APA's comments and thanks APA for providing a submission. Further comments are addressed in detail below.
2.	Environs Kimberley	<p>Thank you for the opportunity to put a submission into the DMIRS consultation for policy and guidelines on decommissioning of petroleum and geothermal energy property, equipment, and infrastructure in Western Australia onshore areas and State coastal waters.</p> <p>As the peak environmental NGO for the Kimberley region in WA, Environs Kimberley is dedicated to looking after the health of the land and waters of the region.</p> <p>The following points form the basis of our submission:</p> <ol style="list-style-type: none"> 1. Inactive wells, obsolete and aged infrastructure, and sites where decommissioning and rehabilitation has not occurred. Timeline before notices are issued to begin decommissioning. 2. Stricter time limits to complete decommissioning. 3. Financial assurances to protect the taxpayer from bearing the cost of decommissioning and rehabilitation. 4. Improved transparency. 5. Regular and rigorous well integrity testing and on-site monitoring 	DEMIRS acknowledges Environs Kimberley's comments and thanks Environs Kimberley for providing a submission. Further comments are addressed in detail below.

Ref #	Stakeholder	Comment	DEMIRS Response
3.	Chevron Australia	<p>Introduction</p> <p>Chevron Australia</p> <p>Chevron Australia is part of the Chevron group of companies, of which Chevron Corporation (Chevron) is the ultimate parent company. Chevron is one of the world's leading integrated energy companies and has been present in Australia for over 70 years.</p> <p>Chevron Australia operates the Gorgon and Wheatstone liquefied natural gas (LNG) and domestic gas projects; has a one-sixth non-operating working interest in the North West Shelf (NWS) LNG and domestic gas project; and operates one of Australia's largest onshore oilfields; all in Western Australia (WA).</p> <p>Chevron Australia Decommissioning</p> <p>Chevron Australia's near- to mid-term decommissioning focus is onshore WA and in State Waters. We have already successfully completed a significant work program of onshore decommissioning and rehabilitation on Thevenard Island Nature Reserve, as part of the Thevenard Island Retirement Project, and now move to the decommissioning of the offshore platform facilities.</p> <p>We will apply the lessons we have learned during the Thevenard Island Retirement Project to decommissioning of the WA Oil assets – a technically and logistically complex, significant decommissioning project. Given the significance of WA Oil decommissioning, we are seeking Lead Agency Service from the WA Government. WA Oil decommissioning also represents an important opportunity to help operationalise the Draft Policy and Guideline.</p> <p>We also commit to sharing the lessons from both Thevenard Island and WA Oil decommissioning with the wider industry sector. We have led the establishment of and will chair a new Decommissioning Working Group within the WA Government's LNG Jobs Taskforce in 2024. The Working Group will focus on providing supportive regulatory frameworks, facilitating waste reuse, recycling and disposal, and skills development, all in support of the development of this nascent sector in WA.</p> <p>Comments on Policy Key Principles</p> <p>Please see below Chevron's perspectives, in response to each of the key principles outlined in the Policy:</p>	<p>DEMIRS acknowledges Chevron Australia's comments and thanks Chevron Australia for providing a submission. Further comments are addressed in detail below.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
4.	Maritime Union of Australia Division (MUA) and Construction Divisions of the Construction, Forestry, Maritime and Energy Union (CFMEU)	<p>Background</p> <p>This submission has been prepared by the Maritime Union of Australia Division (MUA) and Construction Divisions of the 120,000-member Construction, Forestry, Maritime and Energy Union (CFMEU).</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, and is an affiliate of the 20-million-member International Transport Workers' Federation (ITF). The MUA plays a leadership role in several tripart bodies where unions represent workers experience and expertise on the offshore and waterfront sectors.</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 Australia's first Oil Refinery 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>As Australia embarks on the massive undertaking of decommissioning its offshore mining infrastructure, the two divisions of the CFMEU will work hand in hand. The removal, demolition and recycling of both the onshore and offshore structures and equipment will take place by our highly skilled members from the Construction and Maritime Divisions.</p>	DEMIRS acknowledges MUA and CFMEU's comments and thanks MUA and CFMEU for providing a submission. Further comments are addressed in detail below.

Ref #	Stakeholder	Comment	DEMIRS Response
5.	MUA and CFMEU	<p>Summary</p> <p>The CFMEU Maritime and Construction Divisions welcome the opportunity to make a submission to the Draft Policy, and Guideline 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 union believes there is no benefit for the workforce or community of leaving infrastructure to deteriorate on the seafloor. Unwanted expenditure on decommissioning oil and gas property should not be a justification to grant applications that deviate from the requirement of removal.</p> <p>Our priority is to ensure that all West Australian offshore oil and gas decommissioning work facilitates a just transition to a decarbonised energy system through the provision of good secure union jobs. Wherever possible, this should be carried out safely by experienced and well-trained, Australian offshore oil and gas workers, to the highest environmental standards.</p> <p>We recognise that the scope of these activities will be taking place on a diverse number of First Nations lands, and Sea Countries. First Nations must also be thoroughly consulted on the rehabilitation required and provide Free Prior and Informed Consent for decommissioning facilities and, and be included in the benefits from these projects.</p>	DEMIRS acknowledges MUA and CFMEU's comments and thanks MUA and CFMEU for providing a submission.
6.	MUA and CFMEU	<p>Position</p> <p>In response to the 2022 Department of Mines, Industry Regulation and Safety (DMIRS) Draft Decommissioning Discussion Paper, the CFMEU offered a package of recommendations. This 2023 submission condenses and reinforces the unions' position stated in the previous document, also covering off a number of critical considerations which have been omitted such as transparency, financial assurances and trailing liability.</p> <p>With 89% of decommissioning liability sitting off the West Australian coast, the government would be able to realise many benefits by synchronising some Federal initiatives with their state jurisdictional concerns. The Commonwealth Government have invested substantial resources into refining Australia's decommissioning framework, and are currently in the process of developing a holistic 'Roadmap' to best capture the opportunities available from a domestic decommissioning industry that will both rely on and benefit West Australia. Their policy regarding trailing liabilities and the soon to be updated financial assurances framework are well considered policy areas where alignment would be advantageous for decommissioning industry workers, and the people of Western Australia across the board.</p>	DEMIRS acknowledges MUA and CFMEU's comments and will facilitate joint discussions with the Commonwealth to ensure that any over-lapping or related requirements are aligned and synchronised where appropriate. For clarity, financial provisions and assurances are beyond the scope of the draft policy and guideline. Subsequent comments are addressed below.

Ref #	Stakeholder	Comment	DEMIRS Response
7.	Australian Energy Producers (AEP)	<p>Australian Energy Producers welcomes the opportunity to provide feedback on the Department of Mines, Industry Regulation and Safety (DMIRS) decommissioning of petroleum and geothermal energy property, equipment and infrastructure in Western Australian onshore areas Draft Guidelines and Policy Paper.</p> <p>Decommissioning is a complex and challenging undertaking for the energy industry, but it also presents significant opportunities to develop local capability, support local business and improve environmental outcomes in our region through collaboration between industry, Governments and regulators.</p> <p>Australian Energy Producers welcomes the Western Australian Government's efforts to clarify its position on petroleum and geothermal energy decommissioning and guidelines to assist industry in completing decommissioning in a safe and responsible manner. To this end, the draft guidelines and policy paper are a continuation of the DMIRS' consultative process for decommissioning policy and regulatory development from the Draft Decommissioning Discussion Paper that was available for comment and input 12 months ago.</p> <p>In progressing WA Government Decommissioning policy and guidance, Australian Energy Producers recommends DMIRS considers the following:</p> <ul style="list-style-type: none"> • Inclusion of the wider State and Commonwealth decommissioning regulatory framework in DMIRS policy and guidance. • Provide greater clarity to assessment criteria and guidance on decommissioning. • Provide greater clarity on decommissioning planning, planning reporting, consultation and leave in place criteria. • A greater emphasis and clarity is needed on well decommissioning. • The consideration of previous Australian Energy Producers feedback and DMIRS responses from the May 2023 "Response to submissions: Draft Decommissioning Discussion Paper for WA onshore and State waters petroleum, geothermal and pipeline property, equipment and infrastructure paper" <p>Australian Energy Producers and its members welcome the opportunity to provide feedback to DMIRS on a range of important decommissioning issues and look forward to working with the WA Government to progress these matters further.</p>	<p>DEMIRS acknowledges AEP's comments and thanks AEP for providing a submission. Further comments are addressed in detail below.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
8.	AEP	<p data-bbox="412 314 568 346">Policy Paper</p> <p data-bbox="412 362 1503 521">As raised in Australian Energy Producers' November 2022 submission to the DMIRS Draft Decommissioning Discussion Paper, WA Government policy on onshore decommissioning would benefit from a simple, state-wide examination and analysis of the current and emerging decommissioning challenges in the state. This examination would enable a bespoke, fit-for-purpose policy framework for decommissioning and focus on areas of need for the state.</p> <p data-bbox="412 537 1503 633">Australian Energy Producers notes that the objective of the Policy Paper is too narrow and neglects important social and economic factors important to decommissioning. In Australian Energy Producers' view decommissioning policy objectives should strive to:</p> <ul data-bbox="412 649 1525 1311" style="list-style-type: none"> <li data-bbox="412 649 1503 713">• Support the State's energy security through the enablement of the sale and purchase of oil and gas resources, providing for their optimum recovery. <li data-bbox="412 729 1491 761">• Enable the right behaviours and risk allocation between asset owners and former owners. <li data-bbox="412 777 1514 841">• Ensure that the impacts of resource extraction on the environment and other land holders / users of the sea are responsibly managed. <li data-bbox="412 857 1339 888">• Avoid financial exposure to the WA Government for decommissioning costs. <li data-bbox="412 904 1525 1232" style="list-style-type: none;"> <ul style="list-style-type: none"> <li data-bbox="456 952 945 984">▶ Is funded by the owner(s) of the asset. <li data-bbox="456 1000 1525 1064">▶ Has a proper regard for safety, the environment and potential socioeconomic impacts to other users of the sea or land, including host communities. <li data-bbox="456 1080 1525 1144">▶ Is flexible to allow the implementation of decommissioning solutions that are technically feasible, cost effective, suitably paced and socio-economically prudent. <li data-bbox="456 1160 1525 1232">▶ 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 enhanced for the benefit of future generations. <li data-bbox="412 1248 1503 1311">• Ensure new, safe and cost-effective decommissioning technologies and strategies may be applied, recognising the key differences between onshore and offshore facilities. <p data-bbox="412 1327 1503 1445">Australian Energy Producers notes the Policy Paper's focus on environmental outcomes, whilst important, may limit a titleholder to present a holistic assessment of decommissioning alternatives that includes consideration of the varied decision criteria that extend beyond environmental risk.</p>	<p data-bbox="1554 314 2161 697">DEMIRS acknowledges and thanks AEP for its comments. DEMIRS notes that a number of AEP's points are already addressed in existing policy and guidance material for petroleum titles. Including but not limited too; the Guideline for the development of petroleum, geothermal and pipeline environment plans in Western Australia, the Guideline on how to prepare a field management plan, the Development and submission of a safety case: Interpretative guideline and the Decommissioning and management of ageing assets guide.</p> <p data-bbox="1554 713 2161 809">Matters relating to financial assurance and safety are beyond the scope of the draft policy and guideline.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
9.	AEP	<p>Guidelines</p> <p>The following is Australian Energy Producers' feedback and commentary of the Guidelines for the Decommissioning of petroleum and geothermal energy property, equipment and infrastructure in Western Australian onshore areas and State coastal waters (the Guidelines).</p> <p>Scope</p> <p>Australian Energy Producers notes that the scope of the Guideline does not adequately cover all the decommissioning related legislation, the legislation covered as follows:</p> <ul style="list-style-type: none"> • <i>Petroleum and Geothermal Energy Resources Act 1967</i> (PGERA) • <i>Petroleum Pipelines Act 1969</i> (PPA) • <i>Petroleum (Submerged Lands) Act 1982</i> (PSLA) <p>The Guidelines list a number of applicable State and Commonwealth legislation and regulations that are not included for consideration in the Guidelines but are material and an important consideration for the purposes of decommissioning. DMIRS's decision not to include consideration of these other applicable acts (and related regulations) particularly the <i>Work Health and Safety Act 2020</i> and the <i>Work Health and Safety (Petroleum and Geothermal Energy Operations) Regulations 2022</i> in the Guidelines provides a significant reduction in utility of the Guidelines for industry and stakeholders. Further, the exclusion of these other acts and regulations also omits the interaction and interface with these acts and the WA petroleum acts listed above. Australian Energy Producers considers that the inclusion of a synopsis and or explanation of this interface and interaction of the petroleum acts and other excluded acts would be quite valuable to industry and stakeholders.</p>	<p>DEMIRS notes AEP's comments, however the draft decommissioning policy and guideline is limited to the application of Western Australia's principal petroleum legislation in the PGERA, PPA and PSLA and the suite of associated Regulations. The draft policy and guidelines do not extend to the <i>Work Health and Safety Act 2020</i> nor the <i>Work Health and Safety (Petroleum and Geothermal Energy Operations) Regulations 2020</i>.</p> <p>Notwithstanding, operators are required to have a safety case in force whilst undertaking a petroleum operation. A petroleum operation includes decommissioning a petroleum site, or removing any fixture, fitting, plant or structure from a petroleum site.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
Use of terminology			
10.	Environnivate	<p>The guide lists a petroleum activity as:</p> <ul style="list-style-type: none"> • Any operations or works carried out in the State under a petroleum, geothermal or pipeline instrument; or • Any other operations or works carried out in the State relating to petroleum exploration or development which may have an environmental impact, and includes (but not limited to): <ul style="list-style-type: none"> ▶ seismic or other surveys; ▶ drilling; ▶ hydraulic fracturing; ▶ construction and installation of a facility; ▶ operation of a facility; ▶ modification of a facility; ▶ decommissioning, dismantling or removing a facility; and ▶ processing, conveyance and storage of petroleum <p>The guide states that “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.” However it is not clear that liability for rehabilitation activities can be fulfilled prior to surrender of a title. For example, when the completion criteria are achieved for a seismic survey or drilling site, all obligations are satisfied.</p>	<p>DEMIRS acknowledges Environnivate’s comments. DEMIRS encourages proactive and early decommissioning where possible, which will allow for additional time to ensure the rehabilitation of the impacted land is successful. The end result of successful decommissioning and rehabilitation activities is that ecologically sustainable closure should be consistent with the agreed post-activity end state, outcomes and land uses, and without unacceptable liability to the State.</p> <p>As stated in the draft policy and guideline, registered holders and operators are expected to monitor the impacted land post-decommissioning and the Minister will only consider the surrender of a title when all obligations are satisfied including fulfillment of all decommissioning and rehabilitation commitments and expectations. This also includes the monitoring of impacted land to ensure decommissioning and rehabilitation activities are successful and any subsequent risks are addressed through additional remedial works. That is, the completion criteria are not able to be taken to be completed until a period of monitoring supports the decommissioning and rehabilitation operations have been successful and have been accepted by the Minister. This will be determined at the point of surrendering the relevant title.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
11.	AEP	<p>Australian Energy Producers notes that the criteria for decommissioning and rehabilitating “property/equipment/infrastructure” are not well defined. For example, as the following terms should be clearly defined: “not currently in use”; “Shut-in, suspended”; “plugged and abandoned” “no recent history of use”; “maintained in working order such that it can be used. These terms need a clear definition, and, where applicable, advice on how DMIRS will assess them for compliance</p>	<p>DEMIRS does not consider that each of these specific terms requires a set definition as the majority are terms used across the industry on an ongoing basis and additionally not all of these terms are used directly in the policy and guideline. DEMIRS provides the following response to provide additional clarity. Where appropriate, these terms have been incorporated as definitions in the policy and guidelines:</p> <p>The term “not currently in use” is consistent with the ordinary plain English meaning of the phrase. In the context of the draft policy and guideline it refers to its property, equipment or infrastructure that is not actively in use, and where there is no maintenance or other work being performed on the asset.</p> <p>The term “shut-in” means a well with one or more valve(s) closed on the flow path. Note that this term does not appear in the policy, nor guidelines.</p> <p>The term “suspended” in reference to a facility or pipeline refers to the temporary pause of operations. Note that this term does not appear in the policy, nor guidelines.</p> <p>A “suspended well” means a well that has been temporarily isolated from the producing reservoir. Note that this term does not appear in the policy, nor guidelines.</p> <p>The term “plugged and abandoned” is not used in the draft policy or guideline. The term “plugged or closed off” is used in the draft guidelines and is in line with the term “plug or close off” as used within the PGERA and PSLA, referring to the permanent sealing off of a well.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
			<p>In the context of the draft policy and guideline, the term “no recent history of use” refers to a lack of use or operation within a recent period of time or approximately the last five years.</p> <p>“Maintained in working order such that it can be used” refers to the state of the asset and whether it is fit to operate or able to be operational with minor repairs. That is, the asset is not in a substantial state of disrepair rendering it unable to be safely and effectively operated.</p>
12.	AEP	<p>Inventory of all Property, Equipment, and Infrastructure</p> <p>Further clarity is needed to adequately define what is meant by property, equipment, or infrastructure. For example, the inclusion of wells not currently in use/no recent history of use/not adequately maintained/no associated permissioning documents outlining future utilisation. This does not adequately consider the complexities that wells may encounter during their lifecycle and should be addressed via well management plans (WMP). Australian Energy Producers 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</p>	<p>The Well Management Plan covers all phases of lifecycle of the well. The wells currently not in use, but which will be used in the future, are demonstrated by the information listed in the Field Management Plan. In most cases, the inventory of all property, equipment and infrastructure is contained in the Annual Assessment Report, Field Management Plan and/or Environment Plan and does not pose an extra compliance burden on the industry. The information is confidential and stored in DEMIRS’ records system.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
Planning for decommissioning			
13.	Chevron Australia	<p>Key Principle 1 – Early planning, continual review and preparation is critical to decommissioning and rehabilitation success</p> <p>Chevron is supportive of this key principle and provides the following comments on how it is addressed in the Draft Policy and Guideline:</p> <p>Chevron acknowledges that early planning and transparency on decommissioning planning is required by DEMIRS. However, it is vital that DEMIRS’ acknowledges the level of detail provided more than five years prior to EOFL will be limited by uncertainty.</p> <p>In some cases, end state decision making is dependent upon technical information that can only be gathered post cessation of production and detailed decommissioning planning can require the contracting associated with execution of the decommissioning activity to have occurred. Therefore, it is recommended that the level of decommissioning information included in permissioning documents is commensurate with the stage of the development, with an increasing level of detail included as a project progresses towards EOFL.</p>	<p>DEMIRS acknowledges Chevron Australia’s comments. It is DEMIRS’ expectation that the level of decommissioning information provided in an Environment Plan is commensurate with the duration or stage of operations. That is, a greater level of information will be expected the longer a project has been in operation, and as it progresses closer to the end of field life.</p> <p>DEMIRS acknowledges that decommissioning planning is dependent upon a significant volume of matters, including commercial and logistical matters which may be difficult to ascertain at the beginning of an operation, however, would still expect a commitment and outline of the decommissioning approach in an initial Environment Plan. Each five year revision thereafter would be expected to have a greater level of information as further information</p>
14.	AEP	<p>Early Planning</p> <p>Australian Energy Producers agrees that early planning for decommissioning is critical towards positive and sustainable decommissioning outcomes. Policy approaches for decommissioning planning need to ensure flexibility through the adoption of new technologies and opportunistic access to equipment to complete decommissioning.</p>	<p>DEMIRS acknowledges that decommissioning planning is dependent on numerous factors, including technology and industry best practice, which may progress or be further developed over the life of an operation. Technology may advance greatly over time and DEMIRS does not seek to prevent new and improved technologies from being used for decommissioning. Operators will have opportunities to continually refine the intended operations for decommissioning in Well Management Plans, Field Management Plans and Environment Plans.</p> <p>The draft policy and guideline do not prescribe the manner or mode of disposing of used assets so as to allow new technologies to be used in decommissioning.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
15.	AEP	Risk Assessment Australian Energy Producers supports the use of risk assessment tools, including the use of a Comparative Assessment to determine to the scale, scope and outcome of a decommissioning activity.	Comment noted.
Plastics and other potentially harmful substances			
16.	Chevron Australia	In relation to plastics, the Policy states: 'It is very unlikely that DEMIRS will approve operators leaving any plastics in situ...'. Given that the majority of offshore infrastructure is likely to contain plastics but the application of plastics such as type and volumes can be considerably different depending on the infrastructure e.g., from thin corrosion coatings to more significant components of infrastructure, it is not clear how DEMIRS intends to apply the stated position. Clarity will aid in informing end state decision making and more broadly, would also inform the ability to forecast demand for shore-based waste processing and recycling needs.	DEMIRS' position is that each operator should approach full removal as the baseline expectation unless it is able to be demonstrated that an alternative approach would result in equal or greater environmental outcomes. Any alternative approach will need to be consolidated with scientific data and a comparative analysis, meaning operators seeking an alternative to full removal should prepare two decommission proposals; complete removal as is required by default, and an alternative to full removal. While DEMIRS and the Minister have a wide scope of discretion on the treatment of plastics, the tolerance of leaving any plastics in situ is low and this principle will be applied broadly, on a case-by-case basis.

Ref #	Stakeholder	Comment	DEMIRS Response
17.	AEP	<p>Australian Energy Producers is concerned that DMIRS is unlikely to approve leaving any plastics in place. DMIRS state that any decision to leave plastics in place will be considered at the Minister's discretion and may, in part, consider the feasibility of removing the plastics. Australian Energy Producers notes that legacy pipeline infrastructure, particularly offshore do in many cases comprise of relatively small amounts of polymers and plastics as part of their construction, usually as a barrier to corrosion. 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 and likely provide significant environmental disturbance, cost and elevated risk to health and safety outcomes in their removal.</p>	<p>DEMIRS acknowledges that legacy offshore pipelines contain varying amounts of plastics and in some instances, subject to the relevant circumstances of the pipeline, including age, depth, condition and method of removal, may represent a risk to the environment. This does not mean that offshore legacy pipelines are broadly able to be left in situ, but instead acknowledges that relevant risks will be considered on a case-by-case basis and dependent on the individual circumstances of the operation/ asset.</p> <p>As outlined in the draft documents, operators seeking a deviation from full removal are required to demonstrate their alternative decommissioning proposal will result in equal or greater environmental outcomes.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
Leaving property, equipment and infrastructure in situ			
18.	Chevron Australia	<p>Key Principle 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</p> <p>Chevron is supportive of case by case consideration in relation to end state and provides the following comments on how it is addressed in the Draft Policy and Guideline:</p> <p>Assessment of feasibility of infrastructure left in situ</p> <p>Recognising that offshore oil and gas infrastructure that is decommissioned in place can provide ecological benefits through provision of habitat for species, it is positive that DEMIRS is willing to consider alternatives to the full removal of property. There is an increasing body of evidence that total removal of infrastructure may not be the optimal option for the environment and recent studies demonstrate that leaving infrastructure in place can contribute to a range of environmental targets and aspirations identified by the United Nations¹. The draft Policy and Guideline detail that in situ end states may be considered...if it can be demonstrated that it is more beneficial and where there is no 'unacceptable liability to the State'. We note that further explanation is not provided as to what DEMIRS considers to be unacceptable liability to the State and clarity is requested to enable greater understanding to support decommissioning planning and optimal environmental outcomes.</p>	<p>It is DEMIRS' baseline expectation that all property, equipment or infrastructure is removed in full and each registered holder or operator will be required to outline decommissioning on the premise of full removal. Proposals deviating from complete removal will be assessed and considered on a case-by-case basis where it can be demonstrated the alternative approach would lead to equal to or greater outcomes for the environment.</p> <p>Matters concerning unacceptable liability and environmental outcomes will be considered on a case-by-case basis having regard to a wide array of contextual information such as the nature and geology of the surrounding environment, biodiversity values, subsequent land uses and safety etc. At a minimum, alternative decommissioning proposals will need to be supported with comparative analysis and informed by scientific data to demonstrate that it will result in equal of greater environmental outcomes.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
19.	Chevron Australia	<p data-bbox="421 316 568 347">Streamlining</p> <p data-bbox="421 363 1518 619">We seek clarity regarding the interface between the draft Policy and Guidelines and the permitting requirements of the <i>Commonwealth Environment Protection (Sea Dumping) Act 1981</i>, which result in a duplication of approval requirements for infrastructure which is proposed to remain in situ offshore. 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 data-bbox="421 635 1518 914">Consistent with Streamline WA reforms, there is also an opportunity for streamlining amongst the WA petroleum regulatory framework and the primary WA environmental protection framework, namely the EP Act and associated approval requirements. Ministerial Statements issued under the EP Act set the requirement for the submission of a Decommissioning and Closure Plan approximately four years prior to the anticipated date of decommissioning. These Plans are often required to be developed in consultation with the Department of Biodiversity, Conservation and Attractions and DEMIRS. For petroleum activities that are also subject to assessment under the EP Act, there is an opportunity to reduce overlap and duplication associated with decommissioning approvals.</p>	<p data-bbox="1556 316 2154 730">DEMIRS acknowledges Chevron Australia's comments and notes the requirements of the <i>Environment Protection (Sea Dumping) Act 1981</i> (Cth) (Sea Dumping Act). In instances where both DEMIRS' approval and a Sea Dumping Act approval is required, DEMIRS will facilitate joint discussions with the Commonwealth to ensure that the requirements are aligned. For the purposes of the draft policy and guideline, administration and requirements of the Sea Dumping Act are beyond scope, however DEMIRS continues to engage with Commonwealth colleagues on decommissioning matters.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
20.	Chevron Australia	<p data-bbox="412 312 860 344">Monitoring of infrastructure left in situ</p> <p data-bbox="412 360 1532 711">In relation to the monitoring of infrastructure left in situ, the draft policy details that 'DEMIRS expects registered holders to monitor the status of the affected environment (and any infrastructure that has been approved to be retained / left in situ) and undertake remedial works to address any subsequent risks 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'. Chevron seeks clarity as to how long-term monitoring can occur under the current legislative framework where the <i>WA Petroleum (Submerged Lands) Act 1982</i> (PSLA) details potential scenarios for the termination of a licence where there are no operations for the recovery of petroleum during a continuous period of five years. Additionally, requirements for monitoring are likely to be duplicated under the petroleum and sea dumping permit regulatory frameworks and recommendations associated with streamlining also apply to this aspect.</p> <p data-bbox="412 727 1532 1110">Furthermore, in relation to the in situ decommissioning of offshore pipelines and monitoring requirements, the draft guideline details that where an exemption to the removal requirement is provided that 'The existing pipeline licence will remain in force and the operator or registered holder will remain fully responsible to continue to monitor and maintain the pipeline's integrity for possible future reuse.' Noting that the draft Guideline also sets out that 'Section 23(3) of the <i>Petroleum Pipelines Act 1969</i> and section 104(3) of the PSLA provides for the Minister to provide consent to a surrender of a pipeline licence if they are satisfied that although the operator or registered holder has not complied with the removal requirements and that special circumstances exist that justify the giving of the consent', there appears to be inconsistent requirements detailed in relation to title/licence surrender and it is unclear as to whether a pipeline can be decommissioned in situ with the ability for a titleholder to relinquish the applicable pipeline licence. Clarity is sought in this regard.</p>	<p data-bbox="1545 312 2150 472">DEMIRS acknowledges Chevron Australia's comments. The provisions referred to for the termination of a licence pertain to a failure by a licensee to recover petroleum from within the licence area for a continuous period of five years.</p> <p data-bbox="1545 488 2150 967">The Petroleum Acts do not expressly prescribe when a licence will be terminated. DEMIRS notes Chevron Australia's query with respect to the failure to recover petroleum within a continuous period of five years, however DEMIRS advises that it is unclear to DEMIRS when it may seek to terminate a licence in circumstances where DEMIRS has provided a licensee with consent to cease production, the field had reached end of life and the licensee was monitoring and reporting to DEMIRS on infrastructure to be retained or left in-situ. In all instances, DEMIRS will work with registered holders and operators to understand the bespoke circumstances surrounding each operation and will work with all parties to reach compliance.</p> <p data-bbox="1545 983 2150 1299">Regarding possible regulatory overlap between petroleum and sea dumping approvals, as stated in DEMIRS' previous response, in instances where both DEMIRS approval and a Sea Dumping Act approval is required, DEMIRS will facilitate joint discussions with the Commonwealth to ensure that the requirements are aligned. However, for the purposes of the draft policy and guideline the administration and requirements of the Sea Dumping Act are beyond the scope of this discussion.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
			<p>In relation to in situ decommissioning of offshore pipelines and monitoring requirements, a registered holder may propose to decommission the pipeline in-situ in the relevant permissioning documents. If that proposal is agreed to, the registered holder or operator would be required to monitor the in-situ decommissioned pipeline and prove that it has achieved a better than or equal to environmental outcomes in an ecologically sustainable manner consistent with post-activity land-uses or subsea ecology, without unacceptable liability to the State. DEMIRS would not consider applications for consent to surrender a licence prior to this occurring.</p>
21.	AEP	<p>Expectations for Consideration of Decommissioning in Applications Submitted to DMIRS</p> <p>Australian Energy Producers notes that “DMIRS expects to see a commitment towards full removal of all property, equipment and infrastructure as a base case” in the guideline and policy. However, DMIRS also requires that stakeholder consultation should cover all the proposed scenarios (from leaving in situ to full or partial removal, and not just the preferred scenario). This is somewhat confusing and may result in significantly more consultation from titleholders to stakeholders than what would otherwise be needed. Ideally a clear way forward on decommissioning would be obtained prior to engaging stakeholders.</p>	<p>The various Petroleum Acts and Regulations require active stakeholder consultation. DEMIRS’ position is that adequate, informed and genuine stakeholder engagement comprises of informing impacted stakeholders of the decommissioning approach. DEMIRS’ view is that this practice provides the best opportunity for all relevant stakeholders to be adequately informed of the decommissioning, rehabilitation and monitoring approach.</p>
22.	AEP	<p>Progressive Decommissioning and Rehabilitation</p> <p>Australian Energy Producers supports responsible asset stewardship through a risk-based approach to the timing of decommissioning of infrastructure. The expectation and stringent enforcement of progressive decommissioning could result in the piecemeal removal of properties, increase risk to health and safety outcomes and minimising the opportunity for collaborative decommissioning campaigns. A practical example of this is the potential collaborative sharing of specialised well decommissioning equipment and work crews.</p>	<p>Whilst DEMIRS encourages proponents to take opportunities to progressively decommission as they arise, DEMIRS recognises there may be alternative and more optimal approaches to decommissioning arising from the individual circumstances of a project. Where an alternative approach is proposed, registered holders and operators are required to demonstrate that the alternative approach is appropriate, adequate and results in equal or greater environmental outcomes. The appropriate decommissioning approach will ultimately be determined utilising a risk-based approach as specific to that individual project.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
23.	AEP	<p data-bbox="421 316 1245 347">Description of Full Decommissioning and Commitment to Full Removal</p> <p data-bbox="421 363 1532 555">As noted previously, Australian Energy Producers does not consider full removal of infrastructure necessarily represents the best environmental, health and safety and socioeconomic outcomes for all infrastructure in all circumstances. Therefore, Australian Energy Producers 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.</p>	<p data-bbox="1556 316 2154 475">As full removal of infrastructure is an express statutory obligation, DEMIRS considers that all registered holders and operators should design and plan their projects, including during the decommissioning stage, on the basis of full removal.</p> <p data-bbox="1556 491 2136 842">Registered holders and operators may also plan for alternative decommissioning approaches, but must be prepared, and ready to proceed with full removal, as there is no guarantee that Ministerial approval for a deviation from full removal will be provided. The onus is on the registered holder and operator to demonstrate any alternative approach to decommissioning will lead to equal or greater environmental outcomes, consolidated with scientific data and taking into account all relevant risks, without unacceptable liability to the State.</p> <p data-bbox="1556 858 2136 1018">DEMIRS encourages registered holders and operators to proceed with this approach to ensure that all design, planning, budgeting, technical and other considerations are adequately accounted for when preparing for decommissioning.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
24.	AEP	<p>Pipeline Licences</p> <p>Australian Energy Producers advises that DMIRS should consider shifting the prevailing view that all property must be removed as the base for pipelines. Pipeline removal, particularly large, buried and subsea pipelines present unique risk to workers health and safety (e.g., subsea lifting and potential for dropped loads) and environmental disturbance that may far outweighs any environmental risk to leave in place. The guideline states “All onshore and subsea pipelines including associated facilities and structures within the pipeline licence area and on the seabed are to be removed...A pipeline...may be a candidate for in-situ decommissioning and abandonment”. In addition, the timing of any decommissioning operations should be considered to decrease costs and increase opportunities for decommissioning campaigning and collaboration.</p> <p>Australian Energy Producers welcomes that existing pipeline licences remain in force and the operator/registered holder remains responsible for monitoring and maintaining the pipeline’s integrity for possible future reuse (e.g., carbon capture utilisation and storage).</p>	<p>The baseline expectation is that all onshore and subsea pipelines including associated facilities and structures within the pipeline licence area and on the seabed are to be removed in full and each registered holder or operator will be required to outline decommissioning on the premise of full removal. Proposals deviating from complete removal will be assessed and considered on a case-by-case basis where it can be demonstrated the alternative approach would lead to equal to or greater outcomes for the environment. At a minimum, alternative decommissioning proposals will need to be supported with comparative analysis and informed by scientific data to demonstrate that it will result in equal of greater environmental outcomes.</p> <p>As per section 15A of PPA, the pipeline licence can remain in force for up to 5 years without any activity being executed under the licence. After this time period, the Minister may propose to terminate the licence. This 5-year idle period is considered sufficient in most cases for the licensee to identify and prepare justifications for any potential reuse of the pipeline.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
25.	MUA and CFMEU	<p data-bbox="412 312 1525 344">Full Removal</p> <p data-bbox="412 360 1525 456">Recommendation 1: No deviation from the 'base case' of full removal should be allowed. The Draft Guidelines' expectation of a titleholder's 'commitment to full removal' should mean exactly that.</p> <p data-bbox="412 472 1525 600">Total removal of infrastructure and 'remediation of the earth's crust' is required to deliver satisfactory intergenerational outcomes and fulfil the State's responsibility of sound stewardship. The cumulative effects of such significant amounts of deteriorating metals are unknown, and as such, complete removal and recycling is necessary.</p> <p data-bbox="412 616 1525 743">Ministerial discretion to grant exemptions when a more 'beneficial' outcome can be demonstrated is not consistent with DMIRS policy principle of rehabilitation and closure planning to display how 'ecologically sustainable closure can be achieved... without unacceptable liability'.</p>	<p data-bbox="1538 312 2152 568">DEMIRS acknowledges MUA and CFMEU's comments. DEMIRS' baseline expectation is that all property, equipment and infrastructure be removed. Further, decommissioning planning should begin at the inception of an operation and should be continually revised and opportunities to proactively and progressively decommission should be taken during the life of the operation.</p> <p data-bbox="1538 584 2152 962">Notwithstanding, DEMIRS recognises there may be instances whereby it may be demonstrated that the removal of petroleum property, equipment or infrastructure may result in negative outcomes for the environment (e.g. the significant disturbance or destruction of an established sensitive surrounding environment) and in such circumstances, alternative decommissioning approaches will be considered on a case-by-case basis. This operates in line with DEMIRS' risk-based approach to regulating petroleum and geothermal energy operations.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
Decommissioning timeframes			
26.	Chevron Australia	<p>Key Principle 2 – Progressive decommissioning and rehabilitation should be undertaken as early as possible in the development phase</p> <p>Chevron is generally supportive of this key principle however notes that there may be occasions where progressive decommissioning does not deliver optimised outcomes. We recommend a risk-based approach, in particular for the decommissioning of offshore infrastructure and where it can be demonstrated that the environment risk of deferring removal is low and where there may be technical reasons or increased safety risks associated with the piecemeal removal of infrastructure such as when it is located in proximity to live infrastructure.</p>	<p>DEMIRS acknowledges Chevron Australia’s comments and recognises there may be instances or circumstances present whereby it would not be optimal to undertake decommissioning (e.g. proximity and safety-related considerations). Registered holders and operators should commit to a general decommissioning approach at the inception of the operation which will then be informed with greater detail throughout the duration of the operation/ as the operation progresses towards end of field life. While obstacles to progressive decommissioning may or may not be identified during decommissioning planning, the outline of activities and timing for decommissioning should be reflected in each relevant approval (e.g. each subsequent five-year Environment Plan) and will be considered by DEMIRS on a case-by-case basis.</p> <p>The key principle of DEMIRS’ approach to decommissioning is progressive decommissioning, which operates alongside DEMIRS’ risk-based approach to regulating petroleum and geothermal energy operations. That is, registered holders and operators have a role in determining the optimal mode and manner of decommissioning, provided that it can be demonstrated that decommissioning is able to be completed to a high standard within a reasonable timeframe after the operation reaches the end of field life. Notwithstanding, DEMIRS encourages registered holders and operators to take opportunities to progressively and proactively decommission as they arise as this will assist physical operations, as well as financial budgeting and long-term environmental liability.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
27.	Environs Kimberley	<p>1. The Canning Basin has inactive wells that have not been decommissioned spanning back decades. On many of these sites, no rehabilitation has occurred. Here are a couple of examples but there are more across the region.</p> <p>Example 1 – West Kora 1 (L15)</p> <p>Spudded in 1984, the last time the well produced (oil) was in 1996. Twenty-seven years have passed and the well status is ‘shut-in’ with no plugging or environmental rehabilitation. This well has not been active for 27 years. Why has it not been decommissioned?</p> <p>Example 2 – Point Torment 1 (EP104R3)</p> <p>Spudded in 1992 and deepened in 1994, the well has never produced and its status sits as ‘suspended’. Again no rehabilitation of the site and in this instance the well pad is at the end of a built-up pindan causeway traversing a delicate marine mangrove system in Stokes Bay north of Derby. A full evaluation needs to occur for this well and its neighbouring well Stokes Bay 1 and the potential effect the built up causeways could be having on the marine environment. This well has been inactive for 29 years. Why has it not been decommissioned?</p> <p>Recommendation</p> <p>We note ‘recent history’ is defined as 5 years in this draft policy.</p> <p>If the company has permissioning documents and has outlined plans for future use, then specific timeframes for decommissioning should be adhered to. E.g. ‘Future uses’ should be restricted to a limited timeframe.</p>	<p>Registered holders and operators may submit proposals for new activities on their petroleum or geothermal energy title at any point in time while the title is live. These proposals will each need to address decommissioning arising from the proposed new activity. In the context of Environment Plans, a revised plan is required every five years meaning the future use of any infrastructure will need to be contemplated and assessed on a rolling basis.</p> <p>While DEMIRS acknowledges Environs Kimberley’s proposal for strict decommissioning timeframes, DEMIRS considers there to be a need to provide registered holders and operators with some degree of flexibility (e.g. a registered holder may elect to apply for a retention lease (for a term of five years) as they may be able to demonstrate that it is not commercially viable to produce the resource in the current period). Environmental matters will need to be considered and assessed every five years with the revised Environmental Plan.</p> <p>Notwithstanding, DEMIRS utilises a risk-based approach, as considered on a case-by-case basis, to determine the timing of asset decommissioning which includes consideration of:</p> <ul style="list-style-type: none"> • Type of licence/tenure • Number of years the wells/ infrastructure have been inactive • Age of the asset • Number of years since cessation of operation.

Ref #	Stakeholder	Comment	DEMIRS Response
			DEMIRS expects decommissioning and rehabilitation activities to be undertaken when any property, equipment or infrastructure is not in use, has no recent history of use, has no intention for future use, has not been maintained or is otherwise in a state of disrepair which compromises any future use, and where there is no authorisation for future use.
28.	Environs Kimberley	<p>2. Decommissioning completion deadlines</p> <p>Example 1 – Blina 1,2,3,4,5 & 6. Six wells were drilled at Blina between 1981 and 1985. All six wells have not been plugged and additionally, there are oil tanks and other infrastructure at both the Blina Oilfield and at the Erskine Terminal near the Great Northern Highway where the oil was trucked from. Also, there is a pipeline (PL7) that has not been removed. No rehabilitation has occurred on these sites nor the well pads in question. Blina Oilfield was officially suspended from production in November 2013 by Buru Energy. The status of five of the wells is ‘shut-in’ whilst the sixth is ‘suspended’.</p> <p>The tanks, pipeline and other infrastructure has aged and would not likely meet modern regulatory and environmental standards and therefore should be removed immediately. Buru Energy state this in their Annual Report.</p> <p>Decommissioning of the legacy Lennard Shelf assets was progressed during the year with the Sundown 3H and West Terrace 2 wells successfully decommissioned. Any future production from Lennard Shelf fields including the Blina Oilfield and any new discoveries will require installation of new production facilities meeting current regulatory and environmental standards.</p> <p>1</p> <p>Recommendation</p> <p>Progressive decommissioning should have strict timelines for completion where aged infrastructure is to be removed. If infrastructure is not suitable for future use it should be removed and the site rehabilitated</p>	<p>DEMIRS encourages and expects decommissioning to be undertaken in a robust and proactive manner. Notwithstanding, opportunities to undertake progressive decommissioning will be dependent upon the individual circumstances of an operation and would need to factor in relevant risks, including safety. Accordingly, it would not be appropriate to require set decommissioning deadlines for all projects. The ensuing policy and guideline will establish the State’s decommissioning framework and provide guidance, however, will not have retrospective application.</p> <p>DEMIRS acknowledges that decommissioning practices can be improved across the industry in line with the current industry-wide focus on bolstering decommissioning planning and operations. DEMIRS concurs that infrastructure that is not suitable for future use, and has no relevant permissioning document for future use, should be removed and the site rehabilitated.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
29.	MUA and CFMEU	<p>Decommissioning Deadlines</p> <p>Recommendation 6: Reduce the time frame for decommissioning projects 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 projects piling up and create unsustainable competition over the scarce resources needed for decommissioning. Also, it is possible that further deterioration of infrastructure will occur, making removal difficult or impossible to undertake safely.</p>	<p>DEMIRS recognises that decommissioning is an emerging need for industry and combined with the nature, scale and complexity of existing operations, represents an engineering and logistical challenge. There are a variety of risks present, including environmental and safety, and accordingly, the various inputs for decommissioning planning and execution are acknowledged. Technology and refinement of best practices are continually in development, and it is expected that these will improve with time and with greater industry-wide experience.</p> <p>In acknowledgement of the key inputs for decommissioning, and the need to address safety and environmental risks, DEMIRS will establish an appropriate timeframe for decommissioning on a case-by-case basis through a risk-based approach. This will include consideration of:</p> <ul style="list-style-type: none"> • Type of licence/ tenure • Number of years the wells/ infrastructure have been inactive • Age of the asset • Number of years since cessation of operation <p>DEMIRS expects decommissioning and rehabilitation activities to be undertaken when any property, equipment or infrastructure is not in use, has no recent history of use, has no intention for future use, has not been maintained or is otherwise in a state of disrepair compromising any future use, and where there is no authorisation for future use.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
30.	AEP	<p>Detailed planning well in advance for cessation of production is difficult to do. The Guidelines establishes a requirement that detailed and holistic decommissioning plan should be completed five years prior to cessation of production. Contracting and procurement for decommissioning typically occurs on much shorter time horizons than 5 years. Detailed planning and reporting would unlikely be achievable in the absence of finalising contracting and procurement. Further, accurately determining a date for cessation of production is difficult and is influenced by such factors including production well and production field performance, prevailing energy prices and market conditions, technological changes and innovation to name a few.</p>	<p>DEMIRS acknowledges the logistical challenges in preparing for decommissioning. While acknowledging the various challenges, DEMIRS holds the view that these challenges may be addressed through planning during the life of an operation. For instance, a clear decommissioning approach and end state obligation should be established upon the inception of the relevant project/ title. This plan should be refined, continually budgeted and reviewed at various stages of operations and additional information, commensurate to the stage of operations, should be incorporated in preparation for a holistic decommissioning plan.</p> <p>While matters relating to contracting and procurement are difficult to align logistically, DEMIRS encourages registered holders and operators to hold early and continued discussions with potential third parties so that all parties are aware of what actions the process of decommissioning could involve.</p> <p>With respect to identifying a potential date for cessation of production, the draft policy and guidelines are not intended to force registered holders and operators to identify with certainty what the eventual cessation of production date may be, but rather, are intended to encourage proactive and considered planning and subsequent reviews to ensure adequate decommissioning planning and budgeting is accounted for. In the event that an estimated cessation of production date is not accurate, operators may submit a revised holistic decommissioning plan with a revised timeframe for cessation of production.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
Environment plans			
31.	APA	<p>Draft Guidelines – Environment Plans</p> <p>‘The Environment Plan is revised on a five yearly basis giving the operator time to provide refined detail about closure planning over time. It is DMIRS’ expectation that as activity progress, each EP revision should contain greater decommissioning and rehabilitation planning Information’.</p> <p>APA notes that the Policy and Guideline were written with the view point that the operator is also the registered title holder.</p> <p>Nominated operators are required to submit the operations environmental plans to DMIRS, not the registered title holders.</p> <p>The operator is not always the registered title holder and generally the operator will have an operations only contract with the registered title holder for a set period of time. The operator may not be engaged by the title holder to undertake the decommissioning and rehabilitation activities. As such, it would not be the responsibility of the operator to decommission and rehabilitate.</p> <p>APA requests DMIRS provide some clarity on this scenario and what the expectations are for operators that are not currently engaged to decommission and rehabilitate.</p>	<p>DEMIRS acknowledges that operators and registered holders may be different entities and that operators may be contractually limited as to the works or operations that they will undertake. DEMIRS’ expectation remains that the operator and the registered holder will work cooperatively to ensure that the Environment Plan developed and submitted to DEMIRS includes the required information about decommissioning and rehabilitation, noting that the operator and/or registered holder may change from time to time.</p> <p>DEMIRS notes that an Environment Plan may be submitted for one or more stages of the activity, if the Minister (or their delegate) so agrees. To ensure consistency across the petroleum, geothermal and pipeline sectors, the Guideline for the Development of Petroleum, Geothermal and Pipeline Environment Plans in Western Australia - June 2022 sets out what information about decommissioning, rehabilitation and closure stages of the activity must be included in Environment Plans submitted by operators.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
32.	APA	<p>Draft Guidelines – Environment Plans</p> <p>One of the aspects DMIRS’s uses to determine the level of decommissioning and rehabilitation information that should be included in the Environment Plans is design life.</p> <p>Economically, a pipeline can operate longer than the original design life. Remaining Life Reviews are completed in accordance with AS2885.3 Section 10.3 (Remaining Life Review) to demonstrate that the assets can remain safe to operate after its design life until the date of the next review.</p> <p>APA requests DMIRS provide some clarity in the Guideline on:</p> <ul style="list-style-type: none"> • Consideration during the assessment of level of decommissioning detail should be made relating to the Remaining Life review where the asset can operate longer than the design life. Remaining Life reviews would then impact the level of decommissioning and rehabilitation detail included in the Environment Plans. 	<p>It is DEMIRS’ expectation that the operator should include as much decommissioning-specific information as possible in each Environment Plan. While DEMIRS acknowledges the stage of an operation or the remaining life of an asset may affect the level of decommissioning detail provided in each Environment Plan, the operator should provide as much detail as available at that particular point in time.</p> <p>Strategic decisions, such as the extension of the life of an asset, are often made at an advanced stage during the operation of a project i.e. at a stage closer to the end of field life rather than the beginning of an operation. Accordingly, there would be a greater level of information available to inform decommissioning planning and this should be reflected in each subsequent activity application/ Environment Plan revision. That is, the level of information to be provided in an activity application/ Environment Plan revision should be commensurate with the stage of operations. Certain details or variables, such as changes to an asset’s remaining life, should be included as that information becomes available.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
33.	Chevron Australia	<p>Decommissioning Plan</p> <p>As raised in our submission on DMIRS' draft Decommissioning Discussion Paper in 2022, Chevron Australia does not consider it appropriate or consistent with the requirements of petroleum environmental regulations for EPs to detail trends in offtake/production rates. It is not clear why 'estimates on remaining resources' would need to be included in '...the final holistic detailed decommissioning plan...'. This information is commercially sensitive and timing of the cessation of production can change depending on field performance and market conditions. Particularly given DEMIRS' acceptance that '...any changes to estimated forecast recovery rates' be included in the Field Management Plan, which may be a more appropriate document in which to capture this information than an EP. EPs are already complex documents and inclusion of additional information that is not specific to the main purpose of the EP, should be avoided. We remain concerned that the addition of such information will lead to protracted assessment timeframes which is of critical concern given regulatory resourcing constraints. 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.</p> <p>Recommendation</p> <p>DEMIRS should consider:</p> <ul style="list-style-type: none"> • Introducing a fit-for-purpose Decommissioning Plan, which can suitably capture all relevant information not specific to the main purpose of the EP. 	<p>To clarify, information relating to offtake/ production rates is not a prescribed requirement within the Environment Plans, however, where possible DEMIRS encourages registered holders and operators to include trends in offtake/ production rates, as this assists DEMIRS in gaining a full understanding of the proposed decommissioning activities and reduces the occurrence of requests for further information.</p> <p>DEMIRS acknowledges Chevron Australia's comment with respect to legislative reform and a fit for purpose Decommissioning Plan.</p>
34.	AEP	<p>Environment Plans</p> <p>Australian Energy Producers is concerned that DMIRS have not provided any timelines or clear criteria for compliance (outside the permissioning documents), except for having to ensure the Environment Plan properly reflects future decommissioning plans.</p>	<p>Compliance with decommissioning requirements will be established with each relevant permissioning document/ approval. That is, the approval of each Well Management Plan, Field Management Plan, Environment Plan etc, will establish appropriate timeframes and conditions for compliance on an individual basis, rather than a general timeframe. It is important to note that this policy and guideline is limited to policy and guidance material; legislative amendments are beyond the scope and application of these documents.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
Field Management Plans and Well Management Plans			
35.	AEP	<p>Maintenance of Infrastructure</p> <p>Australian Energy Producers considers that incorporating the maintenance of infrastructure requirements into an environment plan would likely duplicate existing provisions in a safety case, safety management system, or well management plan. The Guidelines should seek to reconcile similar such requirements across the various permissioning instruments.</p>	DEMIRS acknowledges AEP's comment and its previous comment in 2022 in response to the Decommissioning Discussion Paper. Consistent with DEMIRS' previous response, 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.
36.	AEP	<p>Description of Progressive Decommissioning</p> <p>As noted in our November 2022 submission, Australian Energy Producers considers that the description of the Decommissioning activity is better suited to be located in the WMP, filed management plan (FMP) and annual title assessment report (ATAR).</p>	DEMIRS acknowledges AEP's comment and its previous comment in 2022 in response to the Decommissioning Discussion Paper. Consistent with DEMIRS' previous response, coordinating the development of various approvals documents for parallel submission to DEMIRS will enhance understanding of industry proposals and facilitate due consideration of the relevant facts.
37.	AEP	<p>Field Management Plans and Geothermal Energy Recovery Development Plans</p> <p>Australian Energy Producers is concerned with the apparent lack of clear definitions for some infrastructure as described in the Guidelines. The DMIRS Guidelines state that "With respect to decommissioning, FMPs and GERDPs must include the following details of the estimated timing of decommissioning and closure...Plans for infrastructure, flowlines and production processing facilities and progressive decommissioning." It would be helpful if DMIRS defined infrastructure more precisely in this instance. It would also be beneficial to define what flowline means in this instance. For example, is it a pipeline that transports fluids from a well to a production facility, or vice versa, and includes intra field export and all gathering lines, or is it any pipeline connecting to the subsea tree assembly outboard the flowline connector or hub?</p>	To clarify, infrastructure, equipment and property means all objects and fixtures, temporary or permanent, brought onto a licence area by a registered holder or operator, or inherited from a previous registered holder or operator, including a flowline. A pipeline is separate to a flowline and takes it meaning from section 4 of the PPA.

Ref #	Stakeholder	Comment	DEMIRS Response
38.	AEP	<p>Well Management Plans</p> <p>Australian Energy Producers is concerned that well decommissioning requirements or guidance in the Policy Paper or guidelines is not addressed in any detail. Provided that non-decommissioning wells has been identified in other Australian jurisdictions (South Australia and Queensland) as significant onshore decommissioning issues, the same is most likely in WA and thus should form a particular focus for policy and guidance. From the Guidelines to Petroleum and Geothermal Energy Resources (Resource Management and Administration) Regulations 2015 and Petroleum (Submerged Lands) (Resource Management and Administration) Regulations 2015: the RMAR 2015 covers the full life cycle of a well/field, from its planning and spud to decommissioning. There are circumstances where prescriptive requirements (or rules) are necessary, as they provide title holders with a clearer understanding of what they are required to do, therefore simplifying, and standardising administrative processes. Issues that require some degree of prescriptive regulation include the content and layout requirements for various approval applications (such as a decommissioning WMP or EP revision). These are intended to provide a 'checklist' which covers topics that title holders should consider in the provision of information for a submission. It also serves to avoid the inclusion of material that is superfluous to the needs of the Regulator.</p>	<p>The Petroleum and Geothermal Energy Resources (Resource Management and Administration) Regulations 2015 and the Petroleum (Submerged Lands) (Resource Management and Administration) Regulations 2015 (RMAR Regulations) are objective-based regulations which require industry to carry out any well activity using a risk-based approach as opposed to prescriptive requirement, unless it is a mandatory requirement as per international standards.</p> <p>Schedule 1 of RMAR Regulations establishes the relevant requirements, regardless of activity. DEMIRS is intending to establish a guidance note covering the technical requirements that title holders should consider when making a Well Management Plan submission.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
Stakeholder consultation			
39.	AEP	<p>Stakeholder Engagement</p> <p>Australian Energy Producers unreservedly supports stakeholder engagement programs, however further clarity is needed in the Guidelines as a bespoke engagement program for decommissioning is an embellishment of regulation 17 of the environment regulations.</p>	<p>DEMIRS acknowledges AEP's comments and notes this comment was previously raised in its submission on the Decommissioning Discussion Paper in 2022. Consistent with DEMIRS' previous response, view is that consultation between the operator and relevant authorities and relevant interested persons and organisations is a requirement of the regulations and that a report on all consultations must be included in the Environment Plan. Ultimately the DEMIRS decision maker needs to be reasonably satisfied that the plan has demonstrated an appropriate level of consultation.</p> <p>DEMIRS acknowledges that despite the operator's best intentions sometimes stakeholders could be opposed to an activity. Accordingly, stakeholder engagement is about engaging with relevant parties, being transparent and sharing relevant information (including the impacts of a proposed activity and possible alternatives that could be taken/ or were considered), providing an opportunity to listen to and consider stakeholder concerns and allowing relevant parties to take a considered and well-informed position on the proposed activity.</p> <p>DEMIRS considers that this approach allows all parties the best opportunity to make informed decisions and co-exist and is consistent with community expectations to carry out operations as a good corporate citizen, consistently with environmental, social and governance standards.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
40.	MUA and CFMEU	<p data-bbox="412 312 898 344">Stakeholder Engagement & Transparency</p> <p data-bbox="412 360 1509 456">Recommendation 5: Public reporting of all documents relating to decommissioning should be made public across all industries. Also, that the MUA be consulted by titleholders in the course of preparing their Environmental Plans.</p> <p data-bbox="412 472 1509 647">In accordance with regulation 17(1)(b) of the Environment Regulations, 'a detailed and bespoke consultation and engagement program that focusses on the impacts of decommissioning and rehabilitation' is required. Communicating activities and engaging in a publicly transparent way will enable interested parties to follow the decommissioning industry closely and provide input into activities that affect them.</p> <p data-bbox="412 663 1509 855">In Commonwealth jurisdictions, the union's significant role in representing the workforce satisfies the conditions of a 'relevant person' for consultation. However, it is the union's experience that titleholders are not discharging this obligation in a genuine manner. Further detail and prescription for titleholders to understand their consultation obligations would assist them fulfil this requirement. To assist with this, the union has produced a preferred consultation guide, the document has been attached to this submission.</p> <p data-bbox="412 871 1509 1062">We recognise that the issue of decommissioning petroleum, geothermal and pipeline-associated infrastructure affects Traditional Owners within the West Australian region. Establishment of authentic partnerships at the first stages of planning, between titleholder and First Nations people is discussed as a means of bridging the gap between legal frameworks and Traditional Owners by providing working toward a culturally informed use of Country. Thorough consultation may be aided by providing external assistance to First Nations groups who request it.</p>	<p data-bbox="1545 312 2063 376">DEMIRS thanks the CFMEU and MUA for its response.</p> <p data-bbox="1545 392 2150 679">There are provisions within Petroleum Acts that specify documentary information obtained by the Minister is permanently confidential in nature. Notwithstanding, consultation with relevant persons or parties is a requirement and a summary of approved Environment Plans are made publicly available. Potential legislative amendments with respect to permanently confidential information is beyond the scope of the draft policy and guideline.</p> <p data-bbox="1545 695 2150 1078">DEMIRS acknowledges MUA'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 operator preparing the Environment Plan and the application of MUA as a relevant person would only apply to petroleum and geothermal energy operations where the MUA has a connection or presence (that is, there would appear to be less of a connection to operations occurring on mainland Western Australia).</p> <p data-bbox="1545 1094 2150 1286">DEMIRS concurs that proactive, early, continued and genuine consultation with all relevant stakeholders, including traditional owners, is best practice and provides an opportunity for all relevant parties to be well informed and for relevant concerns to be taken into consideration.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
Financial provisions			
41.	MUA and CFMEU	<p>Financial provisions</p> <p>Recommendation 4: New oil and gas projects must provide financial assurance to cover decommissioning costs. Retrospective assurances for those already in operation should be managed through independently verified, assurance declarations.</p> <p>The Draft Policy has a cursory mention of a titleholder’s financial capacity which is a critical omission in light of the financial and environmental risk posed to the West Australian public. The CFMEU stridently recommends that DMIRS utilises its powers under the Mining Securities Policy to ensure that financial assurance to cover decommissioning, removal and remediation costs are available throughout the decommissioning stages 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>DEMIRS acknowledges MUA and CFMEU’s comments, however financial provisions and insurance are beyond the scope of the draft policy and guideline.</p> <p>The various Petroleum Acts contain provisions relating to insurance against expenses and liabilities associated with the work performed on a title (e.g. section 91A of the <i>Petroleum and Geothermal Energy Resources Act 1967</i>).</p> <p>The proposed Petroleum Legislation Amendment Bill 2023 also contains proposed environmental amendments to address pollution caused by the release 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 MUA and CFMEU 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 forms to those contained within the Mining Act and the Mining Securities Policy is not applicable to petroleum or geothermal matters.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
42.	Chevron Australia	<p>Financial liability</p> <p>Chevron is seeking further clarification regarding how the '...financial resources of a prospective transferee...' might be assessed when considering a title transfer, as this is not clearly articulated.</p>	<p>DEMIRS will undertake an assessment of the suitability of prospective title holders applicable to title transfer applications lodged pursuant to section 72 PGERA, section 44 PPA and section 78 PSLA.</p> <p>The process entails considering existing, current and future work program commitments, and known decommissioning and rehabilitation considerations (dependant on exploration and/or recovery timeframes) against the technical qualifications, technical advice available and the financial resources that are or will be available.</p> <p>If required, the Minister has the power to request information as to transfers under the various Petroleum Acts (section 78 PGERA, section 50 PPA and section 84 PSLA), particularly if it appears the incoming party does not have the financial ability to address decommissioning liabilities.</p>
Surrender of title			
43.	AEP	<p>Monitoring</p> <p>Australian Energy Producers supports a post decommissioning monitoring regime that provides a monitoring period of time determined on a case by case basis and reporting (preferably through one agency – DMIRS) to confirm the efficacy of the decommissioning program.</p>	Comment noted.
44.	Environs Kimberley	<p>The first well in the Kimberley to be fracked was Yulleroo 2 in 2010. Through questions in parliament it was found that this well was not inspected by any government department for 7 years.</p> <p>Recommendation</p> <p>Any well that has not undergone correct plugging and abandonment needs to undergo rigorous and regular integrity testing. The reporting on the integrity testing needs to be made public.</p>	<p>DEMIRS concurs that any well that has not been plugged or closed off should be routinely checked. As per the Well Management Plan requirements, the wells are checked by the title holder(s) in line with industry best practice and various international standards, with a report submitted to DEMIRS for review. For high risk wells, DEMIRS will carry out site inspections as soon as practicable.</p> <p>The matter of publicly reporting of the results of integrity testing is beyond the scope of the draft policy and guideline.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
45.	MUA and CFMEU	<p>Monitoring, surrender of title & trailing liability</p> <p>Recommendation 2: Any infrastructure remaining in situ must continue to be monitored by the titleholder and reported back to the government in perpetuity.</p> <p>Recommendation 3: Establishment of 'trailing liability' to recall those who have gained the most benefit from operation of the field, to repair/ remediate the site after surrender of title.</p> <p>A welcome inclusion in the Draft Guidelines 'Pipeline Licences', explains that property exempt from removal will preclude surrender of title. The existing pipeline licence will remain in force, and the operator or registered holder to remain fully responsible for continued monitoring and maintenance the pipeline's integrity. This reflects the obligation of operators to take full carriage of their property. It would be appropriate for this requirement to be standard across all in-field equipment and structures as well as pipeline networks.</p> <p>Improperly abandoned wells can significantly threaten groundwater quality and marine ecosystems. Provision of independent government inspections would ensure all infrastructure is properly and thoroughly removed and remediation complete before titles and licences are surrendered. This will help prevent further situations like Santos' leaking Legendre Field. A government agency must be assigned to take responsibility for the ongoing monitoring of abandoned wells to identify, manage and repair any uncontrolled release of hydrocarbons or other issues. It would be appropriate to coordinate this activity with the Commonwealth, and be paid for by the titleholder.</p> <p>The 2021 trailing liability amendments to the OPGGS Act allow titleholders to be responsible in the event there is a failure to decommission (titleholder liquidation) or residual issues (leaks or other impacts). The West Australian government should ensure that it has a similar power to prevent any unacceptable liability falling to the State.</p>	<p>DEMIRS 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 merely 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 achieve the relevant closure objectives and rehabilitation criteria, which will be informed by a sustained period of monitoring. This extends to any property, equipment or infrastructure remaining in situ i.e. the surrender of a title will only be accepted where the State is satisfied with all decommissioning and rehabilitation activities undertaken, which will again be informed by a period of sustained monitoring.</p> <p>DEMIRS acknowledges MUA and CFMEU's comments; however, legislative amendments for trailing liability are beyond the scope of this draft policy and guideline.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
46.	AEP	<p>Case by Case Consideration, End State and Full Removal</p> <p>Australian Energy Producers considers that the transfer of property related to onshore oil and gas activities to land holders and surrounding communities needs to be included in government policy. The transfer of property could provide significant benefits to landholders and communities, particularly the transfer of water bores and associated water transport and storage could have considerable agricultural benefits. The phrase 'more beneficial' that is used in the Policy Paper is ambiguous and should be clearly defined.</p>	<p>DEMIRS notes AEP's comments, while DEMIRS acknowledges the merits of the potential transfer of property to the end land user, the draft policy and guideline is limited in application to the various Petroleum Acts. The draft policy and guideline does not extend to the requirements of other legislation which would provide for an alternative form of land tenure. Collectively, Government will consider the appropriateness and process of transfer in the event the end land user is open to acquiring property related to onshore oil and gas activities, however this will be considered on a case-by-case basis. As outlined in the draft policy, the term "more beneficial" is determined in accordance with Ministerial discretion and accordingly, has a broad application in consideration of the circumstances of the situation.</p>
Workforce and industry			
47.	MUA and CFMEU	<p>Decommissioning facilities and yards</p> <p>Recommendation 7: An Australian decommissioning yard and recycling program should be established in Western Australia on an ongoing basis.</p> <p>The West Australian government has acknowledged the need for this by funding of CODA's dismantling yard scoping study. The findings of these should be considered with the federal government's 'Roadmap' analysis to ensure a fit for purpose industry is established in WA.</p> <p>Additionally, the recent report by Macquarie University's Centre for Energy and Natural Resources Innovation and Transformation highlights the lack of connection between onshore and offshore regulation, and expectations for managing waste and carrying out recycling. We urge the state government to consider implementation of a national framework, as this waste will need to cross between state jurisdictions. Working with the Commonwealth will 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.</p>	<p>The draft policy and guideline seeks to provide guidance on DEMIRS' expectations for the decommissioning of onshore and State waters petroleum, geothermal energy and pipeline assets under the various Petroleum Acts. While the draft policy and guidelines provide that in most instances, all property, equipment and infrastructure must be completely removed and disposed of appropriately, the actual mode of disposing of used assets is beyond the scope of the draft policy and guidelines. Notwithstanding, DEMIRS acknowledges the mode of disposal and the concept of a dedicated decommissioning facility and industry are critical issues for decommissioning, and being considered more broadly across Government</p>

Ref #	Stakeholder	Comment	DEMIRS Response
48.	MUA and CFMEU	<p>Training and workforce development</p> <p>Recommendation 8: Ongoing training, workforce skills and a secure jobs code</p> <p>As a way to increase capacity and build for a sustainable local industry, DMIRS must consider including provisions that uphold the responsibility of titleholders to ensure ongoing employee training and improve workforce skills. These provisions should include:</p> <ul 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 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>Complementary to this, and to ensure workers from energy transitioning workplaces are justly transitioned, government has the ability to leverage its purchasing power to provide social benefits in the regions. This point prioritises the development of skills in local workforces, also that First Nations people have authentic partnerships; a Secure Jobs Code should establish a minimum set of standards and expectations for industry when tendering for any government contracted procurement.</p>	<p>MUA and CFMEU's comments are acknowledged, however ongoing workforce training, workforce skills and secure jobs code are beyond the scope of the draft policy and guideline. The draft policy and guideline intend to set out the baseline expectations for decommissioning but does not seek to prescribe the specific mode for undertaking decommissioning.</p>
49.	MUA and CFMEU	<p>Recommendation 9: Introduction of decommissioning licence</p> <p>Workplace and worker safety is enhanced by using a sufficiently trained and experienced workforce. The skill and experience of workers in the offshore petroleum industry, positions them well to apply their knowledge of these installations at the end of their operational life.</p> <p>Similarly for the companies who are seeking to undertake decommissioning, DMIRS must consider implementing a decommissioning Licence to ensure that entities carrying out this work have a minimum of ten years' 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.</p> <p>For decommissioning work, the contractor must be required to employ workers with a minimum of five 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 experience.</p>	<p>DEMIRS acknowledges MUA and CFMEU's comments, however this matter is beyond the scope of the draft policy and guidelines.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
Other			
50.	Environs Kimberley	<p>One of the recommendations of the Scientific Inquiry into Fracking (Action 19 - Financial assurances based on Recommendation 392) aimed at covering potential liabilities when companies went bankrupt and were no longer able to fulfil their commitments of decommissioning and rehabilitation.</p> <p>Already in the Canning Basin there are two now expired Exploration Permits where this has occurred.</p> <p>Example 1 – New Standard Energy has delisted from the ASX and left the Nicolay 1 well unplugged (status 'suspended') in the Great Sandy Desert, an airstrip has not been rehabilitated and there are other well pads not rehabilitated. Despite efforts from DMIRS at the time, action was unable to be taken to get the company to fulfil its commitments. This is despite PetroChina (one of the world's largest oil companies) being involved in the drilling program earlier on. Estimated liability that the tax-payer is likely to foot the bill was \$1.4M although this is only an estimate from a few years back and would likely now be much higher than this amount.</p> <p>Example 2 – Advent Energy/Onshore Energy had two wells in lease EP386 that was not renewed by DMIRS. Wells Waggon Creek 1 (suspended) and Vienta 1 (shut-in) remain unplugged and the well pads remain not rehabilitated. Again despite efforts from DMIRS the company has not fulfilled its commitments and carried out decommissioning. This cost has also been estimated by DMIRS at \$1.4M although the company set aside a provisional amount of \$2.3M back in 2021 for this activity.</p> <p>Recommendation</p> <p>The WA Government establishes a pooled fund as recommended by the Scientific Inquiry into Fracking but also include all petroleum (both conventional and unconventional) or geothermal activities. This would alleviate the tax-payer ending up with the burden of these costs when these situations occur and they will undoubtedly occur again.</p>	<p>DEMIRS thanks and acknowledges Environs Kimberley's comments; however, a pooled fund for decommissioning is beyond the scope of the draft policy and guideline.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
51.	Environs Kimberley	<p>We currently have an FOI outstanding for a single well integrity report (FOI DMS0124/2023) for the Point Torment, Stokes Bay and West Kora wells. This FOI was applied for on 3 Jan, 2023 and after multiple extensions, we have now been notified that we should receive this report 2 Jan, 2024.</p> <p>We also have an instance where the summary of an EP (which was publicly available) did not accurately reflect the contents of the full EP (which was FOI'd).</p> <p>This must be an incredible burden on the department and could largely be alleviated by publicly releasing documents and reports that are of high public interest and in instances of high environmental concern.</p> <p>Recommendation</p> <p>That decommissioning reports and documents should be made public.</p>	<p>There are provisions within Petroleum Acts that specify documentary information, including integrity reports, Environment Plans and decommissioning-related information, obtained by the Minister is permanently confidential in nature. Proposals for legislative amendments for the release of confidential information are beyond the scope of the draft policy and guideline.</p>
Closing comments			
52.	Chevron Australia	<p>Conclusion</p> <p>Chevron and DEMIRS worked closely on planning and execution of the Thevenard Island Retirement Project and we continue to work constructively on planning for WA Oil decommissioning. We value this important working relationship, which is vital to establishing a decommissioning industry in WA.</p> <p>Looking ahead, we would welcome further discussions with DEMIRS regarding development of its Draft Policy and Guideline, to ensure they are fit for purpose and ready for implementation prior to commencement of WA Oil decommissioning.</p>	<p>DEMIRS acknowledges and thanks Chevron Australia for taking the time to provide a submission.</p> <p>DEMIRS welcomes an opportunity for continued engagement with Chevron Australia ahead of the commencement of WA Oil decommissioning.</p>
53.	MUA and CFMEU	<p>Summary of Position</p> <p>The CFMEU 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 union looks forward to further discussions about the most suitable way to carry out West Australia's decommissioning work.</p>	<p>DEMIRS thanks the MUA and CFMEU for taking the time to provide a submission.</p> <p>DEMIRS welcomes an opportunity for continued engagement with the MUA and CFMEU on decommissioning</p>

Ref #	Stakeholder	Comment	DEMIRS Response
54.	AEP	<p data-bbox="414 316 1534 683">Conclusion</p> <p data-bbox="414 363 1534 683">Australian Energy Producers notes that the Policy Paper and Guidelines fail to deliver key commitments through the DMIRS Response to the "Response to submissions: Draft Decommissioning Discussion Paper for WA onshore and State waters petroleum, geothermal and pipeline property, equipment and infrastructure paper". A number of issues raised by Australian Energy Producers (then APPEA) that were acknowledged in the DMIRS response have not been progressed and included into the Policy Paper and Guidelines. By way of example, these include an acknowledgement of the need to more clearly define the decommissioning challenges within the state, acknowledgment of the need for further development of the state's decommissioning framework and the need to consult and coordinate with other relevant regulatory agencies on decommissioning.</p> <p data-bbox="414 699 1534 890">Australian Energy Producers would recommend that opportunities for efficiencies, streamlining and coordination with other government agencies be seriously considered. Inclusion of a wider consideration of the prevailing decommissioning framework and roles of government agencies would be conducive to this outcome. Relatedly, consideration on improved service delivery and deployment of efficiency goals would also be welcomed considering DMIRS is a cost recovered agency.</p>	<p data-bbox="1550 316 2139 379">DEMIRS notes AEP's comments and thanks AEP for providing a submission.</p> <p data-bbox="1550 395 2139 683">DEMIRS has considered AEP's previous comments, as well as DEMIRS' responses, in the course of preparing the draft policy and guideline. DEMIRS does not consider that each of AEP's comments that were acknowledged in the Response to Submissions document necessitated incorporation in the draft policy and guideline, and where appropriate, remain as a response to AEP's specific queries.</p> <p data-bbox="1550 699 2139 954">Noting AEP's comment for a revised scope and objective, given the State Government's position is inherently established by legislation (as shown in the Document Hierarchy section) and the use of a risk-based regime is referenced throughout each document DEMIRS did not consider it necessary to revise the scope and objective of the draft policy and guidelines.</p> <p data-bbox="1550 970 2139 1289">Where appropriate, DEMIRS will facilitate joint discussions with Commonwealth agencies and other relevant State Government agencies where overlapping or inter-related approvals occur, however, as the draft policy and guidelines are limited to matters relating to the various Petroleum Acts, DEMIRS did not consider it appropriate to incorporate considerations relevant to external decision makers or pursuant to another jurisdiction's legislation.</p> <p data-bbox="1550 1305 2139 1433">DEMIRS notes AEP's final comment and clarifies that DEMIRS is not a fully cost recovered agency, and not all aspects of petroleum or geothermal energy applications are cost recovered.</p>

Government of Western Australia

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

8.30am – 4.30pm

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