

Memorandum of Understanding on the regulation of gas activities in NSW

1.	Introduction
1.1	On 1 July 2015, the EPA began a new role as lead regulator for compliance with and enforcement of conditions of petroleum authorities (EPA gas functions) in NSW. This is a key element of the NSW Gas Plan that was released in November 2014. The legislation commenced on 1 December 2015.
1.2	The NSW Resource Regulator (RR) is responsible for regulating work health and safety of the gas industry in NSW.
1.3	The legislative amendments to the <i>Protection of the Environment Operations Act 1997</i> supports the EPA in being a ‘one stop shop’ for the community should they have any concerns about the regulation of conditions of petroleum authorities in NSW. The EPA would pass on any concerns to appropriate agencies where relevant.
1.4	This Memorandum of Understanding sets out the agreed administrative arrangements for how the EPA will carry out its gas functions. The EPA and RR will undertake a dual regulatory approach to conditions of petroleum titles that relate to both work health and safety and non-work health and safety aspects by co-ordinating their compliance monitoring, incident response and investigation activities. See Schedule B .
1.5	The Memorandum of Understanding replaces the Memorandum of Understanding on the Regulation of Gas Activities in NSW (2016).
2	Interpretation
2.1	In this Memorandum of Understanding a reference to particular legislation is a reference to the legislation, as amended from time to time.
2.2	<p>Except insofar as the context or subject matter otherwise indicates or requires, the terms used in this Memorandum of Understanding have the following meanings:</p> <p><i>Activity approval</i> means an activity approval under the <i>Petroleum (Onshore) Act 1991</i>.</p> <p><i>Bore licence</i> means a bore licence in force under the <i>Water Act 1912</i> in respect of a gas activity in NSW.</p> <p><i>Code of practice</i> means an approved code of practice gazetted under s. 274 of the <i>Work Health and Safety Act 2011</i> that apply generally to mining workplaces.</p> <p><i>DPE</i> means the Department of Planning and Environment.</p> <p><i>DPE Planning</i> means the Planning Group within the DPE</p> <p><i>DPE Water</i> means the Water Group within the DPE.</p> <p><i>EPA</i> means the NSW Environment Protection Authority constituted under the <i>Protection of the Environment Administration Act 1991</i>.</p> <p><i>EPA gas function</i> means the regulation by the EPA of compliance with and enforcement of conditions of petroleum authorities but does not include any regulation of <i>work health and safety</i>.</p> <p><i>EPL</i> or environment protection licence means an environment protection licence as defined under the <i>Protection of the Environment Operations Act 1997</i></p>

	<p><i>Gas</i> means “petroleum” as that term is defined in the <i>Petroleum (Onshore) Act 1991</i>.</p> <p><i>Gas activity</i> means an activity that relates to the exploration for, or production of, gas in NSW as it relates to a petroleum authority (see below).</p> <p><i>MEG</i> means the Mining, Exploration and Geoscience Division within the Department of Regional NSW.</p> <p><i>Modification application</i> means an application for modification of a development consent referred to in s. 4.55 or 4.56 of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p><i>NRAR</i> is the Natural Resources Access Regulator established under the <i>Natural Resources Access Regulator Act 2017</i>.</p> <p><i>Petroleum</i> has the same meaning it has in the <i>Petroleum (Onshore) Act 1991</i>.</p> <p><i>Petroleum activity</i> has the same meaning as in Schedule 2A of the <i>Protection of the Environment Operations Act 1997</i>.</p> <p><i>Petroleum authority</i> has the same meaning as in Schedule 2A of the <i>Protection of the Environment Operations Act 1997</i>.</p> <p><i>Petroleum code</i> means a code of practice enforced through a condition of title under the <i>Petroleum (Onshore) Act 1991</i> that may be amended from time to time.</p> <p><i>Petroleum offence</i> has the same meaning as in Schedule 2A of the <i>Protection of the Environment Operations Act 1997</i>.</p> <p><i>Petroleum title</i> means an exploration licence, assessment lease, production lease or special prospecting authority in force under the <i>Petroleum (Onshore) Act 1991</i> in respect of a petroleum activity in NSW.</p> <p><i>Planning consent</i> means an approval or development consent in relation to a petroleum activity under Part 3A (insofar as it continues to apply), Part 4 or Part 5 of the <i>Environmental Planning and Assessment Act 1979</i> to carry out development, as may be modified from time to time, and includes, unless expressly excluded, a complying development certificate <i>RR</i> is the NSW Resources Regulator within MEG, part of the Department of Regional NSW.</p> <p><i>RR</i> means the NSW Resources Regulator, in the Department of Regional NSW.</p> <p><i>State significant development application</i> means an application referred to in Div. 4.7 of Pt. 4 of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p><i>Water access licence</i> means a water access licence in force under the <i>Water Management Act 2000</i> in respect of a petroleum activity in NSW.</p> <p><i>Water licence</i> means a water access licence or a bore licence.</p> <p><i>Water supply work approval</i> means a water supply work approval under the <i>Water Management Act 2000</i>.</p> <p><i>Water use approval</i> means a water use approval under the <i>Water Management Act 2000</i>.</p> <p><i>Well</i> means a hole made by drilling in connection with exploration for petroleum or operations for the recovery of petroleum but does not include a seismic shot hole.</p> <p><i>Work health and safety</i> is defined by the objects under the Work Health Safety Act 2011 and includes the conditions of petroleum titles which address one or more of the requirements under the Work Health and Safety Act 2011.</p> <p><i>Work program</i> means the approved work program of a petroleum title.</p>
3	Parties
3.1	<p>The Parties to the Memorandum of Understanding are:</p> <p>a) EPA</p>

	<ul style="list-style-type: none"> b) MEG c) RR d) DPE f) NRAR
4.	Objectives and effect of the Memorandum of Understanding
4.1	The Memorandum of Understanding will support the community and industry to understand and navigate the Government’s regulatory framework for petroleum activities.
4.2	This Memorandum of Understanding is not intended to create a legally binding agreement between the Parties. In particular, nothing in this Memorandum of Understanding is intended to confer or impose any legal rights, duties or liabilities on any Party, and the provisions of this Memorandum of Understanding are subject to any relevant statutory provisions.
5	Agency responsibilities for regulating gas
5.1	To facilitate effective, transparent and efficient regulation of petroleum activities, the Memorandum of Understanding sets out the responsibilities of the Parties in the regulation of petroleum activities and establishes systems and processes to support them to perform these roles effectively and seamlessly. The flowchart at Schedule A illustrates the process in which the Parties work together.
	Environment Protection Authority
5.2	The EPA is the lead regulator for gas functions.
5.3	<p>The EPA’s key gas functions are to:</p> <ul style="list-style-type: none"> a) issue and regulate environment protection licences for petroleum activities in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i>. b) regulate compliance and enforcement of all conditions (excluding work health and safety) of a petroleum authority in Schedule 2A of the <i>Protection of the Environment Operations Act 1997</i>, being: <ul style="list-style-type: none"> i. a petroleum title under the <i>Petroleum (Onshore) Act 1991</i>. For the avoidance of doubt, this includes conditions: <ul style="list-style-type: none"> A. of a code of practice B. of an activity approval C. relating to rehabilitation or partial rehabilitation of gas sites, where compliance is required by the conditions of the petroleum title. ii. a development consent or approval under the <i>Environmental Planning and Assessment Act 1979</i> to the extent that it authorises the carrying out of development or a project for the purposes of petroleum activities. iii. a water access licence, water use approval or water supply work approval under the <i>Water Management Act 2000</i>, or a licence in respect of a bore under the <i>Water Act 1912</i>, to the extent that it authorises the taking or use of water, or the construction or use of a water supply work, for the purposes of petroleum activities. c) investigate petroleum offences as defined in Schedule 2a of the <i>Protection of the Environment Operations Act 1997</i>. d) institute proceedings or issue penalty notices for petroleum offences. e) undertake regulatory action in relation to petroleum offences and petroleum activities using enforceable undertakings, environment protection notices and environmental audits. f) exchange information and advice with other petroleum agencies for the purpose of the administration of petroleum authorities.
5.4	The EPA is not responsible for:
	<ul style="list-style-type: none"> a) administration (including the grant, renewal, suspension, cancellation) of petroleum authorities, but will provide expert environmental and regulatory advice to MEG, the RR,

	<p>and DPE respectively to support environmental assessment and determination processes consistently with its statutory functions.</p> <ul style="list-style-type: none"> b) work health and safety requirements (further detail about how the RR and the EPA will undertake a dual regulatory model is at Schedule B). c) collecting or returning rehabilitation security deposits after well closure which will continue to be determined by MEG (although MEG will not release any final security bonds without first seeking a recommendation from the RR and the EPA). d) compliance and enforcement functions in relation to gas pipelines that are not subject to environment protection licences, for example, licences granted under the <i>Pipelines Act 1967</i> or the <i>Gas Supply Act 1996</i>.
Mining, Exploration and Geoscience Division (MEG), within the Department of Regional NSW	
5.5	MEG is responsible for administering petroleum titles under the <i>Petroleum (Onshore) Act 1991</i> which includes the grant, renewal, transfer, suspension (other than suspension associated with compliance action), cancellation of titles (at the title holder's request) and associated processes .
5.6	<p>MEG's key functions in relation to petroleum activities and regulation are to:</p> <ul style="list-style-type: none"> a) provide advice and recommendations to the Minister responsible for administering the <i>Petroleum (Onshore) Act 1991</i> (or delegate) in relation to: <ul style="list-style-type: none"> i. the grant, renewal and, transfer, of a petroleum title. ii. the suspension or cancellation of a petroleum title (except where initiated by the minister responsible for the <i>Petroleum (Onshore) Act 1991</i>) iii. imposing or varying the conditions of a petroleum title. iv. periodic review of codes of practice and petroleum codes in consultation with the RR and the EPA; and v. varying work programs, including approving progressive agendas, of a petroleum title from time to time as required. b) undertake assessment and determination of applications (excluding Part 5 assessments and activity approvals) and related documentation to inform the advice and recommendations to the Minister (or delegate) above in cl. 5.6 a). c) receive and assess title holders' geological reporting and data required under section 97C of the <i>Petroleum (Onshore) Act 1991</i> and manage data release in accordance with Part 13 of the <i>Petroleum (Onshore) Act 1991</i>. d) request statistics, returns and other information from titleholders in accordance with section 97B of the <i>Petroleum (Onshore) Act 1991</i>. e) refer any information about suspected or actual non-compliance with the conditions of a petroleum title (excluding work health and safety) or the petroleum offences of Schedule 2A of the <i>Protection of the Environment Operations Act 1997</i> under the <i>Petroleum (Onshore) Act 1991</i> to the EPA for consideration of appropriate compliance and enforcement action. f) set rehabilitation conditions in all petroleum titles in consultation with the RR and the EPA. With respect to petroleum production titles, set rehabilitation conditions that are consistent with the development consent, in consultation with the RR and the EPA. g) make final determination on the collection and return of security deposits, noting that MEG will not release any final security bonds without first consulting with the EPA and RR. h) provide information and expert advice to the EPA to support compliance and enforcement of the conditions of a petroleum title, excluding work health and safety conditions.
NSW Resources Regulator (RR) within MEG as part of the Department of Regional NSW	
5.7	<p>The RR key functions in relation to petroleum activities and regulation are to:</p> <ul style="list-style-type: none"> a) monitor and enforce compliance with the <i>Petroleum (Onshore) Act 1991</i> other than those matters that fall under the jurisdiction of the EPA as the lead regulator prescribed in Schedule 2A of the <i>Protection of the Environment Operations Act 1997</i>.



	<ul style="list-style-type: none"> b) refer alleged breaches specified under Schedule 2A of the <i>Protection of the Environment Operations Act 1997</i> to the EPA. c) assess rehabilitation security deposits and refunds of security deposits in consultation with the EPA and MEG. To enable the assessment and determination of the security deposit the RR may undertake monitoring for compliance from EPA reporting which may require site visits. d) approve POPs and rehabilitation management plans in consultation with the EPA and MEG. e) issue exploration activity approvals. f) monitor and enforce compliance with work health and safety obligations. g) administer suspensions and cancellations of petroleum titles where initiated by the minister responsible for the <i>Petroleum (Onshore) Act 1991</i>. h) undertake periodic reviews of codes of practice in consultation with MEG and the EPA. i) notify the EPA of any work health and safety incidents that impact upon the protection of the environment.
	DPE Planning
5.8	DPE Planning is responsible for the administration of the <i>Environmental Planning and Assessment Act 1979</i> and various environmental planning instruments including the State Environmental Planning Policy (Resources and Energy) 2021.
5.9	<p>DPE Planning’s key functions in relation to petroleum activities and regulation are to:</p> <ul style="list-style-type: none"> a) undertake the environmental assessment of State significant development applications and modification applications for petroleum activities. b) undertake a Preliminary Regional Issues Assessment of social, environmental and economic matters relating to areas that could be released for petroleum exploration under the Strategic Release Framework for Coal and Petroleum and provide advice to the Advisory Body for Strategic Release about whether areas should be released for exploration. c) provide recommendations to the Minister responsible for the <i>Environmental Planning and Assessment Act 1979</i> or delegate or the Independent Planning Commission, to allow the determination of State significant development applications and modification applications, including recommended conditions. d) provide information and expert advice to the EPA to support compliance and enforcement of conditions attached to a planning consent. e) refer any information about suspected or actual non-compliance with the conditions of a planning consent to the EPA for consideration of appropriate compliance and enforcement action. f) review and approve post-development consent management plans and strategies. g) provide final versions of approved consents, management plans and strategies to the EPA.
	DPE Water
5.10	DPE Water is responsible for overall management of surface and groundwater in NSW, including the administration of the <i>Water Act 1912</i> and <i>Water Management Act 2000</i> .
5.11	<p>DPE Water’s key functions in relation to gas regulation are to:</p> <ul style="list-style-type: none"> a) provide expert advice on water resources to MEG, the RR, DPE Planning and the EPA to support environmental assessment and determination processes. b) provide information and expert advice to the EPA to support compliance and enforcement of conditions of water licences. c) refer any information about suspected or actual non-compliance with the conditions of a water licence to the EPA and to NRAR for consideration of appropriate compliance and enforcement action. d) assess water dealings referred from WaterNSW for the purpose of licenced water take. e) provide expert advice for management plans required under gas project state significant development conditions.




	<ul style="list-style-type: none"> f) assess applications for water access licences and other approvals (if not exempt) related to water supply and water use, and aquifer interference for all gas projects. g) assess applications for all gas projects under the <i>Water Act 1912</i> and <i>Water Management Act 2000</i> unless exempt. h) administer licences and approvals under the <i>Water Act 1912</i> or <i>Water Management Act 2000</i> except for administration related to compliance and enforcement.
	Natural Resources Access Regulator (NRAR)
5.12	<p>NRAR's key functions in relation to petroleum activities and regulation are to:</p> <ul style="list-style-type: none"> a) provide information and expert advice to the EPA to support compliance and enforcement of conditions of water licences or approvals. b) refer any information about suspected or actual non-compliance with the conditions of a water licence or approval to the EPA for consideration of appropriate compliance and enforcement action.
6	Principles of working together
6.1	All Parties agree to a whole of government approach to facilitate transparent and efficient regulation of gas activities.
6.2	<p>To support this approach, the Parties will, insofar as permitted by legislation:</p> <ul style="list-style-type: none"> a) maximise the use of expert knowledge and experience across Government by sharing information and specialist and technical advice with all Parties to assist all to carry out the responsibilities set out in this Memorandum of Understanding. b) maintain interagency relationships to ensure timely and effective consultation and open communication. c) consider advice provided by another agency, where relevant and appropriate, as part of any decision-making process. d) work together to minimise duplication and overlap, including in relation to conditions of instruments, reporting on those instruments and investigations, audits and inspections. e) collaboratively engage with the community and industry in a unified fashion to ensure clear and consistent communication and stakeholder engagement. f) seek technical or other expert advice from relevant agencies where needed for matters relevant to those agencies.
6.3	All Parties agree to notify each other of any proposal to introduce new or amended policies or material (e.g. policies, guidelines, petroleum codes, Acts or regulations) or structural or organisational change that will substantially impact on the regulation of gas activities, and to consult on any such proposals
6.4	In relation to regulatory activities where reviewing or approving relevant plans and reports continue to be responsibility of the consent authority, all Parties agree to notify the EPA of any implications for compliance and provide a final approved copy to the EPA (unless commercial in confidence).
6.5	All agencies to consult with the EPA on the drafting of conditions to be applied in 5.3 above, and for proposed deviations from these conditions, and provide a final copy of those conditions.
7	Interagency systems and processes to support collaboration
7.1	The Parties will work together to achieve the responsibilities described in this Memorandum of Understanding, including by implementing the systems and processes to support collaboration described in this clause.
	Developing standard conditions
7.2	In consultation with relevant Parties, Parties will work together to develop standard conditions for petroleum authorities (excluding EPLs and water access licences given they largely contain mandatory conditions).

7.3	The Parties will consult and seek advice from the EPA on the standard conditions to ensure they are practical, reasonable and enforceable, and make best efforts to agree standard conditions with the EPA (except work health and safety conditions).
7.4	Where appropriate, and subject to applicable statutory and common law requirements, including the requirement to ensure that the merits of a particular application for an instrument are considered, the Parties will consider applying the standard conditions to new instruments and, where possible and consistent with these requirements, consider updating existing instruments to reflect the standard conditions.
7.5	Where relevant and appropriate having regard to applicable statutory and common law requirements, the Parties will consult with the EPA in relation to any proposal to: <ul style="list-style-type: none"> a) deviate from the standard conditions in relation to a particular project, or b) vary the standard conditions. This consultation process will include an opportunity for the EPA to provide advice regarding the amendment or deviation and for the EPA to review any proposed amendment or deviation to ensure that, where relevant, its advice has been considered, and that it is enforceable.
7.6	The Parties are to review and update any standard conditions and petroleum codes as required.
Streamlining existing conditions	
7.7	The Parties will work together to identify and reduce duplication of conditions across approvals.
7.8	Where possible and consistently with statutory and common law requirements, the Parties will remove or amend duplicative conditions in petroleum authorities to increase efficiency and effectiveness in regulation.
Notification	
7.9	The Parties will notify the EPA within 7 working days of: <ul style="list-style-type: none"> a) the receipt of an application for a petroleum authority (including a modification application); and b) the determination of such an application.
7.10	The Parties will notify the EPA within 7 working days of modification of any petroleum authority.
7.11	The Parties will notify the EPA as soon as reasonably practicable after detection of a potential breach of a condition of a petroleum authority or the receipt of information about a complaint on a compliance related incident concerning a gas activity.
7.12	The EPA will notify Parties as soon as reasonably practicable of a potential incident concerning a petroleum activity, or a potential breach of a condition of a petroleum authority where it can be reasonably expected that the jurisdiction of one or more of the other parties may be involved.
7.13	In the course of an EPA investigation into an incident concerning a petroleum activity or potential breach of a condition of a petroleum authority, the EPA will provide updates at the Gas Interagency Working Group meetings (primary NSW Government interagency forum for consideration of gas issues).
7.14	The EPA will provide written findings of an investigation into an incident concerning a petroleum activity or potential breach of a condition of a petroleum authority to the agency administering the relevant petroleum authority.
7.15	The EPA will provide written findings of an investigation into an incident concerning a petroleum activity or potential breach of a condition of a petroleum authority to the relevant Party as soon as reasonably practicable after its investigation is finalised and any legal action has been instigated or completed and any statutory appeal period has expired.

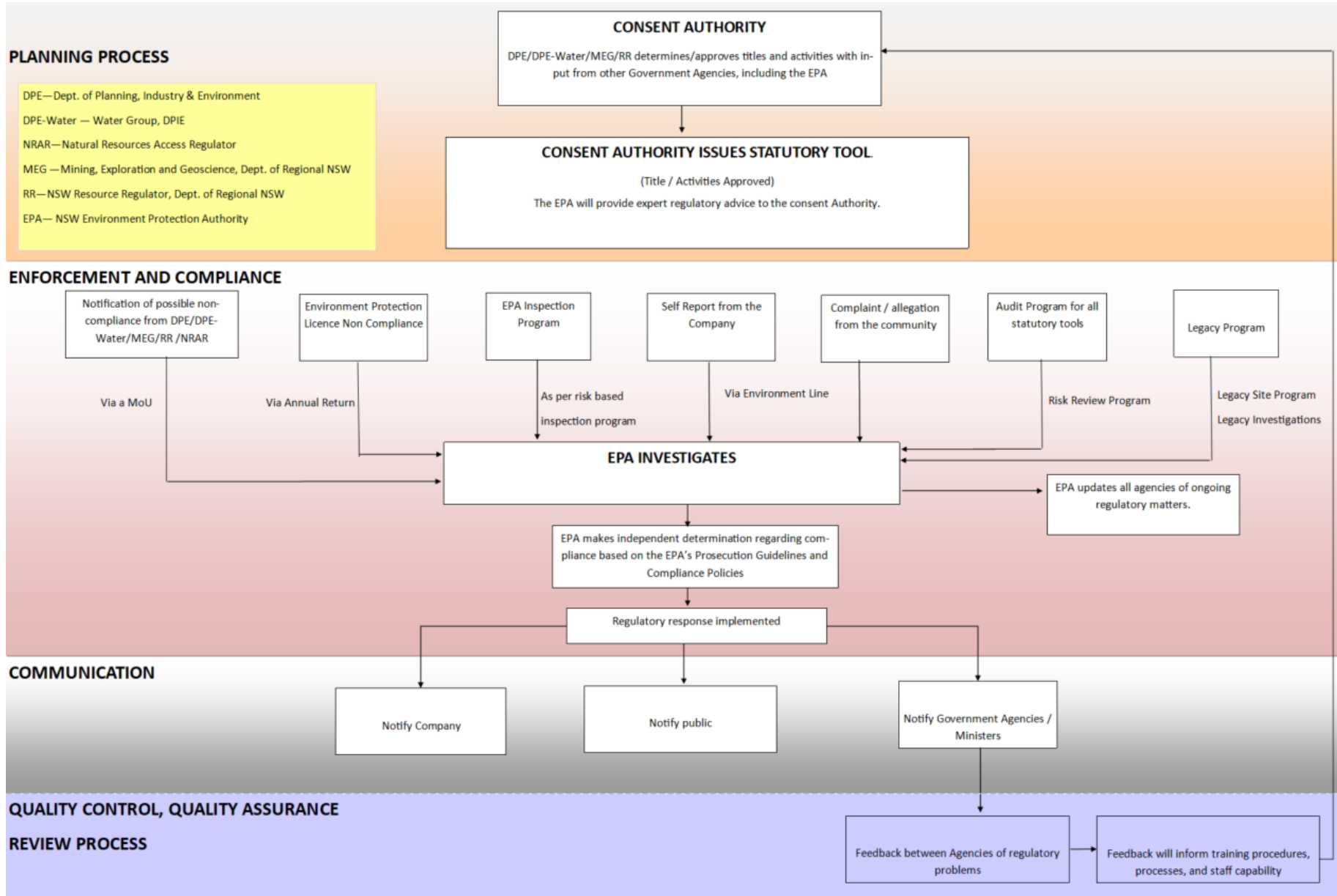
7.16	The EPA will advise the RR of any work health and safety incident related to a petroleum title as soon as reasonably practicable after the EPA becomes aware of this.
	Public communication
7.17	The EPA Environment Line 131 555 is the one stop shop for any gas exploration and production, and compliance issues. An EPA officer will talk you through the process and discuss any issues you may have. The EPA will triage the issues and seek input or lead other agencies as appropriate to the subject matter.
7.18	The EPA will lead all public communications on compliance and enforcement actions in relation to petroleum activities in NSW for non-work health safety matters.
7.19	MEG, RR, DPE and other agencies will lead communications on any matter to do with their legislative frameworks.
7.20	All parties will consult with one another to ensure unified messaging on petroleum activity is disseminated to the community.
7.21	The Parties will consult with one another on the development of policies, codes of practice related to petroleum regulation and other guidance material that relates to, or provides advice regarding compliance and enforcement actions or requirements in relation to a petroleum activity.
7.22	All Parties note that geological information, data and expenditure will be kept confidential in accordance with Part 13 of the <i>Petroleum (Onshore) Act 1991</i> and MEG is responsible for receiving, assessing, storing and releasing this information.
7.23	Any disputes in relation to which party will lead on public communications will be resolved by the Executives of the disputing parties.
7.24	The EPA will make an independent determination of the appropriate regulatory response for any alleged non-compliance with a condition of a petroleum authority, for example, a penalty notice or prosecution.
7.25	The EPA's Compliance Policy and the EPA Prosecution Guidelines outlines the regulatory tools available to the EPA, providing basis on which regulatory responses are used and how regulatory actions are taken.
7.26	Where appropriate, the EPA will consult with the relevant Party prior to making a determination on its regulatory response to the alleged non-compliance.
7.27	Not more than one Party will issue a penalty notice or institute proceedings against a proponent for the same offence. This is to ensure that a title holder is not penalised twice for the same offence.
7.28	The statutory power to suspend or cancel a petroleum title will continue to be exercised by the Minister responsible for administering the <i>Petroleum (Onshore) Act 1991</i> (or delegate).
7.29	The EPA will provide timely advice to the Minister responsible for administering the <i>Petroleum (Onshore) Act 1991</i> (or delegate) at the Minister's written request to inform the Minister's decision whether to exercise the powers referred to in 7.28 in response to a breach of a condition of a petroleum title.
7.30	The statutory power to modify, suspend or revoke a planning consent will continue to be exercised by the Minister with responsibility for the <i>Environmental Planning and Assessment Act 1979</i> (as delegated).

7.31	The EPA will provide advice to the Minister with responsibility for the <i>Environmental Planning and Assessment Act 1979</i> (or the delegate) as soon as reasonably practicable at the Minister’s written request to inform the Minister’s decision whether to exercise the powers referred to in 7.30 in response to a breach of a condition of a planning consent.
7.32	The statutory power to suspend or cancel a water licence will continue to be exercised by the Minister with responsibility for the <i>Water Act 1912</i> and the <i>Water Management Act 2000</i> .
7.33	The EPA will provide timely advice to the Minister with responsibility for the <i>Water Act 1912</i> and the <i>Water Management Act 2000</i> (or delegate) at the Minister’s written request to inform the Minister’s decision whether to exercise the powers referred to in 7.32 in response to a breach of a condition of a water licence.
	Sharing expertise and resources
7.34	All Parties will continue to provide timely expert advice to the EPA to assist with compliance and enforcement activities in relation to gas activities. The EPA will also seek out expert advice from other agencies to assist in its compliance role where needed. Key resources and information systems of the Parties to which the EPA will need access are listed in Schedule C.
7.35	It is imperative that the Parties provide the EPA with timely access to agency information and systems necessary to support compliance and enforcement action in relation to gas activities, subject to any legal requirements. Relevant information and systems are listed at Schedule C.
7.36	If the EPA determines that the activity does not fall within the scope of the EPA gas functions the EPA will refer it in writing to the relevant Party along with any relevant evidence collected subject to any legal requirements.
7.37	If another Party is undertaking an investigation and subsequently finds it falls within the EPA gas functions, the Party will refer it to the EPA in writing along with any relevant evidence collected subject to any legal requirements.
7.38	The Parties commit to provide formal training for the EPA on the relevant powers and provisions of their respective legislative regimes if requested.
7.39	The Parties commit to provide briefings to one another on their emergency response protocols
8	Dispute resolution
8.1	The EPA will make independent decisions in relation to its compliance and enforcement role for gas activities. However, disputes between the Parties may arise in relation to the implementation of this Memorandum of Understanding. This section therefore refers to dispute resolution about the operation of this Memorandum of Understanding, rather than compliance and enforcement decisions.
8.2	Parties will endeavour to resolve any dispute expeditiously, taking steps by mutual agreement, using the following procedure: a) the nominated officers of the relevant Parties discuss the dispute; and b) if the dispute is not resolved, the nominated senior officers of the relevant Parties will discuss the dispute within 14 days of the original officer level discussion. If necessary, this discussion may involve the Chief Executive Officer or Secretary of the Parties, as applicable.
8.3	The nominated officers and senior officers of the Parties are listed at Schedule D.
9	Review
9.1	The Parties will review and update the Memorandum of Understanding as needed. Schedules may be updated or added separately as required and agreed by all Parties.

10	Termination
10.1	The Memorandum of Understanding may be terminated at any time by the agreement of all Parties or after any Party gives 3 months' notice of intention to terminate .
11	Schedules*
	Schedule A: Gas implementation roadmap
	Schedule B: Dual regulation by the EPA and the RR in relation to work, health and safety conditions of petroleum titles
	Schedule C: Parties' resources and information systems
	Schedule D: Dispute resolution and nominated officers and senior officers
12	Agreement
	<p>This Memorandum of Understanding and commencing schedules have been agreed by the undersigned.</p> <p> _____ Date: 12 December 2022</p> <p>Georgina Beattie Deputy Secretary NSW Mining, Exploration and Geoscience, Department of Regional NSW</p> <p>_____ Date:</p> <p>Michael Cassel Secretary NSW Department of Planning and Environment</p> <p>_____ Date:</p> <p>Grant Barnes) Chief Regulatory Officer Natural Resource Access Regulator</p> <p> _____ Date: 1 March 2023</p> <p>Tony Chappel Chief Executive Officer NSW Environment Protection Authority</p>

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	<p>This Memorandum of Understanding and commencing schedules have been agreed by the undersigned.</p> <p>_____ Date:</p> <p>Georgina Beattie Deputy Secretary NSW Mining, Exploration and Geoscience, Department of Regional NSW</p> <p> _____ Date: 22 December 2022</p> <p>Michael Cassel Secretary NSW Department of Planning and Environment</p> <p> _____ Date: 20 December 2022</p> <p>Grant Barnes) Chief Regulatory Officer Natural Resource Access Regulator</p> <p> _____ Date: 1 March 2023</p> <p>Tony Chappel Chief Executive Officer NSW Environment Protection Authority</p>

Schedule A: Gas implementation roadmap



Schedule B: Dual regulation by the EPA and the Resources Regulator (RR) in relation to the work, health and safety conditions of petroleum titles

The RR is responsible for monitoring and enforcing compliance with work health and safety requirements at petroleum sites under the *Work Health Safety Act 2011* and *Work Health and Safety (Mines and Petroleum Sites) Act 2013*.

The EPA is responsible for all compliance and enforcement of all other conditions of a petroleum title in respect of a petroleum activity, including conditions related to the environment, and the installation and operation of engineering infrastructure.

The EPA and the RR recognise that whilst many engineering standards are designed primarily for human safety, they also contribute to the management and protection of the environment and the resource. This requires a dual regulatory model addressing both 'work health and safety' and 'non-work health and safety' conditions.

To implement an effective and efficient dual regulatory model for work health and safety, the EPA and RR agree to the following principles:

Compliance activities

The RR and the EPA will coordinate their respective compliance activities and work together in a streamlined way in regulating petroleum titles in respect of a petroleum activity. This will be achieved through co-ordinated proactive joint visits, audits, and sharing of information where legally permissible.

Incidents

The RR and the EPA will work together to manage any incident concerning a petroleum activity. To support such an approach, the RR, and the EPA will undertake training in each other's incident response protocols. Incident management will be consistent with the NSW State Emergency Management Plan.

Investigations

Given that the RR is the designated work health and safety regulator for mining and petroleum in NSW, the RR will take the lead for any investigation of work health and safety related offences.

.As the lead regulator for all conditions of a petroleum title in relation to a petroleum activity other than work health and safety, the EPA will take the lead in all investigations related to breaches of conditions other than those which have work health and safety consequences at the undertaking.

Schedule C: Parties' resources and information systems

Table 1: Contacts and resources which Parties will need to draw on, including transitional and ongoing access

Agency	Expertise or advice required	Process to access resource
EPA	<ul style="list-style-type: none"> Compliance and enforcement Past compliance and activity history Operations and programs 	Email: info@epa.nsw.gov.au
MEG	<ul style="list-style-type: none"> Geological advice Title administration advice (including applications and determinations for the grant, renewal, transfer or titles, variations of conditions and work programs). 	Email requests to: Resource.operations@planning.nsw.gov.au
RR	<ul style="list-style-type: none"> Compliance and Enforcement 	Email requests to: nswresourcesregulator@service-now.com
DPE Planning	<ul style="list-style-type: none"> Compliance and enforcement Project application information and advice Project modification information and advice Determination of gas activity and modification applications Post-approval consent condition advice 	Email contact: compliance@planning.nsw.gov.au Refer contact person for individual projects at major projects portal at: https://www.planningportal.nsw.gov.au/major-projects
DPE Water	<ul style="list-style-type: none"> Water related advice including policy or hydrogeological advice Advice related to Water licences and approvals 	Email detailed request to water.assessments@dpie.nsw.gov.au
NRAR	<ul style="list-style-type: none"> Support and advice in relation to suspected suspicious activity and suspected breaches water law. 	Email requests to: nrar.enquiries@nrar.nsw.gov.au

Table 2: List of information systems that the Parties will need to access

Agency	Information system	Level/method of access	Contact person
EPA	Licensing Management System Investigation Information	Environment Protection Licence Information and Compliance history Information can be freely accessed via the EPA's public register at http://www.epa.nsw.gov.au/publicregister/	Email detailed request to the EPA Email: info@epa.nsw.gov.au
MEG	Title information including applications and determinations of grant, renewal, transfer, suspension, cancellation, variation Geological reports by title holders GIS database information, including state reserves mapping, location of titles/approvals/wells	Titles information include spatial information and data is publicly available on MEG's MinView system at minview.geoscience.nsw.gov.au Information on petroleum titles is accessible, including relevant recent decisions and locations of wells, on the publicly accessible Common Ground platform http://www.commonground.nsw.gov.au/ DIGs Publicly available geological reports, including well completion reports and seismic acquisition reports, are accessible via DIGS https://search.geoscience.nsw.gov.au/ Confidential and specific information, including relevant reports, will be provided through a cloud-based platform for other parties to access (noting legal professional privilege).	Email title information requests to: Resource.operations@planning.nsw.gov.au Email geological report and data requests to: geoscience.petroleum@geoscience.nsw.gov.au
RR		RR Activity Compliance and Enforcement System records in accordance with information sharing legislation and mechanisms	

<p>DPE Planning</p>	<p>Current Project Applications Current Project Modifications Determinations Compliance action taken</p>	<p>Access is available via the Department of Planning and Environment and major projects portal at: https://www.planningportal.nsw.gov.au/major-projects</p> <p>Access to archived or other specific project information can be provided on request within the timeframes guided by the notifications process outlined in this MOU.</p> <p>Materials required in a shorter timeframe will be negotiated between parties.</p>	<p>Direct request via email to: Contact person identified for individual projects on the Department's major projects portal at: https://www.planningportal.nsw.gov.au/major-projects</p>
<p>DPE Water</p>	<p>List of existing WALs and other approvals Spatial and other monitoring data Pending approvals/applications</p>	<p>Static register maintained with EPA, and notification of new or changed as per notification procedures.</p> <p>Advice and updates as required from DPE Water.</p> <p>Direct access through existing web services</p> <p>Public NSW Water register has approvals and licence information</p>	<p>Email detailed request to: water.assessments@dpie.nsw.gov.au</p>
<p>NRAR</p>	<p>Records of previous compliance action</p>	<p>Confidential and investigation specific information, including relevant reports (noting legal professional privilege that may apply)</p> <p>Quarterly compliance reporting on website</p>	<p>Email detailed request to: nrar.enquiries@nrar.nsw.gov.au</p>

Schedule D – Dispute resolution

Table 1: Dispute resolution escalation nominees

Agency	Nominated officers	Nominated senior officers
EPA	Director Regulatory Operations, Regulatory Operations Regional	Executive Director Regulatory Operations Regional
DPE Water	Director, Water Science	Chief Knowledge Officer
MEG	Director Strategic Assessments	Executive Director Assessments and Systems
RR	Director Compliance, Mining Act Inspectorate	Executive Director, NSW Resources Regulator
DPE Planning	Director, Compliance	Executive Director, Energy, Resources and Industry
NRAR	Manager Priority Programs	Director Regulatory Initiatives

Document Control

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