

Guidance for Public Submissions on Petroleum Environment Management Plans

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Acronyms	Full form
NT	Northern Territory
EMP	Environment Management Plan
DENR	Department of Environment and Natural Resources

Contents

Environment Management Plans	4
1. Publication of an EMP	4
2. How to have your say	5
2.1. Submission deadlines	5
3. How to make an effective comment	5
3.1. Approval criteria	5
3.2. Effective comments	6
3.3. Appropriate comments	6
4. What happens to my comment once it is submitted?	7
5. Privacy and sensitive information	7
5.1. Anonymous comments and confidential information in comments	7
5.2. What will not be published	7
6. Further information	8

Environment Management Plans

The Minister for Environment and Natural Resources is the regulator for environmental management and approvals for the onshore petroleum industry in the Northern Territory.

The Northern Territory Government is committed to ensuring that the extraction of our natural resources is undertaken in a manner that benefits all Territorians, minimises the risks to the environment and does not create legacies of degradation or contamination for future generations.

In March 2018 the Honourable Justice Rachel Pepper handed down the Final Report of the Scientific Inquiry into Hydraulic Fracturing in the Northern Territory which established a robust suite of recommendations to guide the future development of the Northern Territory's petroleum resources. One of the pillars of these recommendations is to provide the public with the opportunity to comment on a draft Environment Management Plan (EMP) for well drilling and/or hydraulic fracturing stimulation and for the Minister to take into account the public comments received when assessing the EMP for a decision.

The public comment process provides the community with an opportunity to have their say on the proposed environmental management of drilling of a well and hydraulic fracturing stimulation activities before the Minister commences assessment of the EMP. It provides a platform for interest holders to address relevant matters raised by the community and leads to better environmental outcomes and informed decision-making.

1. Publication of an EMP

The Regulations require the Minister to publish draft EMPs for drilling and hydraulic fracturing stimulation activities submitted by the interest holder for assessment. The Minister must publish a notice stating that a draft EMP is published for public comment, that an interested person may submit written comments to the Minister no later than 28 days from the date of publication, the address or webpage that comments may be sent or delivered, and note that all comments received will be published.

Information that may be withheld from public disclosure in an EMP may include commercially confidential information or other information with reasonable grounds for non-disclosure, for example sacred site locations. However, this confidential information is used by the Minister during the assessment, but is not published for wider review. All EMPs that are approved are published in full together with any conditions of that approval.

EMPs currently open for public comment are available on the Department of Environment and Natural Resources (DENR) website [EMPs under review page](#). EMPs that have been approved are available on the [Approved EMPs](#) webpage along with an approval notice, statement of reasons, NT EPA advice and any public submissions received.

It is important to note, EMPs that are published on the [EMPs under review page](#) webpage have not undergone an assessment by the Minister and are published to DENR's website following an administrative adequacy check only. The formal assessment process by the Minister will commence following the public comment process.

2. How to have your say

When the public comment period is underway, draft well drilling and hydraulic fracturing EMPs will be published in full on DENR's [EMPs under assessment page](#).

The quickest and preferred way to submit a comment is through DENR's online platform, which will be accessible via the [EMPs under assessment page](#). The online platform allows additional supporting documents to be uploaded along with the submission and provides an opportunity to request personal details remain confidential. The online platform can assist you to ensure that your comments are made on the appropriate EMP.

If you cannot use the online platform, submissions may also be emailed to the address listed in the public notice and on the EMPs under assessment page, or posted to:

Onshore Petroleum Assessment – Public comment submissions
GPO Box 3675
DARWIN NT 0801

2.1. Submission deadlines

Draft EMPs will be open for public submissions until midnight ACST on the date listed in the public notice and on the EMPs under assessment webpage. Comments must be provided before the closing date and any received after this time will not be considered. Comments sent by post must be stamped with a postmark dated prior to the end of the public comment period.

3. How to make an effective comment

The public comment process provides an opportunity for community members to raise issues about environmental management matters.

3.1. Approval criteria

When considering whether to approve an EMP the Minister is required to be reasonably satisfied that an EMP:

- includes all information required by Schedule 1 of the [Regulations](#)
- is appropriate for the nature and scale of the regulated activity
- includes an Authority Certificate issued by the Aboriginal Areas Protection Authority, and
- demonstrates that the activity will be carried out in a manner by which the environmental impacts and environmental risks of the activity will be reduced to a level that is as low as reasonably practicable and acceptable.

The Minister also takes into account the principles of ecologically sustainable development and recommendations or suggestions in a NT EPA assessment report, if any.

3.2. Effective comments

An effective comment will be one that considers the approval criteria, refers to a relevant issue or key matter in the EMP and provides clear, detailed and specific information. Comments could, for example, relate to:

- the way the existing environment is described in the EMP for the proposed activity
- the environmental impacts and environmental risks of the activity
- the proposed management measures for reducing the environmental impacts and environmental risks
- the proposed methods for monitoring the environmental performance of the activity
- the principles of ecologically sustainable development.

If there is new information that the Minister and/or the interest holder should consider, commenters are encouraged to provide supporting documents, such as data or scientific reports, or clearly labelled photographs or maps.

The following types of submissions are unlikely to provide appropriate levels of detail to be an effective comment.

- comments made through online social media channels
- online petitions
- SPAM email.

It is acknowledged that community led petitions are a common way to generate interest in a matter. A petition that refers to a relevant issue in the EMP, which is detailed and considers the approval criteria will be a more effective comment than a generic statement with a list of signatures.

3.3. Appropriate comments

The public comment process provides an opportunity for community members to raise issues about environmental management matters that they feel have not been adequately addressed in the EMP. In order to ensure that your comment is received and taken into account, care should be taken to submit it in accordance with section 2 of this guidance.

The Minister will consider all comments in alignment with the approval criteria. Comments that provide information that is irrelevant to the approval criteria cannot be taken into account in the Minister's decision. Examples include:

- statements which are not relevant to the EMP, approval criteria or other matter which the Minister is required to consider in making a decision
- statements of general fundamental objection to oil and gas activity
- personal threats or profanities
- questions to the Minister and or/the interest holder.

4. What happens to my comment once it is submitted?

Once the public comment period has closed the interest holder will have the opportunity to review the comments and they may also, if necessary, provide an updated EMP to the Minister for consideration.

After a decision has been made a Statement of Reasons will detail how relevant public comments have been considered and/or addressed. Comments will be published in their entirety (subject to any exclusions of inappropriate or confidential material) at this time.

Neither the Minister nor the interest holder is required to respond to each comment individually.

5. Privacy and sensitive information

When submitting a comment, it is important that the commenter's name and contact details are provided. This allows the Minister to seek further information regarding the comment if necessary. It also increases the transparency and accountability of the public comment process (although only the names and postcodes of commenters will be made public).

All comments received will be available to the interest holder prior to being published. If further discussion of a comment would assist to improve an EMP, the Minister may suggest that a commenter contact the interest holder to discuss further.

5.1. Anonymous comments and confidential information in comments

When a comment is published on the DENR website, the publication will also include some details about the commenter (name and postcode). All comments will be treated as public information. The commenter can ask the Minister not to publish certain parts on the basis they are:

- confidential or commercially sensitive; or
- personal information which the commenter does not consent to be published, such as a name.

You can request that all or part of your submission not be published. This request should be indicated clearly in the submission. When submitting, you should provide a reason for requesting confidentiality or anonymity, bearing in mind that for a non-confidential submission, only your name and postcode will be published in any case.

You could also consider putting any confidential information in an appendix to the submission to allow the body of the comment to be published and publicly referred to by the Minister.

5.2. What will not be published

The Minister may also decide not to publish certain content for a range of reasons, despite the author wishing it to be public.

For example, the Minister may publish only part of a submission if it:

- contains information that must not be published
- would breach privacy legislation
- contains inflammatory, offensive or inappropriate content
- is defamatory or may expose a person to legal action
- is confidential or commercially sensitive.

6. Further information

DENR publishes the [Code of Practice: Onshore Petroleum Activities in the Northern Territory](#), guidance notes, guidelines and information papers at www.denr.nt.gov.au.

The [Petroleum Act 1984](#), [Petroleum \(Environment\) Regulations 2016](#) and other subsidiary regulations are available in full at www.legislation.nt.gov.au.

Information regarding petroleum activities not related to environmental management can be obtained from the Department of Primary Industry and Resources online at www.dpir.nt.gov.au.

Questions regarding the public submission process for onshore petroleum environment management plans can be directed to:

Department of Environment and Natural Resources
Onshore Petroleum Assessments
Level 1, Arnhemica House
16 Parap Road, PARAP NT 0820

GPO Box 3675, Darwin NT 0801

p: (08) 8924 4144

e: Onshoregas.denr@nt.gov.au