

MONTARA COMMISSION OF INQUIRY

Submissions on behalf of the Department of Resources, Energy and Tourism on the Commissioner's Draft Preliminary Findings—Environmental Response

- 1.1 In accordance with paragraph 5 of the Revised Practice Note — The Inquiry's Report, the Department of Resources, Energy and Tourism (**RET**) wishes to provide further information and submissions in relation to the Draft Preliminary Findings concerning environmental impacts of the Uncontrolled Release of hydrocarbons from the Montara Wellhead Platform (the **Blowout**), environmental response to the Blowout and applicable regulation.
- 1.2 RET notes the reference in paragraphs 1.5, 1.50 and 1.122 of the Draft Preliminary Findings that the Designated Authority has the power, under ss 574 and 782 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (Cth) (**OPGGSA**), to direct a titleholder to clean-up or remediate the effects of the escape of petroleum. In accordance with the Commissioner's request, RET has obtained legal advice from the Office of General Counsel as to whether or not the power in ss 574 and 782 could have been used to direct PTTEPAA to undertake 'Scientific Monitoring' (as that phrase is used in the *National Plan to Combat Pollution of the Sea by Oil and Other Noxious Substances*). The advice suggests that these provisions would not have provided authority for the Northern Territory Department of Resources (**NT DoR**), as delegate of the Designated Authority (the Commonwealth Minister), to validly direct PTTEPAA to undertake Scientific Monitoring. We **attach** the advice received from the Office of General Counsel dated 24 May 2010 in relation to this issue.
- 1.3 RET also notes the Commissioner's reference in paragraph 1.5 of the Draft Preliminary Findings questioning why RET did not facilitate the involvement of the NT DoR in the Incident Co-ordination Group (**ICG**).
- 1.4 In order to establish an effective use of resources, it was agreed that RET would represent the Commonwealth Resources Minister's interests at the ICG, in its capacity as the Joint Authority, and as the portfolio agency with administrative responsibility for the OPGGSA. This division of responsibility also enabled the NT DoR to focus its resources on facilitating the response efforts in assessing approvals for all activities associated with well kill operations (i.e. revisions to the approved well operations management and environment plans) and the provision of equipment supporting activities in the clean-up and well control operations in the region, such as sourcing deluge operation equipment from Singapore.