

Our ref: A415605

Dr Loraine Abernethie  
Principal Research Officer  
Economics and Industry Standing Committee  
Parliament House  
PERTH WA 6000

Dear Dr Abernethie

**Re: NOPSEMA's Authority to Direct a Titleholder**

In response to the questions contained within your email dated 13 April on the subject of *NOPSEMA's authority to direct a titleholder* and related to my answer to a question from Mr Tinley where I stated

*there are powers in the act that allow NOPSEMA to intervene by making directions to an operator or a titleholder to do a number of things, but they do have to relate to health and safety or damage to the environment, the potential thereof. So there is that option for NOPSEMA to intervene. Before we would consider doing that, it would have to be a case that NOPSEMA would have to be convinced that, indeed, the titleholder or operator was not acting in accordance with the plan and reasonable contingency arrangements, or managing the risk to the health and safety of people or damage to the environment appropriately;*

I believe the following may be of some assistance in clarifying and confirming that statement.

1. As you have identified, s574(2) provides that *NOPSEMA may, by written notice given to the registered holder of a title, give the registered holder a direction as to any matter in relation to which regulations may be made.*

Further, s781 and s782 define the matters in relation to which regulations may be made. The combined scope of s781 and s782 is much broader than matters relating to a "petroleum spill" noting that s781 provides that

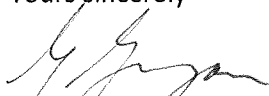
*The Governor-General may make regulations prescribing matters:*

- (a) required or permitted by this Act to be prescribed; or*
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.*

2. s574(3) provides for the extended application of directions to other parties other than the titleholder.

If I can provide further assistance on this matter please do not hesitate to contact me.

Yours sincerely



Gavin Guyan  
Acting Chief Executive Officer

15 April 2015