

## 2018 acreage release area notices

This document sets out the general and special notices for the 2018 Offshore Petroleum Exploration Acreage Release areas (release areas). The information contained in this document has been identified through consultation with parties that have existing rights and interests in, and around, the 2018 release areas.

These notices are designed to assist applicants when planning an exploration program. The identified requirements for a release area may result in the Joint Authority placing additional conditions on an exploration title at the time of award.

Although due care and diligence has been exercised in the preparation and compilation of information contained in this document, the Australian Government does not guarantee that the information provided is accurate or complete. You should not rely solely on information contained in this document when making commercial decisions, and should check the accuracy of information prior to commencing any petroleum exploration operation.

### Key contacts

Australian Communications and Media Authority: [subcablesenquiries@acma.gov.au](mailto:subcablesenquiries@acma.gov.au)

Australian Fisheries Management Authority: [petroleum@afma.gov.au](mailto:petroleum@afma.gov.au)

Australian Hydrographic Service E-mail: [datacentre@hydro.gov.au](mailto:datacentre@hydro.gov.au) Locked Bag 8801 WOLLONGONG NSW 2500  
Website: [hydro.gov.au](http://hydro.gov.au)

Australian Maritime Safety Authority: [nauticaladvice@amsa.gov.au](mailto:nauticaladvice@amsa.gov.au)

Maritime Border Command: [mbcplanssupport@abf.gov.au](mailto:mbcplanssupport@abf.gov.au)

Commonwealth Department of Communications and the Arts: [subcables@communications.gov.au](mailto:subcables@communications.gov.au)

Commonwealth Department of Defence – all notifications and liaison: Property Management Branch E-mail: [offshore.petroleum@defence.gov.au](mailto:offshore.petroleum@defence.gov.au) Brindabella Business Park PO BOX 7925 CANBERRA BC ACT 2600 or phone +61 2 6266 8650

Commonwealth Department of Foreign Affairs and Trade - Indonesia Economic, Trade and Infrastructure Section/Sea Law, Environment Law and Antarctic Section: +61 2 6261 1111

Commonwealth Department of Industry, Innovation and Science – Offshore Exploration Section:  
[petroleum.exploration@industry.gov.au](mailto:petroleum.exploration@industry.gov.au)

Commonwealth Department of Industry, Innovation and Science – Environment, Safety and Security Section:  
[offshoreenvironment@industry.gov.au](mailto:offshoreenvironment@industry.gov.au)

Commonwealth Department of Industry, Innovation and Science – National Offshore Petroleum Titles Administrator: [titles@nopta.gov.au](mailto:titles@nopta.gov.au)

Commonwealth Department of the Environment and Energy – EPBC Act: [ciu@environment.gov.au](mailto:ciu@environment.gov.au)

Commonwealth Department of the Environment and Energy – Parks Australia: [marinereserves@environment.gov.au](mailto:marinereserves@environment.gov.au)

National Native Title Tribunal: [enquiries@nntt.gov.au](mailto:enquiries@nntt.gov.au)

National Offshore Petroleum Safety and Environmental Management Authority: [information@nopsema.gov.au](mailto:information@nopsema.gov.au)

Victorian Department of Economic Development, Jobs, Transport and Resources - The CarbonNet Project: [carbonnet.info@ecodev.vic.gov.au](mailto:carbonnet.info@ecodev.vic.gov.au)

## Further notices

Any further notices and/or related matters identified by the Australian Government will be advised in the [Australian Petroleum News](#), a free occasional newsletter produced by the Department of Industry, Innovation and Science. Stakeholders can subscribe by following this [link](#) or emailing [petroleum.exploration@industry.gov.au](mailto:petroleum.exploration@industry.gov.au).

The mailing list is not used for any purposes other than issuing the Australian Petroleum News and notifying registered parties of associated petroleum issues. There is no charge for this service.

## General notices for all release areas

Petroleum legislation requires that offshore operations be carried out in a manner that does not unduly interfere with the rights and interests of others. There is also a need to comply with other requirements and standards set by Australian law. Successful applicants for offshore titles need to have regard for matters such as:

- environment and heritage protection
- Native Title rights and interests
- navigation and maritime safety
- fishing activities
- defence activities
- submarine telecommunication cables
- financial assurance

## International Treaties

### Australia-Indonesia Maritime Boundaries

Australia and Indonesia have entered into a number of agreements relating to the maritime area between Australia and Indonesia including the:

- [Agreement between the Government of the Commonwealth of Australia and the Government of the Republic of Indonesia establishing Certain Seabed Boundaries \[1973\] ATS 31 \(1971 Seabed Agreement\).](#)
- [Agreement between the Government of the Commonwealth of Australia and the Government of the Republic of Indonesia establishing Certain Seabed Boundaries in the Area of the Timor and Arafura Seas, supplementary to the Agreement of 18 May 1971 \[1973\] ATS 32 \(1972 Seabed Agreement\).](#)

- [Treaty between the Government of Australia and the Government of the Republic of Indonesia establishing an Exclusive Economic Zone Boundary and Certain Seabed Boundaries \(Perth, 14 March 1997\)](#) (1997 Perth Treaty) that has been signed but is not yet in force.

While the 1997 Perth Treaty is not yet in force, the Australian Government acts in accordance with its provisions, including in relation to notification.

Under Article 7(d) of the 1997 Perth Treaty, Australia is required to notify Indonesia three months prior to the proposed grant of exploration or exploitation rights in an area of overlapping jurisdiction. While it is not a requirement of the 1997 Perth Treaty to advise Indonesia prior to the release of offshore acreage areas, in the interests of transparency and good bilateral relations, Australia does notify Indonesia at the time of the annual Offshore Petroleum Exploration Acreage Release and again three months prior to the grant of any exploration title in the relevant area.

Advice to Indonesia is coordinated through the Department of Industry, Innovation and Science, the Department of Foreign Affairs and Trade and the Australian Embassy in Jakarta that delivers the third person notes to the Indonesian Government.

If exploration activity within an area of overlapping jurisdiction involves the construction of an installation or structure, the 1997 Perth Treaty requires Australia to give Indonesia 'due notice' of this. A permanent means of giving warning of the installation or structure's presence must be maintained. An installation or structure generally would be a structure that rests on, or is fixed or connected to, the seabed.

For further information please see the Commonwealth Department of Foreign Affairs and Trade details under [key contacts](#).

### **Indonesian Traditional Fishing in the 'MoU Box'**

Located in the Browse Basin, offshore Western Australia is an area known as the 'MoU Box', which is subject to the 1974 Australia-Indonesia Memorandum of Understanding regarding the Operations of Indonesian Traditional Fishermen in Areas of the Australian Exclusive Fishing Zone and Continental Shelf (the MoU).

The MoU provides a basis for traditional Indonesian fishing access to the MoU Box within Australia's north-western exclusive economic zone. Specifically, Australia agrees to refrain from applying its fisheries laws against traditional Indonesian fishermen who conduct their operations in accordance with the MoU.

Traditional fishers can be found in any part of the dedicated MoU Box. Their vessels are likely to have 'longlines' of 1-2 km long and diving is also known to occur. The traditional fishermen may not carry communication equipment and they are not known to use navigation lights or radar reflectors. The vessels may not be motorised, which may limit their capacity to take evasive action. The hulls may be timber and present poor radar targets.

Indonesian fishermen target some species that are sedentary that at the harvestable stage, are either immobile on or under the seabed, or are unable to move except in constant physical contact with the seabed or the subsoil. This includes trochus, bêche-de-mer, abalone, green snail, sponges and molluscs.

Caution is recommended when operating in release areas overlapping or near to the MoU Box.

As fishing activity may vary from year to year, the [Australian Fisheries Management Authority](#) (AFMA) recommends that for updated information, applicants liaise with AFMA – details can be found under [key contacts](#).

### **Border Protection**

[Maritime Border Command](#) (MBC) coordinates national awareness and response efforts to protect Australia's interests in the Australian maritime jurisdiction. MBC is a multiagency taskforce that utilises assets assigned from Australian Border Force and the Australian Defence Force to conduct civil maritime operations.

Titleholders and operators should note MBC operates on behalf of government agencies and regulators. Titleholders and operators are to consult the Office of Transport Security and the Department of Industry, Innovation and Science for compliance with Australian legislation on security and safety matters in the conduct of petroleum development activities.

MBC adopts an intelligence-led threat-based approach to the conduct of maritime security operations in response to security threats in Australia's maritime jurisdiction, namely illegal activity in protected areas, illegal exploitation of natural resources, marine pollution, prohibited imports and exports, unauthorised maritime arrivals' compromise to biosecurity, piracy, robbery or violence at sea and maritime terrorism. Titleholders and operators can seek advice from MBC on preventive, preparedness and response measures. All requests seeking advice should be routed through the relevant regulator.

Titleholders and operators are encouraged to share all relevant information with MBC on their security and safety preventive, preparedness and response measures including contact information for executive engagement, 24/7 point of contact and routine matters throughout the exploration, drilling, production and decommissioning phases of their petroleum development activities.

MBC should be notified of exploration, drilling and development activities including positions of associated infrastructure and assets that will be in the release area, preferably 14 days prior to commencement of the activity. MBC is to be kept apprised at all times of any change in details of the activity, assets deployed or infrastructure built in the release area. Failure to communicate information in a timely manner may compromise MBC's ability to respond should an emerging situation require a response.

Further information regarding the Australian Government maritime security arrangements, please refer to [Guide to Australian Maritime Security Arrangements](#) (GAMSA).

The contact for communicating details of proposed activities in the release areas can be found under [key contacts](#).

## Defence

Areas in the 2018 release coincide with military restricted airspace. When activated by a Notice to Airmen (NOTAM), the restricted airspace can operate down to low altitudes including, at times, to sea level. Non-Defence flying operations are required to be conducted in accordance with NOTAM restrictions.

Offshore exploration and development areas may coincide with a Defence offshore training area. Potential applicants are advised that the Minister for Defence has the authority, under the Defence Force Regulations 1952, to gazette any area of sea or airspace as a Defence Practice Area (DPA) for carrying out Defence operations or practices. The gazettal of a DPA is specified in a NOTAM or a Notice to Mariners (NOTMAR). When a DPA is activated (even when not in an offshore training area), unauthorised access to the area will be prohibited; meaning that access to affected permit areas may also be restricted. Permit holders should also be aware that all sea and aircraft can be ordered to evacuate the gazetted areas at short notice.

There is potential for unexploded ordnance (UXO) on or in the sea floor. Therefore, Permit holders should be aware of the risks involved in conducting offshore exploration and development activities. The potential presence of UXO carries with it an associated risk of detonation. Defence takes no responsibility for:

- reporting the location and type of ordnance dropped in the areas of interest to the permit holders;
- identification of or removal of any UXO; or
- any loss or damage suffered or incurred by the company or any third party arising out of, or directly related to, UXO.

As a consequence, the Australian Government provides no guarantee or indemnity regarding the safety or whereabouts of UXO.

To assist in de-conflicting offshore exploration and development activities and Defence's training requirements, permit holders will need to liaise with and notify Defence of any exploration early in the planning phase. At least five weeks prior to commencement, permit holders are to notify Defence (as appropriate) regarding:

- the nature of planned infrastructure development (permanent or temporary);
- the positions and dimensions (lateral and vertical) of abovementioned infrastructure;
- any planned aviation activities;

- any planned seismic survey activities; and
- whether wells are to be left suspended or plugged and abandoned.

All Defence contact details can be found under [key contacts](#).

## Environmental Considerations

The Australian Government requires titleholders to conduct their activities in a manner that ensures a high standard of environmental protection. Of particular importance to offshore petroleum exploration are the requirements of the [Offshore Petroleum and Greenhouse Gas Storage Act 2006](#) (OPGGs Act) and [Environment Protection and Biodiversity Conservation Act 1999](#) (EPBC Act). Penalties may apply to any activities in breach of the OPGGS Act and EPBC Act.

NOPSEMA is the Australian Government's independent regulator of occupational health and safety, structural integrity and environmental management for facilities, wells, well-related equipment and petroleum activities in Commonwealth waters and state and Territory waters where regulatory powers and functions are conferred.

On 27 February 2014, the then Australian Minister for the Environment issued an approval under Part 10 of the EPBC Act for 'All actions which are petroleum and greenhouse gas activities taken in Commonwealth waters and in accordance with the endorsed program'. The approved class of actions means titleholders seeking to undertake petroleum activities in Commonwealth waters are not required to refer those actions for assessment by the Commonwealth Department of the Environment and Energy, provided they are undertaken in accordance with the program. However, the Director of National Parks (DNP) is considered a relevant person for consultation where the proposed activity or part of the activity is within an [Australian Marine Park](#) (AMP), and/or activities proposed to occur outside an AMP may impact on marine park values.

For more information on the program, please refer to the [Streamlining Offshore Petroleum Environmental Approvals Program Report](#).

The program describes the requirements under the OPGGS Act and subordinate regulations, in particular the [Offshore Petroleum and Greenhouse Gas Storage \(Environment\) Regulations 2009](#) (environment regulations).

The approval does not cover activities that:

- Have, will have or are likely to have a significant impact on the environment on Commonwealth land.
- Are taken in any area of sea or seabed that is declared to be a part of the Great Barrier Reef Marine Park under the *Great Barrier Reef Marine Park Act 1975*.
- Have, will have or are likely to have a significant impact on the World Heritage values of the Great Barrier Reef World Heritage property or on the national heritage values of the Great Barrier Reef National Heritage place.
- Are taken in the Antarctic.
- Are injection and/or storage of greenhouse gas.

### Key approvals

- All petroleum activities in Commonwealth waters require an Environment Plan assessed and accepted by NOPSEMA under the environment regulations before they can proceed.
- The environment regulations also required all new development activities to have an Offshore Project Proposal accepted by NOPSEMA prior to submission of any Environment Plans.
- Petroleum activities that are to be carried out within a CMR do not require additional assessment by the DNP as titleholders are required to take these matters into account when preparing an Environment Plan.
- The Director of National Parks is considered a relevant person for the purposes of the OPGGS Act and must be consulted by title holders in the preparation of environment plans where the proposed activity or part of the activity is within an AMP, and/or activities proposed to occur outside an AMP may impact on the marine park values. This includes being notified in the event of an oil pollution incident that occurs within, or may impact upon, an AMP and, so far as reasonably practicable, prior to a response action being taken within a marine park.

- Activities excluded from streamlined arrangements (listed above) that are likely to have an impact on a matter protected under the EPBC Act may also require approval under Part 4 of the EPBC Act.

Further information on the [environment regulations](#) is available on the Department of Industry, Innovation and Science's website.

Further information on the [EPBC Act](#) is available on the Department of the Environment and Energy's website.

Further information on the [streamlining of environmental approvals](#) is available on the Department of Industry, Innovation and Science's website.

## **OPGGS Act and associated regulations**

The object of the environment regulations is to ensure that any petroleum or greenhouse gas activity carried out in an offshore area is carried out in a manner:

- consistent with the principles of ecologically sustainable development
- by which the environmental impacts and risks of the activity will be reduced to as low as reasonably practicable
- by which the environmental impacts and risks of the activity will be of an acceptable level.

### *Environment Plan*

Under the environment regulations, a titleholder must have an accepted Environment Plan in place for a 'petroleum activity' prior to undertaking that activity.

A 'petroleum activity' is defined in environment regulations as operations or works carried out in an offshore area for the purpose of exercising a right conferred under a petroleum title under the OPGGS Act or discharging an obligation imposed on a titleholder by the OPGGS Act or subordinate regulation. The titleholder is responsible for determining if an activity meets the definition of 'petroleum activity' under the environment regulations and for preparation of the Environment Plan for NOPSEMA assessment.

An Environment Plan must demonstrate that all impacts and risks to the environment arising from the proposed activity are reduced to as low as reasonably practicable and managed to an acceptable level. The required content of an Environment Plan is detailed in Division 2.3 of the environment regulations.

The Environment Plan must include an Oil Pollution Emergency Plan to ensure the oil spill risks associated with the activity that have the potential for environmental impact have been detailed, evaluated and adequately prepared for and that tested response measures are in place. Regulation 14 of the environment regulations requires titleholders to provide for monitoring of and impacts to the environment from oil pollution and response activities that are sufficient to inform any remediation activities.

The environment regulations also require titleholders to undertake consultation with 'relevant persons', including relevant Commonwealth and state or territory agencies and a person or organisation whose functions, interests or activities may be affected by the activities to be carried out.

In the Environment Plan, titleholders must include a report on all consultations, comprising a summary of consultation, an assessment of the merits of any objection or claim, a statement of the titleholder's response to each and the full text of all correspondence and an assessment. The implementation strategy for an Environment Plan must also demonstrate adequate arrangements for ongoing stakeholder consultation.

NOPSEMA will assess the titleholder's Environment Plan and decide to 'accept' or 'refuse to accept' the Environment Plan based on a series of acceptance criteria set out under Regulation 10A. NOPSEMA will also monitor the titleholder's continued compliance with the accepted Environment Plan. Applicants should note NOPSEMA cannot accept an Environment Plan where the activity, or part of the activity, would take place within the boundaries of a declared World Heritage property, other than arrangements for environmental monitoring or responding to an emergency.

## Financial Assurance

The OPGGS Act also requires that titleholders have sufficient financial assurance to meet costs, expenses and liabilities associated with undertaking a petroleum activity. On 1 January 2015, legislative amendments came into effect requiring NOPSEMA to be reasonably satisfied that the titleholder is compliant with their financial assurance requirements prior to accepting an Environment Plan. As a result, titleholders must declare to NOPSEMA they have sufficient financial assurance to carry out the activity and submit a financial assurance confirmation at the time of making their Environment Plan submission.

For further information, please refer to the NOPSEMA guideline on [Financial assurance for petroleum titles \[GL1381\]](#).

## Consideration of matters protected under the EPBC Act

Both Environment Plans and Offshore Project Proposals require applicants to consider the potential impacts and risks to all relevant values and sensitivities of the environment, including the following matters protected under Part 3 of the EPBC Act:

- world heritage properties
- national heritage places
- wetlands of international importance (often called 'Ramsar' wetlands after the international treaty under which such wetlands are listed)
- nationally threatened species and ecological communities
- migratory species
- Australian Marine Parks
- the Great Barrier Reef Marine Park
- nuclear actions (including uranium mining)
- a water resource, in relation to coal seam gas development and large coal mining development.

The Department of the Environment and Energy has developed an [interactive database](#) to provide further information on particular matters protected under the EPBC Act.

Information on particular matters protected under the EPBC Act such as species location, timing and habitat importance may change over time as new information becomes available. Applicants are encouraged to consult the database with respect to a release area of interest before finalising a bid. Applicants should consider the range of impacts and risks to matters protected under Part 3 of the EPBC Act throughout the exploration, production and decommissioning phases of a petroleum development activities and greenhouse gas storage activities.

Some of the release areas are in proximity to sensitive environments, including important habitats for threatened and migratory species, wetlands of international importance, World Heritage Areas, National Heritage Areas or areas of important ecological and heritage value in the Commonwealth marine environment. Activities proposed in these release areas will be subject to a high level of environmental scrutiny and further assessment, and EPBC Act approval may be required.

Detailed information on matters protected under the EPBC Act and associated requirements under the OPGGS Environment Regulations can be found in Chapter 7 of the [2014 Strategic Assessment Report](#) of NOPSEMA's environmental management authorisation process.

Applicants are encouraged to consult with NOPSEMA early in the planning processes should there be a particular environmental sensitivity of concern.

## Offshore Project Proposals

Under the environment regulations, a proponent must have an accepted Offshore Project Proposal in place for a new development activity, known as an 'offshore project', prior to submitting an Environment Plan for that activity.

An 'offshore project' is defined in the environment regulations as one or more activities that are undertaken for the purpose of the recovery of petroleum, other than on an appraisal basis, including any conveyance of recovered petroleum by pipeline.

An Offshore Project Proposal is a high-level document that describes the 'whole-of-lifecycle' of a proposed new development and demonstrates that impacts and risks to the environment of the proposed project would be managed to an acceptable level. The required content of an Offshore Project Proposal is detailed in Regulation 5A of the environment regulations. The content requirements include that where relevant, titleholders consider impacts and risks on matters protected under Part 3 of the EPBC Act.

Further information on NOPSEMA's [environmental management authorisation process](#) can be found on the NOPSEMA website.

## **Australian Marine Parks**

Some of the 2018 release areas overlap Australian Marine Parks (AMP). Areas of overlap are identified in the Specific notices for release areas.

There are 60 marine parks in Commonwealth waters around Australia. The Director of National Parks is responsible for the management of 59 of these, known as Australian Marine Parks (Commonwealth reserves proclaimed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) in 2007 and 2013). The Great Barrier Reef Marine Park Authority is responsible for the management of the Great Barrier Reef Marine Park, and the Australian Antarctic Division manages the Heard Island and McDonald Islands Marine Reserve on behalf of the Director of National Parks.

Australian Marine Parks have been established to protect and conserve biodiversity and other natural, cultural and heritage values (marine park values), while allowing for ecologically sustainable use and enjoyment of their natural resources. They are managed in five marine park networks: North, North-west, South-west, Temperate East and South-east; and the Coral Sea Marine Park.

The Director of National Parks is required to prepare management plans for Australian Marine Parks under the EPBC Act. These describe the management of marine parks for a period of ten years.

A management plan for the 14 marine parks of the South-east Network is currently in place until 2023.

New management plans for the five networks and the Coral Sea Marine Park are anticipated to come in effect in mid-2018. Proposed arrangements within the draft management plans released for public comment in July 2017 ensure that NOPSEMA remains the sole assessor for offshore petroleum and greenhouse gas activities in Commonwealth waters, and additional assessment by the Director of National Parks will not be required in Special Purpose and Multiple Use zones. This does not replace the need for titleholders to have an Environment Plan accepted by NOPSEMA. Specific approval from the Director of National Parks will be required for pipelines traversing Habitat Protection, Recreational Use and Marine National Park zones.

For the 14 marine parks in the South-east Network, a class approval is in place for mining operations, and allows mining operations in Special Purpose and Multiple Use zones where an activity is undertaken in accordance with the OPGGS Act and has:

- an approval under Part 9 of the EPBC Act including the NOPSEMA accredited program under Part 10 of the EPBC Act; or
- is determined not a controlled action if taken in a particular manner or not a controlled action under Part 7 of the EPBC Act.

For the 44 other marine parks in the North, North-west, South-west and Temperate East Marine Parks Networks and the Coral Sea Marine Park, transitional management arrangements are currently in place, until new management plans come into force. Under these arrangements:

- for new marine parks established in 2012 a general approval is in place under section 359B of the EPBC Act, and no further authorisation from the Director is required, subject to assessment under NOPSEMA's legislative processes.

- for marine parks declared prior to 2012 (Coral Sea Conservation Zone, Lihou Reef, Coringa-Herald, Ashmore Reef, Ningaloo Reef, Cartier Island, Mermaid Reef, Elizabeth and Middleton Reefs, Cod Grounds, Solitary Islands, Lord Howe and Great Australian Bight), pre-existing restrictions apply, and no oil or gas operations are permitted, except in the Benthic Protection Zone of the former Great Australian Bight Marine Park (subject to approval).

The [Australian Government agencies roles and relevance under the Offshore Petroleum and Greenhouse Gas Storage Act 2006](#) was revised on 8 September 2017. The Guidance has been amended to list the Director of National Parks as a 'relevant person' under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* in order to be able to ensure and maintain awareness of offshore petroleum activities where they occur in, or potentially impact on, AMPs. This will ensure that the Director retains the formal ability to influence Environment Plans for activities in marine parks.

For further information about the management arrangements for mining operations in AMPs, please see the NOPSEMA guidance note on [Activities within Australian Marine Parks \[GN1565\]](#). For information on the management planning process, please see [Australian marine parks - current management arrangements](#).

### **EPBC Act environmental assessment process for activities excluded from the streamlined arrangements**

All proposed activities must consider the impacts on the environment, including matters protected under Part 3 of the EPBC Act and the EPBC Act environmental assessment process may apply to activities that are excluded from the streamlined arrangements such as activities that:

- Have, will have or are likely to have a significant impact on the environment on Commonwealth land.
- Are taken in any area of sea or seabed that is declared to be a part of the Great Barrier Reef Marine Park under the *Great Barrier Reef Marine Park Act 1975*.
- Have, will have or are likely to have a significant impact on the world heritage values of the Great Barrier Reef World Heritage property or on the national heritage values of the Great Barrier Reef National Heritage place.
- Are taken in the Antarctic.
- Are injection and/or storage of greenhouse gas.

In planning activities that are excluded from streamlined arrangements, it is strongly recommended that sufficient time be allowed for the EPBC Act referral process, as well as any requests for further information that suspends the referral process and assessment and approval processes.

In these cases, additional time will be required for assessment of the action and for the Minister for the Environment and Energy to make a decision whether to approve the taking of the action. The timeframes for assessment processes are identified in the EPBC Act and vary depending upon the type of assessment required and the time taken to receive information from the applicants to complete the assessment. Production activities, exploration activities and greenhouse gas storage activities that may have a significant impact on environmentally sensitive areas are, in particular, more likely to require further assessment and an approval decision under the EPBC Act.

Applicants are reminded the awarding of a petroleum or greenhouse gas storage title under the OPGGS Act does not guarantee that approval under the EPBC Act will be granted. A referral may result in a decision by the Minister for the Environment and Energy that the action is clearly unacceptable or an assessment and approval process may result in a decision to not approve the taking of the action.

Further information on the assessment process and statutory timeframes can be viewed at [assessment process and statutory timeframes](#) on the Department of the Environment and Energy website.

### **Heritage Values**

Listed heritage values are protected and managed under a range of Commonwealth powers.

World Heritage properties are sites that are recognised under the World Heritage Convention as being of international significance because of their outstanding universal natural and/or cultural values. The World Heritage Committee makes the final decision on whether a place is inscribed on the World Heritage List. Places on the World Heritage List are protected under the EPBC Act. Australia's marine World Heritage sites include Shark Bay, the Ningaloo Coast, the Great Barrier Reef, the Lord Howe Island Group, Heard and McDonald Islands and Macquarie Island.

The National Heritage List has been established to include places of outstanding heritage significance to Australia. The National Heritage List comprises places with natural, historic and/or Indigenous values. A place entered in the National Heritage List is known as a National Heritage place. Each place in the National Heritage List has been assessed by an independent body, the Australian Heritage Council, to determine whether the place has national heritage values. The Commonwealth Minister for the Environment and Energy makes the final decision on whether a place is listed. Places in the National Heritage List are protected under the EPBC Act.

The Commonwealth Heritage List established under the EPBC Act comprises natural, Indigenous and historic heritage places entirely within a Commonwealth area, or outside the Australian jurisdiction and owned or leased by the Commonwealth, which the Commonwealth Minister for the Environment and Energy is satisfied have one or more Commonwealth Heritage values. The minister makes the final decision on whether to include a place in the Commonwealth Heritage List.

In addition, Commonwealth Government agencies are required to develop:

- heritage strategies
- a heritage register
- management plans for places on the Commonwealth Heritage List to protect the heritage values of the Commonwealth Heritage Places they own or lease.

The World Heritage List, National Heritage List and Commonwealth Heritage List are compiled and maintained by the Department of the Environment and Energy. For a full list, please visit the [Heritage](#) webpage on the Department of the Environment and Energy website. As of March 2017, there are 107 places in the National Heritage List, 19 places on the World Heritage List and 397 places in the Commonwealth Heritage List. These lists include some offshore areas.

New places are added to the lists on an ongoing basis so the [Australian Heritage database](#) should be reviewed regularly. The values of Commonwealth Heritage List places are protected by the EPBC Act as part of the environment of Commonwealth lands and waters.

From 2012, all references to the Register of the National Estate that was established in 1976 as a national inventory of places of significant natural and/or cultural heritage were removed from the EPBC Act and the *Australian Heritage Council Act 2003*. The register now remains as an online archive of information about Australia's heritage places. The EPBC Act continues to protect the heritage values of places in the register that are in Commonwealth areas or are otherwise the responsibility of the Australian Government, such as the heritage values of places in the National Heritage List.

Applicants are encouraged to check each release area for any sites relating to Australian Government heritage lists.

### ***Australian Marine Parks and Commonwealth land***

An Australian Marine Park is defined in section 24 of the EPBC Act. More information about [Australian Marine Parks](#) is available on the Department of the Environment and Energy website.

In Australian Marine Parks and on Commonwealth land, heritage values form part of the environment and are considered under the EPBC Act. An Indigenous heritage value does not need to be included on a list or register to be considered under the definition of the environment in the EPBC Act.

### ***Indigenous heritage values***

The Commonwealth heritage management principles include the principle that:

*'Indigenous people are the primary source of information on the value of their heritage and the active participation of Indigenous people in identification, assessment and management is integral to the effective protection of Indigenous heritage values.'*

All future applicants should refer to [Ask First: A guide to respecting Indigenous heritage places and values](#) (Australian Heritage Commission 2002) and actively engage the relevant Indigenous people with rights or interests to ensure that Indigenous heritage values are given appropriate consideration.

### **Other protected matters**

Applicants should also be cognisant of matters protected under Part 3 of the EPBC Act such as, but not limited to, wetlands of international importance (Ramsar) and heritage places, including Indigenous heritage values, even those considerable distances from the acreage but that could potentially be impacted in the event of a hydrocarbon spill. Nationally listed threatened species and threatened ecological communities, including some marine and coastal communities, should also be taken into consideration.

### **The Historic Shipwrecks Act 1976**

The Commonwealth [Historic Shipwrecks Act 1976](#) protects all shipwrecks and associated relics that are 75 or more years old, regardless of whether their physical location is known. More recent shipwrecks may be declared as historic under the *Historic Shipwrecks Act 1976* by the Minister for the Environment and Energy. The *Historic Shipwrecks Act 1976* aims to ensure that historic shipwrecks are protected for their heritage values and maintained for recreational and educational purposes. It also regulates activities that may result in the damage, interference, removal or destruction of an historic shipwreck or associated relic.

The *Historic Shipwrecks Act 1976* also provides for protected zones to be declared in order to enhance the protection of historic shipwrecks and relics that are of special significance or sensitivity or at particular risk of interference. Permits are required to enter protected zones that can cover an area up to 200 hectares.

The jurisdiction of the *Historic Shipwrecks Act 1976* is not limited to Australian Marine Parks as defined by the EPBC Act, as it protects historic shipwrecks and associated relics found in Australian waters from the low water mark to the edge of the continental shelf, including the coastal waters of the Australian states and territories.

The requirements of the *Historic Shipwrecks Act 1976* must be taken into consideration when applying for any state, territory or Commonwealth planning approval for actions or developments in these waters.

Any actions involving contact with the seabed or operations in close proximity to the seabed, have the potential to damage, destroy or interfere with historic shipwrecks and it is strongly recommended that applicants seek professional advice and develop risk mitigation strategies to prevent committing an offence under the *Historic Shipwrecks Act 1976*.

When undertaking actions in the marine environment, applicants and their contractors must conform to all requirements of the *Historic Shipwrecks Act 1976* and must:

- Not damage, destroy or interfere with any historic shipwrecks or relics that may be encountered during the course of a proposed action without a permit.
- Not enter or conduct activities within a shipwreck protected zone without first obtaining a permit under the *Historic Shipwrecks Act 1976*.
- Provide a written notification of the discovery of any suspected shipwreck or shipwreck relics identified during the course of the proposed action including a:
  - detailed description of the remains of the shipwreck or of the relic. This could include sonar images, electronic data and digital photographs
  - description of the place where the shipwreck remains or relic is located that is sufficiently detailed to allow it to be identified and re-located including navigation data and datum information.

It should be noted that although the *Historic Shipwrecks Act 1976* does not currently provide for the protection of the natural environment associated with shipwrecks, these natural components form an integral part of historic shipwreck sites and are often critical to the long term preservation of shipwrecks and relics. Damage to these natural components can result in increased deterioration of shipwrecks and consequently affect the shipwrecks' role as a marine habitat.

Further information about the *Historic Shipwrecks Act 1976* can be found at the [historic shipwrecks](#) page on the Department of the Environment and energy website.

## **Cetaceans and the EPBC Act**

The 2018 release areas include areas that are in, or in proximity to, recognised cetacean migration corridors and areas listed as biologically important areas for feeding, breeding, calving and resting.

Species to pay particular attention to on Australia's north-west coast include humpback whales (*Megaptera novaeangliae*) and blue whales (*Balaenoptera musculus*). Humpback whales migrate north from around May each year, reaching the waters of the north-west in June. The southern migration occurs from late August-October. The exact timing of the migration period can vary from year to year and cow and calf migration can occur for up to four weeks before and after these migration periods. Blue whales migrate through the waters of Australia's north-west from April-August before returning south from October-December.

Migratory inshore dolphin species are found all year round in the tropical waters of northern Australia.

A policy statement on the interaction between offshore seismic exploration and whales has been developed by the Department of the Environment and Energy in consultation with the petroleum industry, whale research scientists and conservation groups. The September 2008 [EPBC Act Policy Statement 2.1 - Interaction between offshore seismic exploration and whales](#) details the industry guideline for this.

The document outlines standard management measures that should be used at all times when operating in Australian waters and outlines additional management measures that should be used in areas where there is a moderate to high likelihood of encountering whales. It should be noted that the intention of Policy Statement 2.1 is to reduce the likelihood that seismic surveys will result in acoustic injury to whales and does not cover potentially significant behavioural impacts to whales that may occur when whales are calving, feeding, breeding or resting.

The Policy Statement 2.1 states that seismic surveys should not be proposed in proximity to areas where and when cetaceans are likely to be breeding, calving, resting or feeding. Some proposed 2018 release areas are in proximity to areas where whales are expected to be engaged in critical lifecycle activities. Activities and associated mitigation measures will need careful consideration and may require mitigation measures to be implemented that are beyond the scope of Policy Statement 2.1.

The Biologically Important Areas for cetaceans in the five marine regions are detailed in the [Conservation Values Atlas](#).

Part 8 of the Environment Protection and Biodiversity Conservation Regulations 2000 outlines the requirements for all people interacting with cetaceans within Commonwealth waters. The regulations specify how vessels, aircraft and people must behave around these animals i.e. vessels must not deliberately approach whales closer than 100 m. Within 300 m vessels must use caution and travel at low speed. Touching or feeding whales and dolphins is prohibited.

Further information is contained within the [Australian National Guidelines for Whale and Dolphin Watching 2017](#) that has also been adopted by all states and territories.

## **Marine bioregional planning**

A Marine Bioregional Planning Program has been implemented under the EPBC Act. A key output of the program was the development of Marine Bioregional plans, to guide decisions under the EPBC Act.

Marine Bioregional plans are in place for the South-west, North-west, north and Temperate East Marine Regions. These plans provide a comprehensive description of the conservation values, the pressures these values are under and priorities for further effort and investment. They include a description of key conservation and heritage priorities, as well as current and emerging pressures on the marine environment. The plans also provide advice to people wishing to undertake new activities within Commonwealth waters about the relative risk of significant impact that certain activities may represent for matters of National Environmental Significance.

Pressures on some of the conservation values relevant to the oil and gas industry include for:

- Various cetaceans: chemical pollution/contaminants, nutrient pollution, marine debris, noise pollution, physical habitat modification, human presence at sensitive sites, collision/entanglement with infrastructure, collision with vessels and oil pollution.
- Various marine turtles: marine debris, noise pollution, nutrient pollution, changes to turbidity, light pollution, invasive species, physical habitat modification and collision with vessels.

- Sea snakes: physical habitat modification and oil pollution.
- Various elasmobranchs: chemical pollution/contaminants, and marine debris.
- Various seabirds: chemical pollution/contaminants, changes to turbidity, marine debris, human presence at sensitive sites, physical habitat modification, invasive species, light pollution and oil pollution.

The [Marine Bioregional plans](#) provide further details on the pressures the conservation values.

Many of the 2018 release areas overlap key ecological features that have been identified as part of marine bioregional planning process. Key ecological features assist in defining the Commonwealth marine environment, a matter of National Environmental Significance under EPBC Act, and are elements of the ecosystem that are considered to be of regional importance for biodiversity or ecosystem function and integrity. They include habitats, specific benthic or pelagic features, species groups or ecological communities.

The [Conservation Values Atlas](#) details further information about key ecological features.

Pressures on some of the key ecological features relevant to the oil and gas industry include:

- Ancient coastline at 125 m depth contour: noise pollution.
- Ancient coastline at 90-120 m depth contour: physical habitat modification.
- Carbonate bank and terrace system of the Sahul Shelf: changes in sea temperature, marine debris and physical habitat modification.
- Continental Slope demersal fish communities: physical habitat modification and changes in the sea temperature.
- Exmouth Plateau: physical habitat modification.

Biologically important areas spatially define areas where aggregations of individuals of a species are known to display biologically important behaviour.

All six species of marine turtle that are found in Australian waters are known or may occur in the waters off north and west Australia. These species include the vulnerable hawksbill turtle (*Eretmochelys imbricate*), vulnerable green turtle (*Chelonia mydas*), endangered loggerhead turtle (*Caretta caretta*), endangered olive ridley turtle (*Lepidochelys olivacea*), endangered leatherback turtle (*Dermochelys coriacea*) and vulnerable flatback turtle (*Natator depressus*).

The waters off north and west Australia support important nesting areas for green, hawksbill, loggerhead and flatback turtles. Olive ridley turtles are known to forage in the northern parts of the region but records indicate that they nest only occasionally in the region.

The vulnerable fairy tern as well as numerous migratory bird species are known to occur in the waters off north and west Australia including red-footed booby and wedge-tailed shearwater. Seabirds spend most of their lives at sea, ranging over large distances to forage over the open ocean. Many of these species also breed in and adjacent to the water of north Western Australia, including significant populations of terns, shearwaters and boobies.

During their migration, shorebirds use a number of staging areas as intermediate feeding sites to rest and restore energy reserves. Within and adjacent to the region, there are a number of sites that are of international or national significance to shorebirds. Maps of biologically important areas, for species including cetaceans, marine turtles and migratory birds are available in the [Conservation Values Atlas](#).

## Navigation

The Australian Maritime Safety Authority (AMSA) is a Commonwealth agency responsible for maritime safety, protection of the marine environment from ship-sourced pollution and maritime and aviation search and rescue.

Applicants should note that significant commercial shipping may be encountered in some release areas and measures to mitigate the risk of collision with transiting ships must be taken in all cases.

Information on [AMSA's role in offshore oil and gas exploration](#), including information on the consultation process required by the environment regulations for offshore petroleum activities is available on the AMSA website

Applicants are advised to initially examine historic vessel traffic patterns and density in their area/s of interest, with a view to evaluating and implementing adequate anti-collision measures. To assist in this regard, digital data, map products and historical vessel traffic data are available on the [Spatial@AMSA](#) page on the AMSA website.

Before submitting an Environment Plan to NOPSEMA for assessment, applicants are requested to liaise closely with AMSA's Systems Safety section (e-mail: [NauticalAdvice@amsa.gov.au](mailto:NauticalAdvice@amsa.gov.au)) for nautical advice regarding the adequacy of collision prevention measures for the intended activity. This includes Environment Plans for any:

- a) non-drilling exploration activity, such as hydrographic surveys, 2D, 3D and 4D seismic surveys and/or bottom sampling; or
- b) exploratory drilling, or development/extraction operations.

Such collision prevention measures may include, but not be limited to, additional warnings and/or lights to attract attention, Automatic Identification System (AIS) units and/or offshore guard vessel/s that can monitor traffic and ensure early action is taken to alert a vessel approaching the area of operations. In addition to collision prevention measures, AMSA may recommend changes to survey run lines and/or modifications to proposed operational areas within a title.

If the exploration vessel, such as a seismic survey vessel, is towing and is restricted in her ability to manoeuvre, it must display the appropriate lights and shapes to indicate this. All vessels must maintain a proper look out by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions, in accordance with the International Regulations for Preventing Collisions at Sea 1972.

For exploratory drilling, including drilling conducted by Mobile Offshore Drilling Units (MODUs), applicants should take all practicable action to avoid any vertical stationary/dynamic positioned drilling activities within, or near the termini of, chartered shipping fairways or other ship routing systems (e.g. a Traffic Separation Scheme).

Exploration, vertical drilling and/or development activities are not permitted within any chartered International Maritime Organization-adopted Traffic Separation Scheme(s).

## Fishing activities

The [Australian Fisheries Management Authority](#) (AFMA) represents the interests of the Australian community in the management of fisheries resources in Commonwealth waters. As such, AFMA is committed to the sustainable and economically efficient use of fisheries resources and would like to minimise the impact of offshore petroleum exploration on the sustainability and productivity of fish stocks and any operational conflicts between fishing and petroleum exploration activities.

### Consultation with AFMA

In 2012, AFMA reviewed and developed new guidelines for the petroleum industry to provide clarity on AFMA's role and expectations in relation to consultation. The guidelines are provided as part of a 'one stop shop' for the petroleum industry on AFMA's website. It contains information about fisheries and how to consult the fishing industry that is required for the preparation of Environment Plans under the environment regulations.

AFMA's expectation of the level of consultation with the petroleum industry is dependent on the type and scale of the activity and subsequent likelihood of the impact on fishing. Economic sustainability of a fishery, amongst other things, broadly depends on access to fishery areas, the use of particular fishing gear, and of course, fish. Impacts on fishing can be through direct impacts on fish species and fish habitat i.e. the effect of infrastructure construction on reef substrate, which may impact on fish breeding, but can also be indirectly through impacts on data collection for science i.e. impacts on long term surveys used to build fish population models that underpin management. Any type of activity that could cause spatial or temporal disturbance to fishing or scientific management should be the subject of consultation. However, due to the large number of petroleum projects, AFMA requires the petroleum industry to consult directly only in relation to activities which might have impacts at a large scale i.e. pipelines and seismic surveys.

In order for AFMA to consider the impact of large scale proposals, clear maps with locations of proposed developments (in latitude and longitude in datum WGS 1984) and associated petroleum title references should be sent to AFMA via email at [petroleum@afma.gov.au](mailto:petroleum@afma.gov.au). Where proposals are received and deemed not to be large scale, AFMA will consider these to be notifications and will not necessarily respond.

### **Consultation with the fishing industry**

AFMA fully expects the petroleum industry to consult with fishing operators about all activities – both large and small scale. This is because the spatial distribution and intensity of fishing operations can be highly variable over time and the only way to reliably determine future activity is by consulting relevant fishing operators. It should be noted that although some of the 2018 release areas experienced only a low level or, in some cases, no fishing activity over recent years, this may not be the case in the future. Fishing may resume in areas where it was not cost effective to do so in the past or in areas that were previously closed to enable stocks to recover.

Consultation with the fishing industry should be undertaken early in the planning stages of any exploration activity and well prior to commencing operations. AFMA's 'one stop shop' contains a Fishing Consultation Directory of contacts for fishing industry associations in each fishery, where they exist. In some Commonwealth fisheries there are no associations other than the Commonwealth Fisheries Association. However, another option for petroleum operators is to access the names and addresses of individual Commonwealth Statutory Fishing Rights, Fishing Permit and High Seas Permit holders from the Public Register that can be obtained from AFMA Licensing for a prescribed fee of \$30 per entity.

As the area of the Southern Bluefin Tuna Fishery extends throughout the entirety of Australian waters, AFMA recommends the petroleum industry consult with the [Australian Southern Bluefin Tuna Industry Association](#).

### **Consultation with the recreational fishing industry**

AFMA recommends the petroleum industry consult with the recreational fishing sector about all activities, both large and small scale. Consultation with the recreational fishing sector should be undertaken early in the planning stages of any exploration activity, well prior to commencing operations. AFMA recommends liaison with the [Australian Recreational Fishing Foundation](#).

### **Current fishery management issue**

Management Advisory Committees (MACs) provide AFMA with advice regarding the management of individual fisheries. For the Western Deepwater Trawl and North West Slope Trawl Fisheries, there are no MACs. However, a Western Trawl Consultative Panel does exist and meets when necessary to discuss fishery wide issues. AFMA, MACs and the broader fishing industry are concerned about some of the impacts of petroleum exploration on the marine environment.

### **Seismic surveys**

Concerns continue to be expressed by the fishing industry about the impact of seismic surveys on the movements of migratory species, as well as on schools of fish that may disperse for prolonged periods following surveys. There are also specific concerns relating to the potential impact of seismic surveys on scallops and on fish populations, particularly when conducted over large areas or entire reefs. AFMA encourages thorough consultation with fishing industry in relation to this issue.

### **Debris**

AFMA wishes to stress the importance of removing debris and requests that the proponents make every attempt to leave exploration areas free of obstruction. In circumstances where this is not practicable, any remaining debris should be promptly reported to the relevant peak fishing industry bodies. This is particularly important in the trawl fisheries: Commonwealth Trawl Fishery sector of the South Eastern Scalefish and Shark Fishery, Great Australian Bight Trawl Fishery, Northern Prawn Fishery, North West Slope Trawl Fishery and Western Deepwater Trawl Fishery.

### **Native Title**

Native title is the recognition by Australian law that some Indigenous people have rights and interests to their land that come from their traditional laws and customs.

The native title rights and interests held by particular Indigenous people will depend on both their traditional laws and customs and what interests are held by others in the area concerned. Generally, native title must give way to the rights held by others. The capacity of Australian law to recognise the rights and interests held under traditional law and custom will also be a factor.

Native title rights and interests may include rights to:

- live on the area
- access the area for traditional purposes, like camping or to do ceremonies
- visit and protect important places and sites
- hunt, fish and gather food or traditional resources like water, wood and ochre
- teach law and custom on country.

In some cases, native title includes the right to possess and occupy an area to the exclusion of all others, often called 'exclusive possession'. This includes the right to control access to, and use of, the area concerned. However, this right can only be recognised over certain parts of Australia, such as unallocated or vacant Crown land and some areas already held by or for Indigenous people.

Native title rights and interests differ from Indigenous land rights in that the source of land rights is a grant of title from government. The source of native title rights and interests is the system of traditional laws and customs of the native title holders themselves.

For further information or queries, please contact the National Native Title Tribunal – details under [key contacts](#).

## Telecommunications (submarine) cables

Submarine telecommunication cables carry the bulk of Australia's international voice and data traffic and are a vital component of our national infrastructure linking Australia with other countries. Submarine cables are vulnerable to damage and breakage that can have serious consequences for the flow of information to and from Australia.

The Department of Communications and the Arts has responsibility for Schedule 3A of the *Telecommunications Act 1997* that is administered by the Australian Communications Media Authority (ACMA).

The *Telecommunications Act 1997* provides for submarine cable protection zones to be declared around international submarine cables that are considered to be of national significance. Certain activities, including exploring for resources and mining, are prohibited or restricted in protection zones. There are currently three protection zones: the North and South Sydney Protection Zones and the Perth Protection Zone. Details of the location of the protection zones are available from the [submarine cable protection](#) page on the ACMA website.

The 2018 release areas do not appear to be in the vicinity of existing protection zones. However, the protection zone regime does not cover domestic cables or all international cables. Therefore, applicants are urged to contact the Australian Communications and Media Authority early in the planning processes to ensure they do not inadvertently damage telecommunications cables.

Particular attention should be paid to the JASUR AUS cable that connects Port Hedland and Indonesia, as well as other submarine telecommunication cables in the North West Shelf area such as Telstra's North West Fibre Optic Network and Nextgen's North West Cable System.

## Specific notices for release areas

### North Western Bonaparte AC18-1 and W18-1

#### Navigation

Traffic will be encountered transiting through the middle of release areas **AC18-1 and W18-1** travelling between Darwin and Indonesia.

Further information on [historical shipping traffic data](#) historical shipping traffic data can be found on AMSA's website.

#### Fishing activities

Release area **W18-1** is within the prescribed fishery areas for the Western Tuna and Billfish Fishery, Western Skipjack Tuna Fishery and Southern Bluefin Tuna Fishery.

Historical AFMA logbook data for 2012 to 2016 indicates that no vessels reported operating in the release area. As fishing activity may vary from year to year, AFMA recommends successful applicants liaise with representatives of the above fishing interests at an early stage in planning operational activities.

#### Telecommunications (submarine) cables

Nextgen's North West Cable System is located in the Browse, Bonaparte and Carnavon Basins in the vicinity of acreage release area **W18-1**. Proponents are encouraged to liaise with Nextgen prior to conducting any activities in these areas.

### Caswell Sub Basin W18-2

#### Navigation

Local and support traffic will be encountered in Release area **W18-2**.

Further information on [historical shipping traffic data](#) historical shipping traffic data can be found on AMSA's website.

#### Fishing activities

Release area **W18-2** overlaps with the prescribed fishery areas of the North West Slope Trawl Fishery, Western Tuna and Billfish Fishery, Western Skipjack Tuna Fishery and the Southern Bluefin Tuna Fishery.

Historical AFMA logbook data for 2012 to 2016 indicates that the North West Slope Trawl Fishery has been active in these areas. Additional information on the distribution of fishing effort in the [Northwest Slope Trawl Fishery Report](#) can be found in the Department of Agriculture Fishery Status Reports 2016 and in the [North West Slope Trawl Fishery Harvest Strategy Review 2011](#).

This area also overlaps with a zone that is fished by Indonesian traditional fishers under a Memorandum of Understanding (MoU) with Indonesia known as the 'MoU Box'. The MoU Box was established under the MoU between the Government of Australia and the Government of the Republic of Indonesia regarding the operations of Indonesian Traditional Fishermen in Areas of the Australian Exclusive Fishing Zone and Continental Shelf, signed on 7 November 1974.

The release of offshore petroleum exploration acreage and the conduct of petroleum activities in the MoU Box are not restricted under the MoU. However, applicants should be aware that traditional fishers can be found in any part of the delineated MoU Box and adjacent Australian waters where they may stray from time to time. Traditional vessels are only sail powered and therefore unable to readily take evasive action to avoid collision. Some vessels have been fitted with navigational lights, VHF radios and radar reflectors, however, it is unknown how reliably the equipment is maintained and used. Other vessels may not have any safety equipment at all. The hulls of the boats are timber and present poor radar targets if they do not carry a reflector. While peak activity for fishers is outside; of the cyclone season some fishing is done throughout the year. AFMA recommends caution when operating in this area.

As fishing activity in the MoU Box may vary from year to year, AFMA recommends successful applicants liaise with Mr John Davis, Senior Manager, Compliance Operations ([John.Davis@afma.gov.au](mailto:John.Davis@afma.gov.au)) for updated information.

AFMA recommends successful applicants liaise with representatives of the above fishing interests at an early stage in planning operational activities.

For further information please see the section on [Indonesian Traditional Fishing in the 'MoU Box'](#).

### **Restricted Airspace/Defence Practice Areas**

Release area **W18-2** is located within restricted airspace and/or a Defence Practice Area (DPA). Unexploded ordnance (UXO) may be present in the area. Permit holders must comply with the Defence requirements outlined [above](#).

## **Browse Basin W18-3**

### **Australian Marine Parks**

Release area **W18-3** overlaps a portion of the Multiple Use Zone (VI) of the Kimberley Marine Park.

The Kimberley Marine Park includes a Multiple Use Zone (VI), Habitat Protection Zone (IV) and Marine National Park Zone (II). Mining operations are allowed under a general approval while transitional management arrangements are in place, and until new management plans are in force.

The Director of National Parks (DNP) is a 'relevant person' under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* and is required to be consulted in the preparation of environment plans where:

- the proposed activity or part of the activity is within the boundaries of a proclaimed Australian Marine Park (AMP);
- activities proposed to occur outside a marine park may impact on the values within an AMP; and/or
- an environmental incident that occurs in Commonwealth waters surrounding an AMP may impact on the values within the marine park.

Further information about the Kimberley Marine Park is at [www.environment.gov.au/topics/marine/marine-reserves](http://www.environment.gov.au/topics/marine/marine-reserves) and the draft management plan is at [parksaustralia.gov.au/marine](http://parksaustralia.gov.au/marine).

### **Navigation**

Local and support traffic will be encountered in release area **W18-3**. The north western section of the Release area encounters much traffic to support activities in the Ichthys and Prelude gas fields, which is to the north of the Release area.

Further information on [historical shipping traffic data](#) historical shipping traffic data can be found on AMSA's website.

### **Fishing activities**

Release area **W18-3** overlaps with the prescribed fishery areas of the North West Slope Trawl Fishery, Western Tuna and Billfish Fishery, Western Skipjack Tuna Fishery and the Southern Bluefin Tuna Fishery.

Historical AFMA logbook data for 2012 to 2016 indicates that the North West Slope Trawl Fishery has been active in these areas. Additional information on the distribution of fishing effort in the [Northwest Slope Trawl Fishery Report](#) can be found in the Department of Agriculture Fishery Status Reports 2016 and in the [North West Slope Trawl Fishery Harvest Strategy Review 2011](#).

This area also overlaps with a zone that is fished by Indonesian traditional fishers under a Memorandum of Understanding (MoU) with Indonesia. The MoU Box was established under the MoU between the Government of Australia and the Government of the Republic of Indonesia regarding the operations of Indonesian Traditional Fishermen in Areas of the Australian Exclusive Fishing Zone and Continental Shelf, signed on 7 November 1974.

The release of offshore petroleum exploration acreage and the conduct of petroleum activities in the MOU Box are not restricted under the MOU. However, applicants should be aware that traditional fishers can be found in any part of the delineated MoU Box and adjacent Australian waters where they may stray from time to time. Traditional vessels are only sail powered and therefore unable to readily take evasive action to avoid collision. Some vessels have been fitted with navigational lights, VHF radios and radar reflectors, however, it is unknown how reliably the equipment is maintained and used. Other vessels may not have any safety equipment at all. The hulls of the boats are timber and present poor radar targets if they do not carry a reflector. While peak activity for fishers is outside; of the cyclone season some fishing is done throughout the year. AFMA recommends caution when operating in this area.

As fishing activity in the MoU Box may vary from year to year, AFMA recommends successful applicants liaise with Mr John Davis, Senior Manager, Compliance Operations ([John.Davis@afma.gov.au](mailto:John.Davis@afma.gov.au)) for updated information.

AFMA recommends successful applicants liaise with representatives of the above fishing interests at an early stage in planning operational activities.

For further information please see the section on [Indonesian Traditional Fishing in the 'MoU Box'](#).

### **Telecommunications (submarine) cables**

Nextgen's North West Cable System is located in the Browse, Bonaparte and Carnarvon Basins in the vicinity of acreage release area **W18-3**. Proponents are encouraged to liaise with Nextgen prior to conducting any activities in these areas.

### **Restricted Airspace/Defence Practice Areas**

Release area **W18-3** is located within restricted airspace and/or a Defence Practice Area (DPA). Unexploded ordnance (UXO) may be present in the area. Permit holders must comply with the Defence requirements outlined [above](#).

## **Northern Carnarvon Basin W18-4, W18-5**

### **Navigation**

Release area **W18-4** contains 4 of the charted Shipping Fairways. Heavy traffic will be encountered in the Release area, especially in the charted Shipping Fairways, as well as entering and exiting the Port of Dampier, Port Walcott and Port Hedland. Local and support traffic will be encountered in the Release area. This area is subject to over 20 individual commercial vessel voyages per day and that figure is forecast to increase. This is an average of 2 heavy commercial vessels per hour.

Release area **W18-5** contains 3 of the charted Shipping Fairways. Heavy traffic will be encountered in the release area, especially in the charted Shipping Fairways, as well as entering and exiting both Port Walcott and the Port of Dampier. Local and support traffic will be encountered in the Release area. This area is subject to over 10 individual commercial vessel voyages per day and that figure is forecast to increase. This is an average of 1 heavy commercial vessel per hour.

Further information on [historical shipping traffic data](#) historical shipping traffic data can be found on AMSA's website.

### **Fishing activities**

Release areas **W18-4** and **W18-5** are within the prescribes fishery areas for the North West Slope Trawl Fishery, Western Tuna and Billfish Fishery, Western Skipjack Tuna Fishery and Southern Bluefin Tuna Fishery.

Historical AFMA logbook data for 2012 to 2016 indicates that the North West Slope Trawl Fishery has been active in these areas. Additional information on the distribution of fishing effort in the [Northwest Slope Trawl Fishery Report](#) can be found in the Department of Agriculture Fishery Status Reports 2016 and in the [North West Slope Trawl Fishery Harvest Strategy Review 2011](#).

As fishing activity may vary from year to year, AFMA recommends successful applicants liaise with representatives of the above fishing interests at an early stage in planning operational activities.

## Telecommunications (submarine) cables

Nextgen's North West Cable System is located in the Browse, Bonaparte and Carnarvon Basins in the vicinity of acreage release area **W18-4**. Proponents are encouraged to liaise with Nextgen prior to conducting any activities in these areas.

## Dampier Sub Basin W18-6

### Navigation

Heavy vessels, local and support traffic will be encountered in release area **W18-6**, especially in relation to activities at North Rankin.

Further information on [historical shipping traffic data](#) historical shipping traffic data can be found on AMSA's website.

### Fishing activities

Release area **W18-6** overlaps with the fishery areas prescribed for the North West Slope Trawl Fishery, Western Tuna and Billfish Fishery, Western Skipjack Tuna Fishery and Southern Bluefin Tuna Fishery. Historical AFMA logbook data for 2012 to 2016 indicates that no vessels reported operating in either release area.

As fishing activity may vary from year to year, AFMA recommends successful applicants liaise with representatives of the above fishing interests at an early stage in planning operational activities.

## Rankin Platform and Barrow Sub Basin W18-7 and W18-8

### Australian Marine Parks

Release area **W18-7** overlaps a portion of the Multiple Use Zone (VI) of the Montebello Marine Park.

The Montebello Marine Park solely consists of a Multiple Use zone (VI). Mining operations are allowed under a general approval while transitional management arrangements are in place, and until new management plans are in force.

The Director of National Parks (DNP) is a 'relevant person' under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* and is required to be consulted in the preparation of environment plans where:

- the proposed activity or part of the activity is within the boundaries of a proclaimed Australian Marine Park (AMP);
- activities proposed to occur outside a marine park may impact on the values within an AMP; and/or
- an environmental incident that occurs in Commonwealth waters surrounding an AMP may impact on the values within the marine park.

For further information, please see the [Montebello Marine Park](#) and the [draft management plans for marine parks](#).

### Navigation

Local and support traffic will be encountered in Release area **W18-7**. North of the Release area is the established Pluto and Wheatstone platforms, with the north eastern section of the Release encroaching into the Cautionary area surrounding the Pluto platform.

Heavy vessels, local and support traffic will be encountered in Release area **W18-8**, especially transiting to and from the charted Montebello-Tryal Rocks recommended track.

Further information on [historical shipping traffic data](#) historical shipping traffic data can be found on AMSA's website.

### Fishing activities

Release area **W18-7** overlaps with the fishery areas prescribed for the North West Slope Trawl Fishery, Western Tuna and Billfish Fishery, Western Skipjack Tuna Fishery and Southern Bluefin Tuna Fishery. Historical AFMA logbook data for 2012 to 2016 indicates that no vessels reported operating in either release area.

Release Area **W18-8** overlaps with the fishery areas prescribed for the North West Slope Trawl Fishery, Western Deepwater Trawl Fishery, Western Tuna and Billfish Fishery, Western Skipjack Tuna Fishery and Southern Bluefin Tuna Fishery.

Historical AFMA logbook data for 2012 to 2016 indicates these fisheries have not been active in this area during this period. However, this area still falls within the prescribed area of these fisheries and AFMA recommends as fishing activity may vary from year to year, successful applicants liaise with representatives of the above fishing interests at an early stage in planning operational activities.

As fishing activity may vary from year to year, AFMA recommends successful applicants liaise with representatives of the above fishing interests at an early stage in planning operational activities.

## Heritage

The Ningaloo Coast is World and National Heritage Listed and is located approximately 130km south west of **W18-8**.

## Exmouth Plateau W18-9, W18-10, W18-11 and W18-12

### Australian Marine Parks

Release areas **W18-11** and **W18-12** overlap a portion of the Multiple Use Zone (VI) of the Gascoyne Marine Park.

The Gascoyne Marine Park includes a Multiple Use Zone (VI), Habitat Protection Zone (IV) and a Marine National Park Zone (II). Mining operations are allowed under a general approval while transitional management arrangements are in place, and until new management plans are in force.

The Director of National Parks (DNP) is a 'relevant person' under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* and is required to be consulted in the preparation of environment plans where:

- the proposed activity or part of the activity is within the boundaries of a proclaimed Australian Marine Park (AMP);
- activities proposed to occur outside a marine park may impact on the values within an AMP; and/or
- an environmental incident that occurs in Commonwealth waters surrounding an AMP may impact on the values within the marine park.

For further information, please see the [Gascoyne Marine Park](#) and the [draft management plans for marine parks](#).

## Navigation

Local and support traffic will be encountered in Release area **W18-9**.

Heavy vessels will be encountered in Release area **W18-10** heading north / south along the WA coast and north to Indonesia.

Release area **W18-11** contains a chartered Shipping Fairway. Heavy vessels will be encountered in the release area heading north / south along the WA coast and north to Indonesia. This area is subject to over 4 individual commercial vessel voyages per day and that figure is forecast to increase.

Release area **W18-12** contains 2 of the chartered Shipping Fairways. Heavy vessels will be encountered in the Release area heading north / south along the WA coast and north to Indonesia. This area is subject to over 5 individual commercial vessel voyages per day and that figure is forecast to increase.

Further information on [historical shipping traffic data](#) historical shipping traffic data can be found on AMSA's website.

## Fishing activities

Release Areas **W18-9**, **W18-11**, and **W18-12** overlap with the fishery areas prescribed for the North West Slope Trawl Fishery, Western Deepwater Trawl Fishery, Western Tuna and Billfish Fishery, Western Skipjack Tuna Fishery and Southern Bluefin Tuna Fishery.

Historical AFMA logbook data for 2012 to 2016 indicates these fisheries have not been active in this area during this period. However, this area still falls within the prescribed area of these fisheries and AFMA recommends as fishing activity may vary from year to year, successful applicants liaise with representatives of the above fishing interests at an early stage in planning operational activities.

## Heritage

The Ningaloo Coast is World and National Heritage Listed and is located approximately 60km south of **W18-12** and approximately 100km south of **W18-11**.

## Restricted Airspace/Defence Practice Areas

Release areas **W18-11** and **W18-12** are located within restricted airspace and/or a Defence Practice Area (DPA). Unexploded ordnance (UXO) may be present in the area. Permit holders must comply with the Defence requirements outlined [above](#).

## Ceduna Sub Basin S18-1

### Australian Marine Parks

Release area **S18-1** overlaps a portion of the Special Purpose Zone (VI) and Multiple Use Zone (VI) of the Great Australian Bight Marine Park.

The Great Australian Bight Marine Park includes a Special Purpose Zone (VI), Multiple Use Zone (VI) and a Marine National Park Zone (II). It includes the area of the former Great Australian Bight Marine Park (Commonwealth Waters) which included a Marine Mammal Protection Zone and Benthic Protection Zone.

Historical management arrangements are in place for this marine park, until new management plans are in force. This means mining operations require authorisation by the Director of National Parks (DNP) and NOPSEMA in the Benthic Protection Zone of the former marine park, and are not allowed in the Marine Mammal Protection Zone. For areas in the Great Australian Bight Marine Park (excluding that part of the marine park that is the area of the former Great Australian Bight Marine Park, Commonwealth Waters), mining operations are allowed under a general approval while transitional management arrangements are in place, and until new management plans are in force. Further information on transitional management arrangements for this marine park can be found on the [Former Great Australian Bight Marine Park \(Commonwealth Waters\)](#) page on the Department of the Environment and Energy website.

The DNP is a 'relevant person' under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* and is required to be consulted in the preparation of environment plans where:

- the proposed activity or part of the activity is within the boundaries of a proclaimed Australian Marine Park (AMP);
- activities proposed to occur outside a marine park may impact on the values within an AMP; and/or
- an environmental incident that occurs in Commonwealth waters surrounding an AMP may impact on the values within the marine park.

For further information, please see the [Great Australian Bight Marine Park](#) and the [draft management plans for marine parks](#).

### Navigation

The southern section of release area **S18-1** contains very heavy traffic transiting between WA, SA and Victoria. The middle section of the release area also contains traffic transiting east and west.

Further information on [historical shipping traffic data](#) historical shipping traffic data can be found on AMSA's website.

### Fishing activities

Release Area **S18-1** is within the prescribed fishery areas for the Southern and Eastern Scalefish and Shark Fishery, Small Pelagic Fishery, Southern Bluefin Tuna Fishery, the Western Tuna and Billfish Fishery and Western Skipjack Tuna Fishery.

Historical AFMA logbook data for 2012 to 2016 indicates that the Great Australian Bight Trawl Sector of the Southern and Eastern Scalefish and Shark Fishery has been active in the release area. Additional information on the distribution of fishing effort in these fisheries can be found in the Department of Agriculture and Water Resource's [Fishery Status Reports 2016](#).

As fishing activity may vary from year to year, AFMA recommends successful applicants liaise with representatives of the above fishing interests at an early stage in planning operational activities.

## Inner Otway V18-1, V18-2 and V18-3

### Navigation

Heavy traffic will be encountered in the most southern section of Release area **V18-1**.

Very heavy traffic passes through the whole of Release area **V18-2** as this is where vessels converge while travelling in an east to west direction along the Victoria coast. This area is subject to over 9 individual commercial vessel voyages per day and that figure is forecast to increase.

Very heavy traffic passes through the whole of Release area **V18-3** as this is where vessels converge while travelling in an east to west direction along the Victoria coast. This area is subject to over 2 individual commercial vessel voyages per day and that figure is forecast to increase.

Further information on [historical shipping traffic data](#) historical shipping traffic data can be found on AMSA's website.

### Fishing activities

Release Areas **V18-1**, **V18-2** and **V18-3** are within the prescribed fishery areas for the Southern and Eastern Scalefish and Shark Fishery (including the Commonwealth Trawl and the Gillnet Hook and Trap Sectors), Small Pelagic Fishery, Southern Squid Jig Fishery, Bass Strait Central Zone Scallop Fishery, Eastern Skipjack Tuna Fishery, Eastern Tuna and Billfish Fishery and Southern Bluefin Tuna Fishery.

Historical AFMA logbook data for 2012 to 2016 indicates that the Commonwealth Trawl and Gillnet Hook and Trap Sectors of the Southern and Eastern Scalefish and Shark Fishery and also the Southern Squid Jig Fishery have been active in all years in the release areas. Additional information on the distribution of fishing effort in these fisheries can be found in the Department of Agriculture and Water Resource's [Fishery Status Reports 2016](#).

As fishing activity may vary from year to year, AFMA recommends successful applicants liaise with representatives of the above fishing interests at an early stage in planning operational activities.

## Southern Gippsland V18-4

### Navigation

Heavy traffic will be encountered in the south-eastern section of Release area **V18-4**, where it crosses into traffic entering and exiting the Traffic Separation Scheme (TSS). Local and support traffic will be encountered in the Release area. Encroaches on the TSS. The northern section and eastern section of the Release area cross over into the Area to be Avoided (ATBA). This area is subject to at least 1 individual commercial vessel voyage per day and that figure is forecast to increase.

Further information on [historical shipping traffic data](#) historical shipping traffic data can be found on AMSA's website.

### Fishing activities

Release Area **V18-4** falls within the prescribed fishery areas for the Southern and Eastern Scalefish and Shark Fishery (including the Commonwealth Trawl and the Gillnet Hook and Trap Sectors) Small Pelagic Fishery, Southern Squid Jig Fishery, Bass Strait Central Zone Scallop Fishery, Eastern Skipjack Tuna Fishery, and Southern Bluefin Tuna Fishery.

Historical AFMA logbook data for 2012 to 2016 indicate that there is a significant overlap in this area with the Southern and Eastern Scalefish and Shark Fishery (the Gillnet Hook and Trap Sector and the Commonwealth Trawl Sector). These two sectors are very active in the release areas and also active to a lesser extent are the Southern Squid Jig Fishery and the Bass Strait Central Zone Scallop Fishery. Additional information on the distribution of fishing effort in these fisheries can be found in the Department of Agriculture and Water Resource's [Fishery Status Reports 2016](#).

As fishing activity may vary from year to year, AFMA recommends successful applicants liaise with representatives of the above fishing interests at an early stage in planning operational activities.

### Greenhouse Gas Assessment Permit

The Greenhouse Gas Assessment Permit VIC-GIP-001 overlaps the release area **V18-4**. The titleholders of VIC-GIP-001 are CarbonNet. The CarbonNet Project is investigating the potential for establishing a commercial-scale carbon capture and storage (CCS) network. CarbonNet is managed by the Victorian Department of Economic Development, Jobs, Transport and Resources, and is funded by the Australian and Victorian governments.

For further information or queries about the CarbonNet Project and VIC-GIP-001, please contact the Victorian Department of Economic Development, Jobs, Transport and Resources – details under [key contacts](#).

## Central Deep Gippsland Basin V18-5

### Navigation

Local and support traffic will be encountered in Release area **V18-5**. The Release area is contained within the Area to be Avoided (ATBA).

Further information on [historical shipping traffic data](#) historical shipping traffic data can be found on AMSA's website.

### Fishing activities

Release Area **V18-5** falls within the prescribed fishery areas for the Southern and Eastern Scalefish and Shark Fishery (including the Commonwealth Trawl and the Gillnet Hook and Trap Sectors) Small Pelagic Fishery, Southern Squid Jig Fishery, Bass Strait Central Zone Scallop Fishery, Eastern Skipjack Tuna Fishery, and Southern Bluefin Tuna Fishery.

Historical AFMA logbook data for 2012 to 2016 indicate that there is a significant overlap in this area with the Southern and Eastern Scalefish and Shark Fishery (the Gillnet Hook and Trap Sector and the Commonwealth Trawl Sector). These two sectors are very active in the release areas and also active to a lesser extent are the Southern Squid Jig Fishery and the Bass Strait Central Zone Scallop Fishery. Additional information on the distribution of fishing effort in these fisheries can be found in the Department of Agriculture and Water Resource's [Fishery Status Reports 2016](#).

As fishing activity may vary from year to year, AFMA recommends successful applicants liaise with representatives of the above fishing interests at an early stage in planning operational activities.

## Eastern Gippsland Basin V18-6 and V18-7

### Navigation

Heavy traffic will be encountered in Release area **V18-6**, where traffic converges as it enters and exits the Traffic Separation Scheme (TSS). Local and support traffic will be encountered in the Release area. Encroaches on the Traffic Separation Scheme (TSS). The eastern section of the Release area crosses over into the Area to be Avoided (ATBA). This area is subject to over 9 individual commercial vessel voyages per day and that figure is forecast to increase.

Heavy traffic will be encountered in Release area **V18-7**, where traffic converges as it enters and exits the Traffic Separation Scheme (TSS). Local and support traffic will be encountered in the Release area. This area is subject to over 11 individual commercial vessel voyages per day and that figure is forecast to increase.

Further information on [historical shipping traffic data](#) historical shipping traffic data can be found on AMSA's website.

## Fishing activities

Release Areas **V18-6** and **V18-7** fall within the prescribed fishery areas for the Southern and Eastern Scalefish and Shark Fishery (including the Commonwealth Trawl and the Gillnet Hook and Trap Sectors) Small Pelagic Fishery, Southern Squid Jig Fishery, Bass Strait Central Zone Scallop Fishery, Eastern Skipjack Tuna Fishery, and Southern Bluefin Tuna Fishery.

Historical AFMA logbook data for 2012 to 2016 indicate that there is a significant overlap in this area with the Southern and Eastern Scalefish and Shark Fishery (the Gillnet Hook and Trap Sector and the Commonwealth Trawl Sector). These two sectors are very active in the release areas and also active to a lesser extent are the Southern Squid Jig Fishery and the Bass Strait Central Zone Scallop Fishery. Additional information on the distribution of fishing effort in these fisheries can be found in the Department of Agriculture and Water Resource's [Fishery Status Reports 2016](#).

As fishing activity may vary from year to year, AFMA recommends successful applicants liaise with representatives of the above fishing interests at an early stage in planning operational activities.