



Legislative Council Environment and Planning Committee

Hearing date: 6/03/2026

Questions taken on notice

Directed to: Department of Energy, Environment and Climate Action, Linda Bibby

Received date: 27/03/2026

1. P. 37 Sarah Mansfield

Question: -The EPA was not clear on this, but my understanding is that emissions, say fugitive emissions from activities in Commonwealth waters off the coast of Victoria, would actually be attributed to Victoria under legislation, because the emissions have to be attributed to a state or territory. Is that the case?

Linda BIBBY: I would have to take that one on notice. I am happy to get you an answer on that one.

Response:

Scope 1 emissions from petroleum operations (including from facilities, wells, pipelines) in Commonwealth waters that are offshore from Victoria are attributed to Victoria in the National Greenhouse Accounts, which are calculated in line with Australia's obligations under the United Nations Framework Convention on Climate Change and the Paris Agreement.

2. P. 38 Sarah Mansfield

Question: - So what further role do the companies have themselves in that monitoring and responsibility for that infrastructure once it has all been decommissioned and licences handed back?- And if there is a failure of compliance, what is the maximum penalty that can be issued?

Linda BIBBY: I would have to take that one on notice.

Response:

Titleholders have an obligation to prevent the escape of oil or gas to the environment from their activities (Victorian OPGGS Act, s 616; Commonwealth OPGGS Act, s 569). Failure to comply with this obligation is an offence.

Titleholders operating in Victorian waters are required to apply to the Minister (Victorian OPGGS Act, s 265), or Joint Authority for Commonwealth titles (Commonwealth OPGSS Act, s 269), for consent to surrender a title. Giving consent is subject to the Minister (or Joint Authority) being satisfied that the titleholder has satisfactorily completed decommissioning works, provided for the conservation and protection of the natural resources, remediated any damage to the seabed or subsoil, and met any other applicable obligations under their title, the Act or regulations (Victorian OPGGS Act, s 266; Commonwealth OPGSS Act, s 270).

The Minister (or NOPSEMA for Commonwealth titles) also has the power to issue remedial directions to current and former titleholders requiring decommissioning works to be carried out, including taking action to remove property, plug wells or provide for the environment to be conserved and protected (Victorian OPGGS Act, ss 635 and 636; Commonwealth OPGSS Act, s 586). Failure to comply with a remedial notice is an offence.

In the event a former titleholder fails to comply with a direction, the Minister (or NOPSEMA) may remove, dispose of or sell any property and may recover costs from the former titleholder (Victorian OPGGS Act, s 637 and 638; Commonwealth OPGSS Act, ss 588 and 589).

Depending on the actions taken, or not taken, by a titleholder or former titleholder multiple offences may occur.

For example, in Victorian waters a failure to remove infrastructure or property is an offence attracting a penalty of up to 120 penalty units. Additionally, a failure to comply with a remedial direction to remove infrastructure or property is a further offence that also attracts a maximum penalty of 120 penalty units.

In Commonwealth waters, the regulatory regime provides for strict liability, civil and criminal offences for non-compliant activity. For example, failure by a titleholder to comply with a direction to remove infrastructure or property in Commonwealth waters may attract a 100 penalty unit as a strict liability offence, 525 penalty units as a civil offence, or 5 years imprisonment and/or 2,000 penalty units for a fault-based offence with continuing penalties applicable for civil or criminal offences.

3. P.42 Ryan Batchelor

Question: -we thought it might be best asked of DEECA, and it may not be your bit of DEECA that answers it – and that was whether any

emissions from wells in Commonwealth waters are applied to Victoria's emissions count. Do you know the answer to that question?

Linda BIBBY: I do not know the answer, but I will endeavour to get you one.

The CHAIR: If you could take that on notice-

Linda BIBBY: I will do that.

Response:

Scope 1 emissions from petroleum operations (including from facilities, wells, pipelines) in Commonwealth waters that are offshore from Victoria are attributed to Victoria in the National Greenhouse Accounts, which are calculated in line with Australia's obligations under the United Nations Framework Convention on Climate Change and the Paris Agreement.