

# From offshore installations to artificial reefs

Legal frameworks for de-commissioning in Australia



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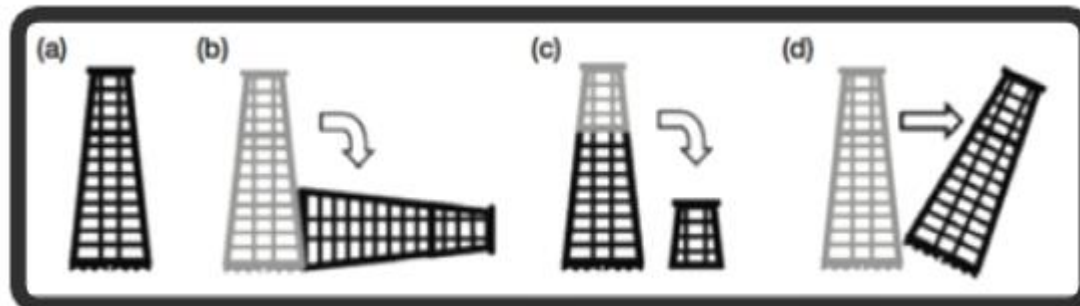
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# Overview

- The Challenge
- Legal Context
- International legal obligations
- Comparative de-commissioning regulations
- Australia legal framework
- Key issues

# The Challenge

- Globally
  - First offshore installations built in 1920s
  - Early de-commissioning 1970s
  - 1000s of installations 20+ years old
- In Australia
  - Construction of infrastructure in 1960s
  - Facing decommissioning in the next decade
- Options
  - Engineering allows for in situ and complete removal
  - Marine science demonstrates creation of artificial reefs
  - Legal frameworks in Australia favour removal



# Legal Context

- International Law
  - Law of the Sea
  - Oceans governance
- National legal frameworks
  - EEZ
- State law and policy
  - Inshore waters
  - Coastal infrastructure



Fish at an oil platform, Gulf of Mexico (US Bureau of Ocean Energy Management):  
<https://en.wikipedia.org/wiki/Rigs-to-Reefs>

# International Legal Obligations

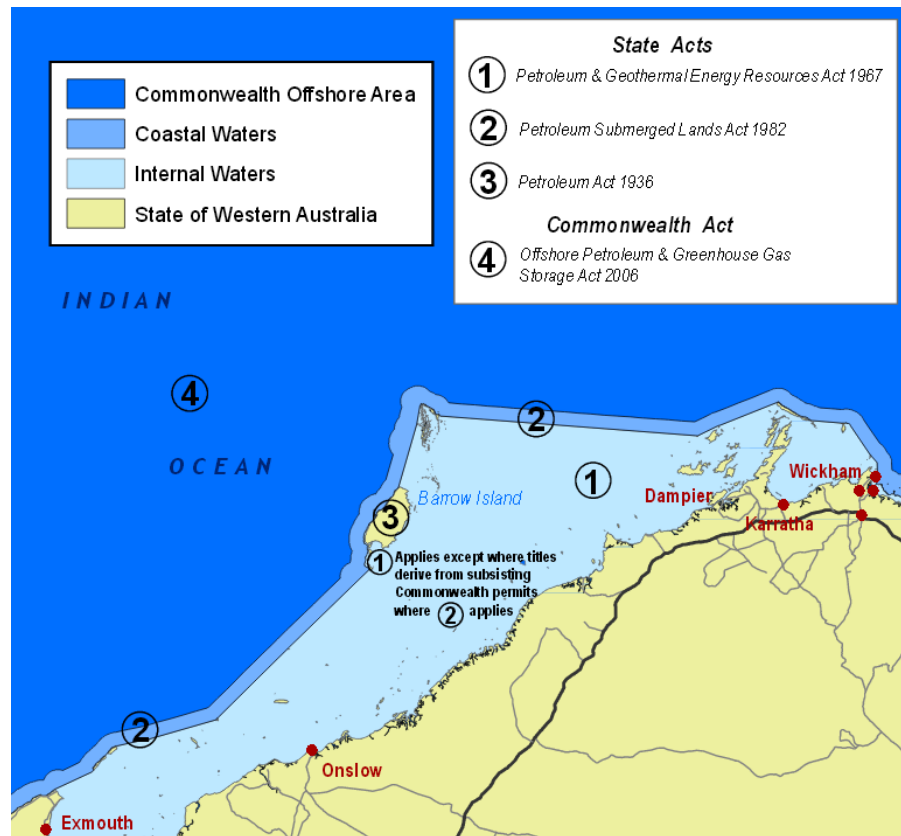
- Geneva Convention (1958)
  - Requires removal
- UNCLOS (1982)
  - Requires removal with regard to accepted international standards
- IMO standards (1989)
  - Permit partial removal for deep water structures and for waivers for 'new use'
- London (Dumping) Convention (1972)
  - Regulates dumping of waste and 'storage' on the seabed
  - Protocol (1996) permits disposal if authorised by state

# National De-commissioning rules

- UK and EU
  - OSPAR Convention prohibits dumping but provides derogation rule; and artificial reefs only with new materials
  - UK *Petroleum Act* (1998) and the *Energy Act* (2008) limited in situ decommissioning
- US
  - Federal *National Fishing Enhancement Act* (1985) permits partial removal and conversion to artificial reefs
  - Gulf of Mexico states including Louisiana and Texas have facilitated conversion of rigs to reefs
  - *California Assembly Bill 2503* (2010)

# Australian current structure

3 jurisdictions (or 4)



# Australian Legal Framework



- Federal and State Jurisdictions in Australia
- Complexity of legislation
  - is the Commonwealth Offshore Petroleum and Greenhouse Gas Storage Act 2006 (OPGGSA)
  - Environmental Protection and Biodiversity Conservation Act 1999 (EPBC)
  - Environment Protection (Sea Dumping) Act 1981 (SDA)
  - Onshore legislation
- Multiple regulators
  - National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA)
  - National Offshore Petroleum Titles Administrator (NOPTA)



# De-commissioning framework

- Commonwealth Waters
  - Federal DoE still administers permits under Environment Protection (Sea Dumping) Act 1981
  - OPGGSA s572(3) requires titleholders to remove from the title all structures, equipment and property used in connection with operations
  - Decommissioning activities must be conducted under an accepted Environment Plan (Environment Regs r6) or safety case
  - Surrender of a title will require the consent of the Joint Authority (OPGGSA s 270) which will require compliance with s572 (unless there are “sufficient grounds”)

# Discussion Points

- Need for scientific studies on decommissioning in situ in West Australian waters – engineering and marine sciences
- How does scientific evidence feed into policy and regulation?
- Public perception and the social licence to decommission
- Fiscal treatment and liability issues of in situ decommissioning