

Onshore Petroleum Incident Reporting

Guideline

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Disclaimer: This Guideline does not constitute legal advice, is not intended to be a substitute for legal advice and should not be relied upon as such.

Acronyms and References	Full Form/Meaning
Act	Petroleum Act 1984 (NT)
Code	refers to the Code of Practice: Onshore Petroleum Activities in the Northern Territory
DEPWS	Department of Environment, Parks and Water Security
DITT	Department of Industry, Tourism and Trade
EMP	Environment Management Plan
Environmental harm	defined in section 5(8) the Act as meaning: <i>direct or indirect alteration of the environment to its detriment or degradation, of any degree or duration, whether temporary or permanent</i>
Environmental impact	defined in regulation 3 of the Regulations as meaning: <i>any adverse change, or potential adverse change, to the environment resulting wholly or partly from a regulated activity</i>
Environmental outcome	defined in regulation 3 of the Regulations as meaning: <i>an outcome that will be achieved if the environmental impacts and environmental risks of a regulated activity are reduced to a level that is: (a) as low as reasonably practicable; and (b) acceptable</i>
Environmental performance standard	defined in regulation 3 of the Regulations as meaning: <i>a standard that: (a) relates to the management of environmental impacts and environmental risks of a regulated activity; and (b) applies to persons, systems, equipment or procedures involved in carrying out the activity</i>
Environmental regulator	Petroleum Operations unit, Environment Division, DEPWS
Environmental risk	defined in regulation 3 of the Regulations as meaning: <i>the chance of something happening that will have an environmental impact, measured in terms of the environmental consequences and the likelihood of those consequences occurring</i>
Material environmental harm	defined in the section 8 of the <i>Environment Protection Act 2019</i> Act as meaning: <i>environmental harm that is not trivial or negligible in nature; and (b) is less serious than significant environmental harm.</i>
Significant environmental harm	defined in section 9 of the <i>Environment Protection Act 2019</i> as meaning: <i>environmental harm that:</i> <i>(a) is of major consequence having regard to:</i> <i>(i) the context and intensity of the harm; and</i> <i>(ii) the sensitivity, value and quality of the environment harmed and the duration, magnitude and geographic extent of the harm; or</i> <i>(b) would, or is likely to, cost more to remediate than the monetary amount prescribed by regulation.</i>
Minister	Minister for Environment, Climate Change and Water Security Includes delegates as per delegation instruments
NT	Northern Territory
Provide to the Minister	Anything required to be provided to the Minister should be provided to the environmental regulator, as the agency administering the Regulations on behalf of the Minister
Regulations	Petroleum (Environment) Regulations 2016 (NT)

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1. Introduction

The Petroleum (Environment) Regulations 2016 (NT) (the Regulations) require an interest holder to make a written notification to the Minister for Environment, Climate Change and Water Security (**the Minister**) about reportable incidents¹ and recordable incidents,² which are subsequently published.³

Having clear guidance on the difference between a recordable and a reportable incident, and what should be included in such reports, is important for ensuring a consistent approach across all interest holders that is compliant with the regulatory requirements. Through accurate incident reporting by the interest holder and regulatory surveillance and monitoring of incident trends, it may become apparent that further investigation is required to address certain recurring incident types, or recurring causes.

Individually, recordable incidents are lagging indicators and may not be deemed to be high risk or result in significant consequences for the environment. However, cumulatively, they may be used as lead indicators of a more significant future event, or may signify systemic issues within an interest holder or the industry as a whole.

2. Purpose

This guideline provides information for interest holders on:

- how to determine whether an incident is recordable or reportable
- the reporting requirements for both types of incidents, and
- other considerations in relation to approved Environment Management Plans (EMPs) and regulatory requirements.

The Guideline is prepared in accordance with section 117C of the *Petroleum Act 1984*.

3. Scope

This guideline is applicable to incidents that have occurred while the interest holder is conducting the regulated activity described in an EMP approved by the Minister, for the duration of the EMP.⁴

4. Classification of incidents

Interest holders should have a process for classifying whether an incident is recordable or reportable, as the onus for classifying an incident rests with the interest holder. An example approach is provided in Appendix A.

¹ Petroleum (Environment) Regulations 2016 (NT) reg 33.

² Petroleum (Environment) Regulations 2016 (NT) reg 35.

³ Petroleum (Environment) Regulations 2016 (NT) reg 35A.

⁴ Petroleum (Environment) Regulations 2016 (NT) reg 14 states an EMP remains in force until such time a notice is provided by the Minister to the interest holder specifying the plan has ceased to be in force.

The environmental regulator will process incident reports in accordance with the manner in which the interest holder has classified the incident, whether overtly through reference to regulations 33, 34 or 35, or implicitly by following the reporting requirements under those regulations.

An interest holder may later determine an incident reported as a reportable incident may be in fact a recordable incident. Where this occurs, the interest holder has an opportunity to provide that justification in the final report required under regulation 34(4). A reclassification at a later stage does not mean that information published about the incident will be removed, as the initial classification is taken to reflect the interest holder initially considered there was potential for material or significant harm to occur.

5. Recordable incidents

5.1. What is a recordable incident?

Recordable incidents are defined in the Regulations⁵ as meaning an incident, other than a reportable incident, arising from a regulated activity that:

- has resulted in an environmental impact or environmental risk not specified in the current EMP for the activity, or
- has resulted in a contravention of an environmental performance standard specified in the current EMP for the activity, or
- is inconsistent with an environmental outcome specified in the current EMP for the activity.

It is important that interest holders consider each of the above criteria when determining whether an incident that has occurred is recordable. Also note:

- There is no significance test associated with an environmental impact – any impact is recordable if it is not considered in the current EMP.
- A series of small incidents that do not result in an environmental impact may still be inconsistent with achieving the stated environmental outcome, and therefore may be considered to be recordable incidents.

5.2. When to provide recordable incident reports

Recordable incident reporting is required for each approved EMP for each 90-day period, whether recordable incidents occurred or not during that reporting period.

The Regulations require a recordable incident report to be provided each 90 day after the day on which an EMP is approved (the reporting period),⁶ unless an agreement is made in writing between the Minister and an interest holder about an alternative reporting period.⁷ A range of interest holders have agreed to a uniform reporting period to be applied, as indicated in Table 1, in order to streamline reporting requirements. New interest holders will be invited to agree to the reporting periods in Table 1, once an EMP is approved.

⁵ Petroleum (Environment) Regulations 2016 (NT) reg 3.

⁶ Petroleum (Environment) Regulations 2016 (NT) reg 35(4)(b).

⁷ Petroleum (Environment) Regulations 2016 (NT) reg 35(4)(a).

Table 1: Proposed reporting period for recordable incident reports

90 Day Period	Reporting Period	Report Due Date
Quarter 1	1 January to 31 March	15 th April
Quarter 2	1 April to 30 June	15 th July
Quarter 3	1 July to 30 September	15 th October
Quarter 4	1 October to 31 December	15 th January

5.3. Submission of recordable incident reports

All recordable incident reports are to be submitted to Onshoregas.DEPWS@nt.gov.au and must include:

- reference to the relevant EMP title and unique code, and
- reference to the submission being made under regulation 35(1).

Interest holders should provide recordable incident reports using the template provided on the [Onshore Gas website](#).

5.4. Content of recordable incident reports

Regulation 35(3) requires a recordable incident report to contain:

- a record of all recordable incidents in the reporting period
- all material facts and circumstances concerning the recordable incidents that the interest holder knows, or is able, by reasonable search or enquiry, to find out
- any action taken to avoid or mitigate any environmental impacts and risks stemming from the recordable incident, including the dates these actions were undertaken, and
- corrective actions that have been taken or are proposed to be taken to prevent similar recordable incidents, including the timeframe for these actions to be undertaken, if in the future.

5.4.1. Record of all recordable incidents in the reporting period

The report must include individual records of all incidents within the reporting period that fit within the definition of a recordable incident. Any non-compliance detected during an interest holder assurance activity or a regulator inspection may be considered to be recordable if it meets one of the three definitions of a recordable incident in the Regulations.

To achieve accurate recordable incident reporting, the interest holder must have a system for:

- checking compliance against environmental outcomes and environmental performance standards on at least a quarterly basis, and
- reviewing all incidents to determine whether a new environmental impact or risk has arisen that is not accounted for in the approved EMP.

5.4.2. All material facts and circumstances concerning recordable incidents

The interest holder must provide a factual account of:

- the events leading to the incident occurring, inclusive of dates and times of when the interest holder first became aware of the incident, and
- relevant background information if it contributes to the understanding of the incident.

The information reported must include sufficient detail to demonstrate why the incident was classified as a recordable incident.

EXAMPLE

If the incident was a spill of a hazardous chemical, the minimum information to be provided in this section of the incident report would be:

- the name of chemical (and relevant SDS)
- the volume spilled
- the location of the spill and ability to impact on sensitive receptors i.e. was the spill to a bunded pad or an undisturbed natural drainage line
- a timeline of the events, i.e. when the spill was first noticed, the timeframe over which the spill occurred, when clean-up commenced/occurred, whether clean-up is ongoing
- weather conditions at the time of the spill and a forecast of future weather conditions
- the actual consequence of the spill event to the environment, based on a risk assessment

5.4.3. Action taken to avoid or mitigate any environmental impacts and risks

Immediate actions are those actions which are taken to minimise or avoid environmental harm in the first instance.

This section of the report should be a succinct statement of immediate actions taken after the incident occurred, including dates and times, and an explanation of how those actions were successful in avoiding or mitigating any potential environmental impacts or environmental risks arising from the incident.

To achieve this, the interest holder should consider:

- the environmental impacts and risks in the approved EMP and whether the incident has created a new environmental impact or risk or an increase in an impact or risk, and whether these are allowed for in the approved EMP
- whether the residual risk ranking for the relevant environmental impact remains appropriate, and
- whether any new impacts or risks may have arisen as a result of the actions taken, for example, where the incident response included management and/or removal of waste materials, is there an approved disposal method and/or storage location/s.

5.4.4. Corrective actions that have been taken or are proposed to be taken

Corrective actions are those actions that are designed to prevent the incident from occurring again.

This section must include corrective actions already taken, and future proposed actions (including timeframes), which will prevent reoccurrence of a similar incident. Typically, such actions are more broad

and dealing with systemic issues, than the immediate actions described above, which are usually very incident-specific.

Where corrective actions are to include remediation of contamination resulting from the incident, a sufficient level of detail is required for the environmental regulator to ascertain whether the proposed remediation approach is in line with regulatory requirements.

Consideration must also be given to any required changes to inspection schedules, frequency of maintenance and engineering controls.

EXAMPLE

If removing contaminated soil, include detail on any validation activities implemented to confirm that all contamination has been successfully removed. Where remediation/rehabilitation actions are not yet completed or are proposed, details on ongoing monitoring and anticipated completion dates are to be provided. This must then be incorporated into reporting on timeframes for the regulated activity going forward.

5.4.5. Other considerations

In assessing the incident, the interest holder should review and assess the effectiveness of the implementation strategy within the approved EMP, to ensure future incidents are likely to be prevented through adequate early detection of the incident root cause. In addition, the interest holder should assess whether the controls in the approved EMP to prevent the incident occurring are sufficient and whether additional or improved controls are required.

If the incident results in a new environmental impact or risk not previously described in the approved EMP, or an increase in an environmental impact or risk and that increase is not provided for in the approved EMP, the EMP is to be revised and submitted for a decision, as per regulation 17.

Background information on the incident investigation, the assessment of the effectiveness of the controls that were in place to prevent the incident occurring, and the effectiveness of the implementation strategy in early detection and prevention of incidents, may be audited and must be made available upon request by the environmental regulator.⁸

6. Reportable incidents

6.1. What is a reportable incident?

Reportable incidents are defined in the Regulations⁹ as meaning an incident, arising from a regulated activity that has caused, or has the potential to cause, material environmental harm or significant environmental harm.

⁸ Petroleum (Environment) Regulations 2016 (NT) regs 36(3)(f), 37(1).

⁹ Petroleum (Environment) Regulations 2016 (NT) reg 3.

To determine whether an incident is reportable, based on this definition, the interest holder needs to understand the meaning of ‘environmental harm’ in general, and ‘material’ and ‘significant’ environmental harm, specifically. Figure 1 provides the definitions of each level of environmental harm.



<p>Serious Environmental Harm s 9 Environment Protection Act 2019</p>	<p>Significant environmental harm means environmental harm that:</p> <p>(a) is of major consequence having regard to:</p> <p>(i) the context and intensity of the harm; and</p> <p>(ii) the sensitivity, value and quality of the environment harmed and the duration, magnitude and geographic extent of the harm; or</p> <p>(b) would, or is likely to, cost more to remediate than the monetary amount prescribed by regulation.</p>
<p>Material Environmental Harm s 8 Environment Protection Act 2019</p>	<p>Material environmental harm means environmental harm that:</p> <p>(a) is not trivial or negligible in nature; and</p> <p>(b) is less serious than significant environmental harm.</p>
<p>Environmental Harm s 7 Environment Protection Act 2019</p>	<p>Environmental harm means direct or indirect alteration of the environment to its detriment or degradation, of any degree or duration, whether temporary or permanent.</p>

Figure 1: Definitions of environmental harm

Examples of reportable incidents include:

- a release of wastewater from infrastructure on the well site with potential to be released into the surrounding environment
- a spill of a chemical to the surrounding environment, or with potential to be released to the environment (including surface water or groundwater)
- potential or actual material or significant harm to a sensitive environmental receptor e.g. a Site of Conservation Significance (SOBS), Site of Botanic Significance (SOBS), a groundwater-dependent ecosystem
- potential or actual material or significant harm to a Sacred Site, or habitat for a listed species, and
- potential or actual material or significant harm to listed flora and/or fauna as a result of conducting a regulated activity.

It is not appropriate to use standard descriptors such as the volume of a chemical spilled, or a number of individuals of a fauna species killed or harmed, to determine a threshold for a reportable incident, as these are too situation-specific to be of any use across all potential incident scenarios.

EXAMPLES

If >200 L of a chemical was spilled, the degree of environmental harm is largely dependent on the type of chemical, the proximity of sensitive receptors, the presence of surface water, its ability to contaminate groundwater, and so on.

If an individual of a fauna species was killed, the degree of harm would be dependent on whether the species was threatened or otherwise especially protected, and whether the species was locally significant or regionally widespread.

6.2. Reporting requirements for reportable incidents

There are a number of different reports required to be provided for reportable incidents, with different timing. Templates have been developed for each stage of reporting and are available on the [Onshore Gas website](#).

Reporting on reportable incidents is an iterative process that occurs in four stages:

1. an initial notice of a reportable incident¹⁰
2. an initial reportable incident report¹¹
3. subsequent interim report/s (where required), and¹²
4. a final report about the reportable incident.¹³

Refer to Section 6.3 for further detail on timing for notices and reports and submission details.

6.2.1. Regulation 33 - Notice of a reportable incident (initial notice)

The initial notice of a reportable incident must be given to the Minister as soon as practicable but not later than 2 hours after the incident first occurred; or if the incident was not detected by the interest holder at the time it first occurred, the time the interest holder became aware of the reportable incident.

The reportable incident initial notice can be provided orally. If the interest holder gives notice of the reportable incident orally, they must no later than 24 hours after giving oral advice, give the Minister a written notice about the reportable incident specifying all the matters mentioned in regulation 33(3)(c).¹⁴

Under regulation 33(3)(c), the notice of a reportable incident must specify each of the following:

- the contact details of the interest holder
- all material facts and circumstances about the reportable incident that the interest holder knows or is able, by reasonable search or enquiry, to find out
- information about any action taken to avoid or mitigate material or significant environmental harm in relation to the reportable incident, and
- information about the corrective action that has been taken, or is proposed to be taken, to prevent a similar reportable incident.

¹⁰ Petroleum (Environment) Regulations 2016 (NT) reg 33.

¹¹ Petroleum (Environment) Regulations 2016 (NT) regs 34(1), 34(3).

¹² Petroleum (Environment) Regulations 2016 (NT) reg 34(6)-(7).

¹³ Petroleum (Environment) Regulations 2016 (NT) reg 34(4)-(5).

¹⁴ Petroleum (Environment) Regulations 2016 (NT) reg 33(4).

The template for initial notices is provided on the [Onshore Gas website](#).

6.2.1.1. Material facts and circumstances

The material facts and circumstances assist in understanding the nature and scale of the incident, and therefore the actual or potential environmental harm that has arisen, or may arise, and are those facts that the interest holder knows or is able, by reasonable search or enquiry, to find out.

Material facts that the interest holder should know or discover through reasonable enquiry, for inclusion in the initial notice, may include:

- the nature of the incident (e.g. loss of containment, spill during transfer, fire)
- affected infrastructure and the affected area
- the nature and type of material involved and estimated volumes
- photographs
- timeline of events
- a site map showing the location and extent of the incident, in relation to site features
- weather conditions (as relevant to any potential for escalation or as a contributing factor).

EXAMPLE

If the incident was a spill of a hazardous chemical, the minimum information to be provided in this section of the incident report would be:

- the name of chemical (and a copy of the relevant SDS)
- the volume spilled
- the location of the spill and ability to impact on sensitive receptors i.e. was the spill to a bunded impervious pad or an undisturbed natural drainage line
- a timeline of the events, i.e. when the spill was first noticed, the timeframe over which the spill occurred
- weather conditions at the time of the spill and a forecast of future weather conditions
- the potential consequence of the spill event to the environment, based on a risk assessment, and
- a map indicating the location and spatial extent of the incident.

6.2.1.2. Actions taken to avoid or mitigate material or significant environmental harm

This should be a succinct statement of immediate actions taken after the incident occurred, including dates and times, and an explanation of how those actions were successful in avoiding or mitigating potential for material or significant environmental harm to result from the incident. It should also include information on the status of those actions (i.e. are they completed or ongoing).

EXAMPLE

If a large spill of hydrocarbons occurred, and an immediate action was to use earthmoving equipment to place a bund between the spill location and a nearby drainage channel, this should be described in terms of how this action was able to prevent actual or potential material or significant environmental harm.

6.2.1.3. Corrective actions proposed or taken to avoid reoccurrence

This section must include corrective actions already taken, and future proposed actions, which will prevent reoccurrence of a similar reportable incident. As reportable incidents reflect a more serious type of incident, and they are usually subject to a detailed root cause investigation, it is noted there may be limited information available at the time of the first notice; however, if the information at hand indicates there are corrective actions being considered or available, these should be documented, inclusive of timeframes for implementation.

6.2.2. Regulations 34(1)-(3) - Report about a reportable incident (initial report)

After the initial notice of a reportable incident, the interest holder is required to also provide a written report about the reportable incident (the initial report). A template for initial reports is provided on the [Onshore Gas website](#).

An initial report must be given to the Minister as soon as practicable but not later than 3 days after the reportable incident first occurs.

6.2.2.1. Results of any assessment or investigation

The report must include *comprehensive* details on the results of any assessment or investigation of the conditions or circumstances that caused or contributed to the occurrence of the reportable incident, including an assessment of the effectiveness of the designs, equipment, procedures and management systems that were in place to prevent the occurrence of an incident of that nature, as described in the EMP.

This will require inclusion of an assessment of the effectiveness of the implementation strategy described in the approved EMP and an assessment of whether the controls to prevent the incident occurring in the approved EMP are sufficient and whether any modification is required.

Any assessments should be attached to the report, indicating whether they are preliminary, ongoing or final, as appropriate.

6.2.2.2. Assessment of environmental harm

The report must include a *comprehensive* assessment of the nature and extent of the material environmental harm or significant environmental harm that the incident caused or had the potential to cause. The assessment of environmental harm should include reference to each part of the definition.

When undertaking this assessment, consideration should be given to the full definition of 'environment'¹⁵ and therefore include consideration of impacts to social, economic and cultural aspects, as well as natural and geophysical aspects.

Assessment of environmental harm will necessarily require consideration of:

- the type and volume of material involved (expressed as litres or m³) and whether it was determined to be hazardous in the EMP

¹⁵ *Environment Protection Act 2019 (NT) s 6.*

- the area impacted (expressed as m² or hectares)
- the duration of the incident
- impact pathways specific to the incident location
- the proximity of sensitive receptors, such as listed flora and fauna or their habitat, surface water, sensitive vegetation communities (e.g. groundwater dependent ecosystems, riparian zones, habitat trees), cultural sites, domestic or stock bores
- the ability for spilt material to contaminate groundwater or surface water, and the timeframe over which this could occur
- outcomes of field or laboratory analysis of soil and water samples, and
- the degree and effect of the potential or actual harm.

A risk matrix should be attached to the report demonstrating how the incident fits within the consequence descriptors used in the EMP.

6.2.2.3. Actions take to remediate and rehabilitate

The report must include a description of any actions taken, or proposed to be taken, to clean up or rehabilitate an area affected by the incident. This should include detailed information on remediation and/or rehabilitation methods and timeframes, sufficient for it to be determined that the proposed approach is consistent with regulatory requirements.

Remediation activities should be informed by a contaminated site assessment, which should align with the methods in the National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended). Information should be included on:

- any proposed excavation of contaminated soil or containment of contaminated water
- actions to confirm no contamination remains
- any sampling proposed to be undertaken or undertaken, and
- expected timeframes for completing remediation and rehabilitation.

6.2.2.4. Actions to prevent reoccurrence

The report must include a description of any actions taken, or proposed to be taken, to prevent a recurrence of an incident of a similar nature. Typically such actions will include consideration of the implementation strategy and management systems and any improvement required.

6.2.3. Regulations 34(6)-(7) - Interim reportable incident reports

Interim reports are to be provided at intervals as agreed in writing between the interest holder and the Minister, and provides updated information according to the stage of the investigation. If no interval is agreed, interim reports must be provide within 90 days of the initial report and at 90 day intervals thereafter, until such time a final report is provided.

Interim reports are required to include the same information as initial reports, as described in Section 6.2.2, above. The template for interim reports is provided on the [Onshore Gas website](#).

Interim reports are likely to be required where there is an extended period between the initial reportable incident report and the final reportable incident report. Interim reports are to provide updates on progress, not reiterate the same information in previous interim reports.

6.2.4. Regulations 34(4)-(5) - Final reportable incident report

A final report must be provided as soon as practicable, but no later than 30 days after the clean up or rehabilitation of the area affected by the reportable incident is completed.

The final report must include a root cause analysis of the reportable incident that identifies both the immediate and underlying causes of the incident, as well as contributing factors, successful controls and control failures, immediate rectifications, ongoing management or monitoring requirements (as necessary) and systematic corrective actions.

Where the reportable incident includes actual or potential environmental harm, the final report should also clearly demonstrate:

- what contamination assessments were undertaken, how they were undertaken,¹⁶ and the outcomes of those assessments
- what remediation has been undertaken, and
- what rehabilitation has been undertaken.

If a decision was made to not remediate or rehabilitate an area affected by the reportable incident, the final report must include a clear justification for this decision. Similarly, if no clean-up or rehabilitation as required, the final report should explain why.

Lessons learned, and how these will be applied to future activities, should be included in the final report.

6.2.5. Other considerations

A reportable incident may not be reclassified as anything other than a reportable incident after initial notification, regardless of the outcomes of the incident investigation into actual environmental harm.

If the incident results in a new environmental impact or risk not previously described in the approved EMP, or an increase in an environmental impact or risk and the increase is not allowed for in the approved EMP, the EMP is to be revised and submitted for a decision as per regulation 17.

6.3. Timing and submission of reportable incident notices and reports

Table 2 summarises the timeframes for making notices and providing reports about reportable incidents.

Table 2: Timing and method for provision of reportable incident notices and reports

Type of Notification	Method	Timeframe for Providing	Reference
Initial notice of the reportable incident	Orally, or in writing on template	As soon as practicable but not later than 2 hours after the incident first occurred or at the time the interest holder became aware of the reportable incident	Regulation 33(3)

¹⁶ Contamination assessments should align with the methods specified in the National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended).

Follow up written notification if the first notification was given orally	In writing on template	No later than 24 hours after giving oral notice	Regulation 33(4)
Initial report	In writing on template	As soon as practicable but not later than 3 days after the reportable incident first occurred	Regulation 34(3)(a)
Interim reports	In writing on template	At intervals agreed in writing between the interest holder and the Minister, or if there is no written agreement, at intervals of 90 days, starting on the day on which the initial report was given	Regulations 34(6) and 34(7)
Final report	In writing	As soon as practicable but no later than 30 days after the clean up or rehabilitation of the area affected by the reportable incident is completed ¹⁷	Regulation 34(4)

6.4. Submission of reportable incident notices and reports

All reportable incident notices and reports are to be submitted to Onshoregas.DEPWS@nt.gov.au and must include:

- reference to the relevant EMP title and unique code, and
- reference to the specific regulation under which the submission is being made (i.e. regulation 33(1), 33(4), 34(3), 34(4) or 34(6)).

Templates for reportable incident notices and reports are provided on the [Onshore Gas website](#).

7. Retention of records

The interest holder must retain all relevant information, such as measurement data, analyses, or other relevant records, to support the information in incident reports.¹⁸ The environmental regulator may audit this supporting information and the interest holder will be required to provide it upon request.¹⁹

8. Publication of reports

The Minister is required to publish the following:²⁰

- reports about recordable incidents
- written initial notices of reportable incidents

¹⁷ If an incident has been determined to have not required clean up or rehabilitation, a final report should still be provided stating this fact and explaining why.

¹⁸ Petroleum (Environment) Regulations 2016 (NT) reg 36.

¹⁹ Petroleum (Environment) Regulations 2016 (NT) reg 37.

²⁰ Petroleum (Environment) Regulations 2016 (NT) reg 35A.

- final reports of reportable incidents.

The Minister may withhold information from publication that is considered commercially confidential or if there are other reasonable grounds to do so.

Interest holders should notify the environmental regulator of any information contained in incident reports that is considered to meet these criteria, when submitting the notices/reports.

9. Offences

Regulations 33(5), 34(8) and 35(3A) provide that it is an offence to not submit a report about an incident in accordance with the Regulations. The legal requirement is to submit an incident report that includes *all* of the required information as specified in the Regulations.

The forms provided are designed to assist interest holders to provide all required information to the Minister. An incident report that is submitted and does not include all of the required information constitutes an offence.

APPENDIX A: EXAMPLE MATRIX FOR CLASSIFYING INCIDENTS

Consequence		Very low	Minor	Moderate	High	Extreme
Environment	Unapproved event; or a series of chronic or cumulative events resulting in localised, short duration effects on habitat, species or environmental media. No effects on sensitive receptors. Quickly reversible (hours). Groundwater: A few days to weeks for recovery. Erosion: No soil loss.	Unapproved event; or a series of chronic or cumulative events resulting in localised, short duration effects on habitat, species or environmental media. No effects on sensitive receptors. Quickly reversible (few days or weeks of clean-up or natural recovery). Groundwater: Weeks for recovery. Erosion: Soil loss less than 150 tonnes per ha per year.	Unapproved event; or a series of chronic or cumulative events results in largely localised effects on habitat, species or environmental media - becoming unconfined. Affects sensitive receptors and is rectified or reversed within weeks to months of remediation / clean-up or natural recovery. Groundwater: Months for recovery. Erosion: Soil loss of between 150 and 350 tonnes per ha per year; OR the quality of a track used by a third party is reduced.	Unapproved event; or a series of chronic or cumulative events results in unconfined effects on habitat, species or environmental media. Affects sensitive receptors and is rectified or reversed within months to years of remediation / clean-up, or natural recovery. Groundwater: Several years for recovery. Erosion: Soil loss of 350 and 750 tonnes per ha per year; OR a track used by a third party is temporarily affected (i.e. unusable for a few days).	Unapproved event; or a series of chronic or cumulative events results in widespread, environmental harm that is rectified or reversed within several years to decades of remediation / clean-up or natural recovery. Irreversible harm to localised, sensitive receptors. Groundwater: Decades for recovery. Erosion: Soil loss of > 750 tonnes per ha per year; OR a track used by a third party is no longer usable.	
Aboriginal and cultural heritage	Unauthorised entry to a restricted area but no damage to cultural heritage.	Unauthorised entry to a restricted area resulting in damage to cultural heritage site or item of low significance.	Unauthorised entry to a restricted area resulting in mitigatable damage to cultural heritage site of high local or national significance.	Unauthorised entry to a restricted area resulting in irreparable damage to cultural heritage site of high local significance.	Unauthorised entry to a restricted area resulting in irreparable damage to cultural heritage site(s) of national significance.	
Communities and social performance	Informal disapproval from local stakeholders, manageable by site personnel with limited additional effort. No significant residual impact on reputation.	Formal stakeholder or public disapproval from local stakeholder(s) requiring specific local management response. Some residual local reputational impact, with potential to accumulate over time.	Organised stakeholder or local action / prolonged formal high-profile disapproval influencing policy, regulation, commercial and / or social activity at the local level. Reputation damage requiring significant local management intervention and concessions. Prolonged scrutiny by local stakeholders contributing to cumulative reputation harm.	Organised formal action influencing relevant policy, regulation, commercial and / or social activity at the national level. Reputation damage on a national scale, credibly constraining future business activities at that level for around six months due to prolonged scrutiny by stakeholders.	Organised formal action at the international level influencing relevant policy, regulation, commercial or social activity across multiple jurisdictions. Reputation damage: International: ~ 1 year National: multiple years Local: Severe/permanent Credibly preventing realisation of a major future opportunity or prolonged scrutiny of the group assets and business activities.	
Environmental Harm	Direct or indirect alteration of the environment to its detriment or degradation, of any degree or duration, whether temporary or permanent.	✓	✓	✓	✓	✓
Material Environmental Harm	Environmental harm that is not trivial or negligible in nature and is less serious than significant environmental harm	✗	✓ Depending on nature of incident	✓	✗	✗
Significant Environmental Harm	Environmental harm that is of major consequence having regard to: (i) the context and intensity of the harm; and (ii) the sensitivity, value and quality of the environment harmed and the duration, magnitude and geographic extent of the harm; or	✗	✗	✓ Depending on nature of incident	✓	✓
	Environmental harm that would, or is likely to, cost more to remediate than the monetary amount prescribed by regulation.	✗	✗	✓ Depending on nature of incident	✓	✓