

COMMISSION OF INQUIRY

MONTARA WELL HEAD PLATFORM UNCONTROLLED HYDROCARBON RELEASE

Terms of Reference

With respect to the uncontrolled release of hydrocarbons at the Montara Wellhead Platform that commenced on 21 August 2009, and subsequent events including the fire that commenced on 1 November 2009 (together the Uncontrolled Release) the Commission of Inquiry will:

1. Investigate and identify the circumstances and likely cause(s) of the Uncontrolled Release.
2. Review the adequacy and effectiveness of the regulatory regime applicable to operations at or in connection with the Montara oil field, including under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*, and including the adequacy and effectiveness of all safety, environment, operations and resource management plans, and other arrangements approved by a regulator and in force at relevant times.
3. Assess the performance of relevant persons¹ in carrying out their obligations under the regulatory regime.
4. Review the adequacy and effectiveness of monitoring and enforcement by regulators of relevant persons¹, under the regulatory regime.
5. Assess the adequacy of the response to the Uncontrolled Release by the current title-holder of AC/L7, the owner and/or operator of the Montara Wellhead Platform and the owner and/or operator of the West Atlas drilling rig.
6. Assess the adequacy of regulatory obligations applicable to the title-holder of AC/L7, the owner and/or operator of the Montara Wellhead Platform, and the owner and/or operator of the West Atlas drilling rig in relation to the response to the incident and make any recommendations necessary to improve the regulatory obligations that may be applicable to any future incidents.
7. Assess and report on the environmental impacts following the Uncontrolled Release using available data and evidence including the outcomes from monitoring activities already underway, review any proposed environmental monitoring plans, and make recommendations

¹ For the purposes of paragraphs 3 and 4, 'relevant persons' are persons who have engaged at any time in petroleum-related operations at the Montara Wellhead Platform that may have contributed to the cause(s) of the Uncontrolled Release, including but not limited to: the titleholder or a former titleholder of AC/L7 permit, a present or former owner or operator of the Montara Wellhead Platform, a present or former owner or operator of a drilling rig, a drilling contractor or a supplier or installer of plant or equipment.

on whether any further measures are warranted to protect the environment from the consequences of the Uncontrolled Release.

8. Consider and comment on the offshore petroleum industry's response to the Uncontrolled Release.
9. Consider and comment on the provision and accessibility of relevant information regarding the Uncontrolled Release to affected stakeholders and the public.
10. Make recommendations to the Minister for Resources and Energy, and through the Minister for Resources and Energy, other relevant Commonwealth Ministers, regulators and industry, as appropriate, on any measures that might help to prevent similar incidents occurring in the future and any measures that might mitigate the safety, environmental, and resource impacts arising from such an incident. Measures may include improvements to industry practices or applicable regulatory regimes and their administration.
11. Consider, assess and make recommendations in relation to any other matter the Commission of Inquiry considers relevant to or arising from the Uncontrolled Release and the prevention of similar events occurring in the future.