

Comments of the Executive of An Bord Pleanála on the CER Draft Consultation Paper on the High Level Design of the Petroleum Safety Framework

OVERVIEW

We welcome the opportunity presented by the Commission for Energy Regulation to comment on its Draft Consultation Paper on the High Level Design of the Petroleum Safety Framework. As many of the issues arising from the implementation of the Petroleum Safety Framework fall outside the remit of An Bord Pleanála, it is intended to comment in detail only on the matters perceived to be within the appropriate competency of An Bord Pleanála.

The primary role of An Bord Pleanála is in relation to land use planning, of which the issue of safety may be a consideration. Section 37(A) of the Planning and Development Act, 2000, (the Principal Act) as inserted by Section 3 of the Planning and Development (Strategic Infrastructure) Act, 2006, (the Strategic Infrastructure Act) requires that an application for permission for any developments specified in the Seventh Schedule shall be made to the Board under Section 37E provided the Board, following consultations under Section 37B, confirms that the proposed development would fall within one or more of three specified circumstances. The Seventh Schedule of the Planning and Development Act, 2000, as inserted by the Planning and Development (Strategic Infrastructure) Act, 2006 specifies, under the heading “*energy infrastructure*”, “*An installation for the onshore extraction of petroleum or natural gas*” and “*an oil pipeline and any associated terminals, buildings and installations, where the length of the pipeline (whether as originally provided or as extended) would exceed 20 kilometres*”. Section 182C of the Principal Act, as inserted by the Strategic Infrastructure Act, requires, in relation to a strategic gas infrastructure development that approval be sought from the Board and requires the applicant to indicate whether the application relates to a strategic upstream gas pipeline or a strategic downstream gas pipeline. Section 2(1) of the Principal Act, as amended by the Strategic Infrastructure Act defines “*strategic gas infrastructure development*” as any proposed development comprising of or for the purposes of a strategic downstream gas pipeline or a strategic upstream gas pipeline, and associated terminals, buildings and installations, whether above or below ground, including any associated discharge pipe.

It should be noted that an oil pipeline of less than 20 kilometres and any associated terminals, buildings and installations are not included from the Seventh Schedule and, accordingly, would fall, initially, under the remit of the relevant planning authority or planning authorities, followed by a right of appeal to the Board. Any relevant development referred to in the 7th Schedule but not deemed to be strategic infrastructure development by the Board would similarly have to be the subject matter of an application to the Planning Authority (with a right of appeal to the Board).

The strategic infrastructure planning process with the Board is a two stage procedure which is defined under the Strategic Infrastructure Act. The first stage is the pre-application consultation stage. There is no time limit set on this stage and it concludes only when both the prospective applicant and the Board are satisfied that a determination should be made on the question of whether a proposed development is or is not strategic infrastructure and, furthermore, the consideration of the issues to be undertaken by the Board upon receipt of a planning application are understood by the prospective applicant. The Board issues its pre-application determination without undue delay. The Board has a statutory objective to determine applications within a period of 18 weeks, although in practice, this period can be longer in particular cases due to the complexities associated with such proposed developments.

Section 65 of the Planning and Development (Amendment) Act, 2010 amends and inserts additional subsections into Section 182C of the Principle Act. It requires, in the case of any application to the Board under this section, that it should request the CER to make observations on “safety or operational matters” including any relevant safety advice or specific recommendations which the Commission considers appropriate within a specified period of not less than 3 weeks. In accordance with the subsequent subsections, the Board is to have particular regard to the observations of the Commission when considering the likely effects of a proposed development on the environment or significant effects on a European site and the consequences of the development for proper planning and sustainable development. Should the Board be contemplating not accepting the advice of the Commission, it must inform the Commission of such, giving its reasons and requesting the Commission to respond within three weeks. The Board must consider the Commission’s response and where it does not follow the observations of the Commission in its decision, it must give reasons for such a stance. Subsection 9E entitles the Commission, in making observations on safety or operational matters to refer, inter alia, to various specified provisions of the Electricity Regulation Act, 1999, as amended by the Petroleum (Exploration and Extraction) Safety Act, 2010.

It follows from the foregoing that we envisage that the Board in processing a planning application for strategic infrastructure and, where relevant when engaging in the pre-application and scoping processes, would engage in consultation with CER. We note the multi-staged safety case procedure envisaged in the authorisation system proposed in chapter 7 of the draft consultation paper. It is considered essential that there is consultation/liaison relating to the stages that require an agreed understanding up to the making of an application under the Planning and Development Act 2000, which could reasonably include an indicative range of scenarios that require elaboration and discussion.

We agree with the implication of CER that there will be a benefit in ensuring co-ordination with the authorisation role of other statutory authorities in the issuing of licences, permits, permissions and consents. In this regard, it is considered that there should be a Memorandum of Understanding between the Board and CER in relation to responding to requests from one to the other for advice in the performance of all of their relevant respective functions. In particular, the Board may seek advice in relation to the

pre-application process and in evaluating a planning application. Such advice should be made available in writing, in a timely fashion and within a specified timeframe. Advice may on occasion extend to the attendance of staff from the CER at an oral hearing being conducted by An Bord Pleanála.

We would point out that the detailed consultation requirements set out in section 182C of the Planning and Development Act 2000 do not apply in relation to other possible designated petroleum activities where the applications before the Board are derived from other sections of the legislation. In cases where the consultation procedure is not set out in the legislation it is envisaged that consultation and communication between the CER and An Bord Pleanála would be regulated and facilitated by an agreed Memorandum of Understanding between the bodies in question.

We note that the ALARP principle is derived from best international practice and the Petroleum (Exploration and Extraction) Safety Act, 2010. In acknowledging the adoption of this principle by the CER, it is important to note that the Board's approach in dealing with strategic infrastructure planning applications and development applications in general is prescriptive in nature, whereby there is a requirement for precise and enforceable conditions attached with the grant of planning permission or approval. When framing a grant of permission, subject to conditions, the Board is cognisant of the advice contained in the Development Management Guidelines for Planning Authorities published by the Department of the Environment, Heritage and Local Government in June 2007. Section 7.3.4 of the guidelines advises that conditions should be precise. Vagueness is to be avoided because imprecise conditions may well prove unenforceable. The Board would be concerned that any condition incorporating words such as "*as low as reasonably practicable*" may suffer from such imprecision and unenforceability. Notwithstanding this, the Board understands the international industry-accepted application of such a provision in the context of risk management and applying safety principles.

Having regard to the target audience, who may well be non-technically qualified members of the public, and even to the identity of the organisations to whom the document has been formally issued under Section 13 of the Electricity Regulation Act, 1999 as amended by the Petroleum (Exploration and Extraction) Safety Act, 2010, it is considered that the finalised consultation paper should, at an early stage, include a glossary of technical terms in the document. Certain terms which occur repeatedly throughout the draft consultation paper, for example, may warrant clear and explicit definition and could be revised/reviewed to apply a more commonly accepted understanding of such terms. Examples include: "*permissioning*" (authorisation) "*learnings*" (findings), "*metrics*" (measurements) and "*gates*" (stages/thresholds).

FURTHER CONSIDERATIONS ON THE CONTENT OF THE DRAFT CONSULTATION PAPER

In addition to the over-riding comments above, the following comprise some specific comments on the content of the document itself. More specific comments are also contained in responses to the questionnaire. In the case of questions which do not relate to issues on which An Bord Pleanála has any specialist expertise a ‘no comment’ response is generally inserted.

Section 3: The Legislative Context – Implications for the Petroleum Safety Framework

3.2 Obligations and Duties Imposed by Virtue of the Act

3.2.2.3 What is meant by Safety

It is not explicitly set out in the document where the lines of responsibility of public agencies and bodies lie. It may be considered opportune, within the confines of this part of Section 3, to identify and define the responsibilities of the relevant public bodies and authorities, in particular regulatory authorities and to set the context within which the role of the CER will apply.

It is noted that the interpretation of safety involves ensuring that appropriate measures are put in place by petroleum undertakings to protect against the occurrence of major accident hazards and other incidents which create a risk to human life, petroleum infrastructure and/or property not in the ownership of the petroleum undertakers. On this basis should CER’s mission as referred to in section 5.1.2 not refer to the protection of property as well as human life? One might also query if the discussion on safety should not also refer to risk to human life arising other than from a ‘major accident hazard or other incident’ e.g. would a bad design which resulted in a risk to human life not be a risk to human life without there being any ‘major accident hazard’ or incident. (A bad design could pose a risk to human life without any ‘accident’ arising).

3.3 The Envisaged Operation of the Petroleum Safety Framework

3.3.1 Overview

In acknowledging the procedures intended to be followed under the Safety Permit process, it is considered that the document could at this stage of the Paper include consideration of the need for streamlining the range of approvals/permission processes and could provide an understanding of where it is anticipated the permit process for the CER would apply within this. Furthermore, the implications of the overlap of the various processes might also be investigated and clarified.

3.3.2.1 Goal Setting Regulatory System

The proposed 'Goal Setting' approach is considered practical and allows for flexibility of response. However, inclusion of elements of prescription, for reasons of practicality and where it may prove beneficial, would appear a rational approach.

3.3.2.2 Focus of Permissioning Regime on Major Accident Hazards

Correctly, the central focus of Safety Cases is generally on the control of major accident hazards and it is noted that the control of major accident hazards will be a key consideration for the design of the Petroleum Safety Framework. It is suggested that there is some need for clarification in order to gain an understanding of the consequential influence on the planning system. Thus, there is a need for clear lines of communication to be established with the planning control authorities to avoid the dilemma of confusion over responsibilities between agencies/bodies.

Section 4: Proposed Scope and Components of the Petroleum Safety Framework

4.3 Proposed Components of the Petroleum Safety Framework

It is suggested that planning authorities be added in 4.3(c) and reference be made to MOU's with relevant regulatory bodies. These should be updated on an on-going basis in the light of experience.

Section 6: ALARP Demonstration

6.4 Adoption of Risk Criteria

6.4.3 Petroleum Safety Framework and Land Use Planning

The document's reference to it being beneficial to have a consistent approach to setting acceptable risk limits under the Act as those established for the Seveso Directive and that the CER is minded to work with the HSA to adopt limits aligned with those already introduced for land use planning is noted. It is considered reasonable for the CER to align the proposed risk criteria under the Petroleum Safety Framework with HSA criteria. Clearly, these are an important component of the planning decision process. It is suggested that An Bord Pleanála might usefully be involved in, or at least be kept informed of, any discussions between the two bodies on the application of agreed principles or, indeed, where relevant, on individual projects. It should be noted however that decisions on land use issues are made by the Planning Authorities and An Bord Pleanála. The reference to HSA documentation is confusing. The precise documentation should be more clearly defined. The reference given when followed through a circuitous route ends up at reference 2 which does not appear relevant to the question at issue. The status of the HSA documentation referred to should be identified and clarified.

Section 7: Permissioning System and Designated Petroleum Activities

7.4 *Safety Case Assessment*

7.4.2 Operation of Safety Case Assessment Process

The requirements for assessment of a Safety Case are noted, as is the proposal to engage the skills of competent expert third parties. The attention of the CER is however drawn to the difficulties of acquiring such *independent* advice from competent third parties. This is particularly difficult due to those most suitable to act as assessors frequently having direct links with the significant key undertakers. Designing an accepted protocol for this is paramount.

This issue arises also for ‘Verification’ under Section 8 and Compliance Assurance in the context of the discussion on the engagement of Independent Competent Persons (ICPs) as ‘Verifiers’.

7.5 *Co-ordination of the CER permissioning system with other statutory processes*

This is considered to be a most welcome element of the Consultation Paper. The suggestions therein are practical and reasonable. Ongoing consultation and reciprocal notification needs to be established to avoid duplication of roles and, critically, co-ordination of issuance, notably the timing of such issuances, would be welcome to allow determination of the influence of such issuances on other statutory processes. Thus, for example, the requirement for a degree of understanding on safety at the design concept stage, and presumably at the planning application stage, assures such principles are enshrined at a relevant stage of the permissioning process. (See responses to questions relating to this issue).

Section 9: Incident Investigation

It is noted that the CER does not appear to have an immediate emergency response role in the context of incident investigation. Co-operation and co-ordination between statutory bodies and agencies is paramount and it is anticipated that there should be an advisory role provided for the CER on such matters. This particular issue however is not specifically with An Bord Pleanála’s range of expertise and is outside the Board’s remit.

CONCLUSION

In conclusion, it is hoped that the above comments and suggestions prove beneficial to the Commission and we look forward to ongoing discussions on the co-ordination of the responsibilities of the two bodies.

More detailed comments are contained in the attached responses to some of the questions asked in the consultation paper.

Question/Proposal		Do you agree?		Comments
		Yes	No	
Section 4. Proposed Scope and Components of the Framework				
1.	Please comment on the CER proposal to define the scope of the Petroleum Safety Framework to include all of the CER's functions under Part 11A of Act?			This is most desirable.
2.	Please comment on the CER proposals to have a specific focus upon major accident hazards for the safety regulation of designated petroleum activities under Part 11A of the Act.			Special focus is reasonable but focus also seems to be required for standard design as problems can arise other than from 'accidents'. The public needs to be assured of the CER's role and competence in this area.
3.	Do you agree with the proposed definition of major accident hazard, set out in section 3.2.2.3, in the context of the CER safety regulation of designated petroleum activities? Please comment.			The definition seems reasonable but attention needed to general design standards as problems can arise other than from accidents.
4.	Do you agree with the CER's proposed approach to carry out its function to monitor compliance by petroleum undertakings' with their general duty in co-operation with other existing statutory authorities?			This approach appears reasonable. It is desirable that the responsibilities of various regulatory authorities are clearly defined.
5.	Please comment on CER proposals for the main components of the Framework as: (a) A statement of Strategic Intent; (b) ALARP Demonstration Guidance; (c) Agreed Interfaces, Co-operation & Co-ordination with Regulatory Authorities; (d) A Permissioning System; (e) A Compliance Assurance System; (f) An Incident Investigation System; (g) An Enforcement System; (h) A Safety Reporting and Published Safety Information System; and (i) A Continuous Improvement System.			From An Bord Pleanála's perspective (c) is most desirable and a Memorandum of Understanding should be agreed to facilitate such agreed interface, co-operation etc.
6.	Are there additional high level components which the CER should consider for inclusion within the Framework?			List in 5 appears comprehensive

Question/Proposal		Do you agree?		Comments
		Yes	No	
Section 5. Strategic Intent of Petroleum Safety Framework				
7.	Do you agree that the proposed vision for the Framework should be: <i>A safe Irish petroleum exploration and extraction industry</i>			Should this refer to “a safe and competitive Irish petroleum exploration and extraction industry” in order to take account of standards applied internationally?
8.	Do you agree that the proposed mission stated for the Framework should be: <i>To independently regulate petroleum exploration and extraction activities to protect life.</i>			Should this not be expanded to also refer to the protection of property having regard to definition of major accident hazard in 3.2.2.3?
9.	Please comment on the proposed five key roles of the CER under the Framework as follows: <ol style="list-style-type: none"> 1. <i>Foster and encourage safety in petroleum exploration and extraction activities;</i> 2. <i>Actively monitor and enforce compliance of petroleum undertakings with their obligations;</i> 3. <i>Promote a regulatory framework that encourages continuous improvement of safety;</i> 4. <i>Work with other authorities to achieve our vision; and</i> 5. <i>Provide safety information to the public.</i> 			5 key roles as set out are reasonable and desirable. The 5 th role i.e. to provide safety information to the public is most important particularly in the initial years in order to establish the CER’s reputation and public confidence in its operations.
10.	Are there additional CER roles which should be set out in defining the strategic intent of the Framework?			Ensure that the States safety measures are in line with best international practice.
11.	Please comment on the proposed three regulatory goals for the Framework: <ol style="list-style-type: none"> 1. <i>That petroleum undertakings reduce risks to safety to a level that is ALARP;</i> 2. <i>That petroleum undertakings achieve safety performance commensurate with the best internationally; and</i> 3. <i>Engender confidence that the regulatory framework is protecting the public.</i> 			Goal No. 3 is most important particularly in early years in order for the CER to establish its reputation and ensure public confidence.

Question/Proposal		Do you agree?		Comments
		Yes	No	
12.	Are there additional high level regulatory goals which should be set out in defining the strategic intent of the Framework?			That the system is operated in an efficient manner to ensure the states competitiveness internationally.
Section 6: ALARP				
13.	Please comment on whether you consider the proposed basis of assessment that risk has been reduced to a level that is ALARP (as summarised in Figure 7) to be appropriate.			Reasonable basis but a difficult one to comply with in a regulatory system such as the planning control system where there is no provision for updating conditions after permission/approval has been granted.
14.	Please comment on whether you consider it appropriate to set upper limits of tolerability for the following risk, metrics relating to petroleum activities: <ul style="list-style-type: none"> • Individual risk to workers; and • Individual risk to members of the general public. 			This seems a reasonable approach.
15.	Should societal risk be addressed within the Petroleum Safety Framework? If so, should it be treated implicitly and/or explicitly?			Yes. In a land use control system societal risk is of great significance. Ideally it should be treated explicitly.
16.	Are there any other risk metrics which you consider should be adopted for the control of risks generated by designated petroleum activities?			No comment.
17.	Do you consider it reasonable for the CER to align proposed risk criteria introduced under the Petroleum Safety Framework with criteria adopted by the HSA for land-use planning purposes?			Yes but see comments in main submission. The source of the HSA's documentation is not apparent.
18.	Please comment on whether you consider the Petroleum Safety Framework should introduce a lower ALARP limit in terms of individual and societal risk. If so, whether the lower limit should be: <ul style="list-style-type: none"> • left to the petroleum undertaking to set; or • advisory? 			There appears to be some merit in a lower limit but if adopted it should be agreed with or determined by the CER.

Question/Proposal		Do you agree?		Comments
		Yes	No	
19.	<p>If upper limits are introduced for either individual or societal risk, please comment on whether the limits should be:</p> <ul style="list-style-type: none"> • left to the petroleum undertaking to set; • advisory; or • mandatory? 			If upper limits are set they should be mandatory and set by the CER in order to ensure regulatory certainty.
Section 7: Permissioning System and Designation Petroleum Activities				
20.	<p>Having regard to the requirements of the Act, please comment on the CER's proposed criteria for the designation of petroleum activities and associated infrastructure as follows:</p> <p>In order to be designated, a petroleum activity is required to meet each of the following criteria:</p> <p>(i) the activity and associated infrastructure requires a petroleum authorisation;</p> <p>(ii) the activity has the potential to generate petroleum related major accident hazards;</p> <p>(iii) the activity and associated infrastructure is connected to, or has the potential to be physically connected to, the reservoir; and</p> <p>(iv) the petroleum activity is not entirely regulated by or under another Act of the Oireachtas and its designation allows for the optimum operation of the permissioning regime.</p>			The criteria appear reasonable having regard to the legislation. It is of vital importance that the designated activities are clearly defined so that other regulatory bodies and the public are aware of what controls apply to particular activities. (iv) needs some clarification as it seems to imply that if covered by other safety regulation e.g. a gas terminal to which the Major Accidents Hazard Directive applies. Will such activity not be designated?
21.	<p>Respondents' views are invited as to the specific application of the designation criteria to the construction and installation of petroleum infrastructure.</p>			If construction etc., is not designated how can it be assured that CER will be in a position to advise Planning Authority and Board in relation to any planning application?
22.	<p>Please comment on the application of the proposed designation criteria to exploration activities.</p>			No comment.

Question/Proposal		Do you agree?		Comments
		Yes	No	
23.	Please comment on the application of the designation criteria to extraction activities.			Clarification needed on the timescale of the safety permit for processing plant and the extent to which the safety issue can be considered prior to permission/approval being granted for the plant.
24.	Please comment on application of the designation criteria to conveyancing activities.			Clarification needed on the extent to which the transport of hydrocarbons by tanker is or is not covered e.g. a vessel approaching or docking at a terminal is it covered in the safety case/permit for the terminal?
25.	Please comment on application of the designation criteria to decommissioning activities.			No comment.
26.	Please comment on the CER's proposed approach to dealing with connected activities within the appropriate safety case rather than designation of such supporting activities.			See comment on No. 24.
27.	Please comment on the six proposed principles underpinning the design of the permissioning system.			It is considered desirable that the CER addresses the safety issue at the most efficient point in time and that where possible the sequencing and issuing of submissions required should be co-ordinated with permitting by other regulatory authorities. It is considered desirable that a pre-construction safety case should be considered prior to planning permission being granted or construction commencing.
28.	Please comment on the proposed approach for a Well Work Safety Permit and supporting safety cases.			No comment.
29.	Please comment on the proposed approach for a Pre-Construction Safety Permit and supporting safety case.			It is not clear how the Design Safety Case relates to the pre-construction safety permit.

Question/Proposal		Do you agree?		Comments
		Yes	No	
30.	Please comment on the proposed approach for a Production Safety Permit and supporting safety cases.			No comment.
31.	Please comment on the proposed approach for a Combined Operations Safety Permit and supporting safety case.			No comment.
32.	Please comment on the proposed approach for a Decommissioning Safety Permit and supporting safety case.			No comment.
33.	Comments are welcome on how the CER should approach safety case assessments.			Experience indicates that regulatory bodies must have in-house expertise capable of assessing reports from external consultants.
34.	Respondents' views are invited on how the 5 year safety case review process should be implemented, including comment on the options presented for the review process, and suggested alternatives.			A reasonable argument can be made for a review by an independent body on a 5 years basis.
35.	Please comment on the above proposals regarding co-ordination of the CER permissioning system with other statutory processes.			The need for co-ordination of activities with other regulatory authorities is clear. The CER needs to have adequate information available to adequately assess proposals prior to providing advice to bodies such as Planning Authorities and An Bord Pleanála. A requirement to obtain a pre-construction safety permit prior to planning permission/approval being granted seems to have merit in order to allow the CER to provide sound advice to the Planning Authority or to An Bord Pleanála.
Section 8: Compliance Assurance				
36.	Please comment on the CER's proposed broad scope and approach to audit and inspection of petroleum undertakings?			No comment.

Question/Proposal		Do you agree?		Comments
		Yes	No	
37.	Please comment on the proposal that CER's inspectors can be a mixture of both in-house staff and third party independent competent persons.			No comment.
38.	Should the CER seek to co-ordinate its audit and inspection activities with other statutory bodies where possible?			No comment.
39.	The CER is interested in respondents views on whether the audit and inspection schedule should be risk-based and involve a few visits per facility per year, or should be undertaken on a prescriptive frequency and, if so, what frequency?			No comment.
40.	Please comment on the CER proposal that a Verification Scheme should form part of the Compliance Assurance system of the Petroleum Safety Framework.			No comment.
41.	Do you agree that if verification is adopted, that the verifier should be a third party independent person referred to as an Independent Competent Person (ICP)? Please comment.			No comment.
42.	If the ICP approach is adopted by the CER, who should contract the ICP – the CER or the petroleum undertaking?			No comment.
43.	Do you think that approval of the ICP is required and, if so, by whom?			No comment.
44.	Should the CER, or a 4 th party audit the verification scheme?			No comment.
45.	Do you agree with the CER proposal that the Scope of Verification should be hardware Safety Critical Elements?			No comment.
46.	Do you agree with the CER proposal to apply the verification scheme offshore and onshore?			No comment.
47.	Do you agree with the CER proposal to apply the verification scheme throughout the lifecycle of petroleum infrastructure? Please comment.			No comment.
48.	Do you agree with the CER view that a separate well examination scheme and well management audit scheme should operate? Who should conduct this scheme? Please comment.			No comment.
49.	Should ALARP be explicitly include within the verification scheme guidance? Please comment.			No comment.

Question/Proposal		Do you agree?		Comments
		Yes	No	
50.	The CER is interested in respondents' views on whether the CER should approve the verifications scheme in the scenario where the petroleum undertaking contracts the ICP.			No comment.
51.	Do you agree with the CER proposal to introduce a balanced set of leading and lagging indicators within the Safety Case Guidelines for routine reporting by the petroleum undertaking to the CER? Please comment.			No comment.
52.	Please comment on the appropriate means for ensuring compliance by petroleum undertakings with their general duties, and the CER's proposed approach to monitoring.			No comment.
Section 9: Petroleum Incidents				
53.	<p>Please comment on the proposals for the following to be classified as petroleum incidents to be notifiable to the CER:</p> <ul style="list-style-type: none"> • All events/occurrences that result in the loss of human life; • Those events/occurrences which result in a personal injury to a member of the general public; • Those events/occurrences which result in personal injury which relate to a major accident hazard; • All events/occurrences that result in damage to the structural integrity of petroleum infrastructure; • All events/occurrences that result in the structural integrity of petroleum infrastructure being compromised; and • Near misses which have the potential to cause a major accident including the failure of plant and equipment or procedural failures which could have the potential to cause a major accident or could significantly impair an undertaking's response to a major accident. 			Having regard to the definition of safety given in 3.2.2.3 it would appear reasonable that any incident giving rise to damage to property belonging to 3 rd parties should also be reported.
54.	Please comment on the CER's proposal approach to the investigation of petroleum incidents and follow up actions.			No comment.

Question/Proposal		Do you agree?		Comments
		Yes	No	
55.	Please comment on the proposal that the CER will seek to liaise and co-operate with other relevant authorities in the incident investigation process?			No comment.
Section 10: Agreed Regulatory Interfaces and Co-operation				
56.	The CER are interested in respondents' comments on the proposed interface, co-ordination and co-operation arrangements. Specifically are such arrangements beneficial and are there other authorities the CER ought to have such arrangements in place with?			We consider that interface/co-operation with other regulatory bodies is most desirable and should be progressed through MoUs between the respective agencies insofar as such interface is not specified in the legislation.
57.	Please comment on the proposals for information sharing under the interface, co-ordination and co-operation arrangements?			This relates essentially to interface between bodies with specific safety responsibilities.
58.	Please comment on the proposals for greater alignment of the permissioning processes under different statutory regimes and inclusion for the interface, co-ordination and co-operation within arrangements with other statutory authorities.			See responses to questions 27 and 35.
59.	Please comment on the proposal for co-ordinated audits/inspections and related information exchange under the interface, co-ordination and co-operation arrangements.			This relates more specifically to bodies with specific responsibilities for safety and having enforcement powers.
Section 11: Enforcement				
60.	Please comment on CER's proposals on enforcement. In particular the proposals with respect all persons included on a petroleum authorisation submitting a joint safety case.			No comment.
Section 12: Safety Reporting and Published Safety Information				
61.	Please comment on the CER proposals for the publication and content of the Annual Report on the Petroleum Safety Framework.			No comment.

Question/Proposal		Do you agree?		Comments
		Yes	No	
62.	Please comment on the CER proposals for the information it intends to publish.			Published information should clearly specify the designated petroleum activities for which a safety permit is required. MoUs with other regulatory authorities in relation to interface, co-ordination issues should also be published.
63.	The CER is interested in respondents' views on the criteria the CER should apply when considering an application by petroleum undertakings on the exclusion of certain information.			No comment.
Section 13: Continuous Improvement				
64.	The CER is interested in respondents' views on the proposed approach to continuous improvement.			Continuous improvement in co-ordination/interface with other regulatory bodies desirable. MoUs should be updated/reviewed regularly.