

Stakeholder engagement and transparency work program

Purpose

In August 2015, NOPSEMA introduced the stakeholder engagement and transparency work program to improve community confidence in the offshore petroleum regime and to improve the environmental consultation practices of oil and gas companies. Since that time, NOPSEMA has implemented a number of initiatives under the work program and continued to seek feedback from stakeholders on the effectiveness of these initiatives.

This report provides an overview of:

- completed initiatives
- stakeholder feedback mechanisms utilised during the work program
- a discussion of remaining actions under the work program, including plans to address these actions.

This report represents the close out of the stakeholder engagement and transparency work program with remaining actions to be progressed through the newly established Transparency Taskforce.

Completed initiatives

Following extensive engagement and consultation with a diverse range of stakeholders, 18 initiatives were identified as priority actions to be completed as part of the stakeholder engagement and transparency work program.

Key actions that have been completed by NOPSEMA include:

- Development and launch of the environment plan activity status and summaries web page.
- Introduction of a subscription service to inform stakeholders about the status of environment plan proposals and assessments.
- Development and launch of a dedicated community information web page that provides easy access to information about offshore petroleum approvals, consultation requirements and features frequently asked questions.
- Development and publication of new guidance as well as improvements to existing guidance that provide more detail about the consultation processes and NOPSEMA's decision making considerations.
- Development and publication of brochures and fact sheets that provide clear and succinct information about offshore petroleum approval processes.
- Participation in offshore oil and gas open days that provided the community with opportunities to meet with NOPSEMA and other government agencies to discuss the offshore petroleum regulatory regime and the offshore petroleum lifecycle.

For the full list of initiatives and actions completed under the work program refer to Attachment A of this report.

Stakeholder feedback

Throughout the work program, NOPSEMA sought feedback from a variety of stakeholders including:

- the offshore oil and gas industry
- Commonwealth and state government agencies
- environmental non-government organisations (NGOs)
- professional fishing associations and recreational groups/users
- other marine users
- community stakeholders.

Mechanisms used to gain feedback included face to face meetings, information sessions, open days, round table discussions, collaborative forums and stakeholder surveys.

In August 2015, NOPSEMA undertook a survey to gather further insight into stakeholder attitudes on the current state, and future direction, of environmental management consultation and environment plan approval processes. The survey was distributed to more than 200 stakeholders and response rates were sufficient to provide meaningful data. The [results from the 2015 survey](#) highlighted a number of areas where improvements to consultation practices and transparency could be made. In response to the feedback received, NOPSEMA implemented several initiatives to improve environmental consultation practices and increase regulatory transparency.

NOPSEMA committed to re-surveying stakeholders after the work program had been in effect for 18 months. The supplementary survey was distributed in March 2017 and sought feedback on the effectiveness of improvement initiatives. Response rates for the 2017 survey were very low (<5%) and as such, NOPSEMA did not consider that data collected provided a meaningful representation of stakeholder views.

NOPSEMA will continue to seek feedback on transparency initiatives through other means including, via the Transparency Taskforce.

The Transparency Taskforce

In July 2017, NOPSEMA established a Transparency Taskforce (the taskforce) to align efforts on transparency initiatives with other jurisdictions and to assist industry in identifying solutions for common issues. The taskforce is currently identifying and defining the work streams and more information will be made available on NOPSEMA's website as work gets underway. The taskforce comprises representatives from NOPSEMA, Commonwealth and state government agencies, industry groups and other relevant stakeholders.

The taskforce will build on the lessons learned and insights gained through the stakeholder engagement and transparency work program and will seek to ensure that improvements in the transparency of NOPSEMA's regulatory processes and information relevant to offshore petroleum environmental management continue to be identified and addressed.

Remaining actions

As at July 2017, two of the eighteen actions announced under the work program remain open.

These include:

- NOPSEMA will engage with the Department of Industry, Innovation and Science to discuss the feasibility of regulatory change in 2016 to improve consultation and transparency; and
- APPEA to prepare and publish a 'how to undertake effective consultation with relevant persons' methodology (or equivalent) by 30 June 2016.

Regulatory change

In response to NOPSEMA's work program, the Department of Industry, Innovation and Science (the department) prepared a detailed issues paper considering potential amendments to transparency and stakeholder consultation requirements under the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009.

The purpose of the issues paper was to:

- identify policy, legal and operational issues that could impact the effectiveness of the consultation requirements under the Environment Regulations
- discuss those issues and identify draft options to address the issues identified
- invite comments on the issues and proposed options including on their potential impacts to stakeholders, including industry and other parties.

The issues paper was open for public consultation between 22 March and 30 April 2016 and the department held public consultation sessions in Darwin (5 April), Melbourne (6 April), Adelaide (7 April) and Perth (8 April). The sessions were attended by industry, environmental NGOs, members of the fishing industry and state and Territory government representatives.

Following the public comment period and consultation sessions, a number of submissions were received and analysed by the department.

The department reached a preliminary policy position and this was presented to stakeholders at follow up information sessions. The outcomes of the review into the transparency and consultation requirements of the Environment Regulations are currently under consideration by Government.

Following Government consideration and finalisation of a policy position, NOPSEMA will work collaboratively with the department, industry and other stakeholders to develop and implement any regulatory changes. This work will be progressed through the taskforce who will ensure a smooth implementation of the broader policy framework.

The APPEA consultation methodology

Early in the development of the NOPSEMA work program, the Australian Petroleum Production and Exploration Association (APPEA), as a representative body of the oil and gas industry, requested an opportunity to contribute to improved consultation outcomes on behalf of its members. APPEA's proposed contribution was to take the form of a standardised method for undertaking consultation and was to be provided to titleholders for their use in engaging with stakeholders. NOPSEMA agreed to APPEA making this contribution on condition that any industry led methodology was prepared collaboratively with relevant stakeholders to ensure that it met their needs. Further, that the methodology sought to improve consistency and predictability in titleholder consultation practices and that it met the requirements of the relevant regulations and NOPSEMA's consultation guidelines.

APPEA provided NOPSEMA with a draft of the proposed consultation method in June 2017. Following a review of the proposed method NOPSEMA decided that progression of this initiative would continue through the taskforce.


Close of the work program

NOPSEMA has determined that the remaining two items from the stakeholder engagement and transparency work program will be transitioned to the taskforce for completion. Given all other action items under the work program have been completed, NOPSEMA formally closed the work program on 31 July 2017.

| ATTACHMENT A | | | | | |
|--|---|---|---------------------------------------|---|---|
| AIM | STRATEGY | MEASURE | ACTIONS | | TASK STATUS |
| Build a view of trust in the community of offshore petroleum environmental management | Develop better ways to deliver regulatory services to the community | <ul style="list-style-type: none"> Improved stakeholder satisfaction in NOPSEMA's delivery of regulatory services Reduction in the number of complaints alleging poor transparency of decision-making Number of innovative solution implemented to provide more open and transparent decision-making | 1. | NOPSEMA to undertake detailed planning to extend the work program on stakeholder engagement and transparency beyond end FY2015/16 by 1 January 2016. | Planning inputs made into budget cycle for FY2016/17. |
| | | | 2. | NOPSEMA considers how to involve stakeholders in its development of an end-user focused website in accordance with updates to Government accessibility requirements by 30 June 2016. | Numerous enhancements made to NOPSEMA's website. Improvements made to a number of environmental management webpages including the 'Activity status and summaries' page. Development and launch of community focussed webpage on NOPSEMA's website in Q2 2017. The Department of Industry, Innovation and Science are currently exploring development of a stakeholder information portal for offshore petroleum which is intended to capture the entire offshore petroleum lifecycle. NOPSEMA will continue to provide input to the department throughout development. |
| | | | 3. | NOPSEMA commences publication of up-to-date information regarding the status of an environment plan (EP) assessment and petroleum activities over the life of an activity on its website on 1 January 2016. | Publication of information commenced 1 January 2016. Refer to the 'Activity status and summaries' page under the 'Environment' tab on the NOPSEMA website. |
| | | | 4. | NOPSEMA will engage with the Department of Industry, Innovation and Science in 2016 to discuss measures in which NOPSEMA can participate to raise general awareness of stakeholders and provide further publically available information on the offshore petroleum regulatory regime, the offshore petroleum lifecycle, the acreage release process and the assessment process. | Open days conducted in South Australia 2015. The Department of Industry, Innovation and Science is currently looking at holding further open days as part of a broader engagement process for acreage release. NOPSEMA will contribute to these as appropriate. In addition NOPSEMA has published a series of brochures on the regulatory regime and assessment processes which will be added to and refined over time. |
| | | | 5. | NOPSEMA develops and implements a 'Consultation Masterclass' to provide a forum for relevant persons and titleholders to: <ul style="list-style-type: none"> share and learn about consultation successes generate and refine ideas for improving consultation by 30 June 2016. | NOPSEMA has undertaken consultation with APPEA with a view toward industry led best practice consultation workshops. It is envisaged that the workshops will be held periodically and will seek to share lessons learned by industry and other stakeholders relevant to consultation on environment plans. NOPSEMA will contribute to these sessions to provide a 'regulators perspective'. |
| | | | 6. | NOPSEMA will engage with the Department of Industry, Innovation and Science to discuss the feasibility of regulatory change in 2016 to improve consultation and transparency. | The Department of Industry, Innovation and Science have prepared and consulted on a detailed issues paper regarding these issues. A preliminary policy position has been reached and presented to stakeholders by the Department. The outcomes of the review into the transparency and consultation requirements of the Environment Regulations are currently under consideration by Government. Once a policy position has been finalised, NOPSEMA will work collaboratively with the Department, industry and other stakeholders to develop and implement regulatory changes and to ensure a smooth implementation of the broader policy framework. This work will be managed by the Department through the Transparency Taskforce |
| | | | 7. | NOPSEMA commences publication of a 'decision notification' on 1 January 2016, excluding environmental performance outcomes and standards in the acceptance notification. | Publication of information commenced on 1 January 2016. Refer to NOPSEMA's 'Activity status and summaries' webpage under the 'Environment' tab on the NOPSEMA website. |
| | | | 8. | NOPSEMA to improve guidance for stakeholders regarding how they can access information regarding reasons a decision was reached under the <i>Administration Decisions (Judicial Review) Act 1977</i> by 31 May 2016 ¹ . | NOPSEMA's Statement of Reasons Policy (N-17000-PL1666) has been revised and published. |
| | | | 9. | NOPSEMA assesses all other information received under the Environment Regulations for its utility in increasing regulatory transparency. The outcomes of this assessment will be published by 31 August 2016 | Through further research and stakeholder engagement NOPSEMA has identified that opportunities for further transparency may exist regarding titleholder's ongoing environmental performance. Through the International Offshore Petroleum Environment Regulators Forum (IOPER), NOPSEMA is currently exploring avenues for increased consistency and usability of environmental management information globally. The outcomes of the IOPER work will influence NOPSEMA's approach on better utilising this information. This work will be continued through IOPER and other processes outside the scope of this program. |
| | | | Deliver effective consultation | Promote and ensure titleholders | <ul style="list-style-type: none"> Improved stakeholder satisfaction in the |

| ATTACHMENT A | | | | | |
|---|---|--|---------|---|---|
| AIM | STRATEGY | MEASURE | ACTIONS | | TASK STATUS |
| processes to ensure stakeholder views are taken into account | provide the right information, to the right person, at the right time | consultation practices of titleholders <ul style="list-style-type: none"> Reduction in the number of negative interactions claiming poor consultation practices Decrease in non-compliance rates found through assessments Increase in the number of beyond compliance, best practice, or innovative consultation practices Decrease in enforcement actions taken Decrease in non-compliance rates identified during inspections Decrease in titleholders resources spent on consultation related matters Decrease in total hours spent by NOPSEMA managing consultation related issues | | by titleholders by 30 June 2016. | better assist stakeholders in understanding and engaging through the consultation process. NOPSEMA has launched its 'Community Information' webpage which provides detailed advice for community stakeholders who engage in the consultation process. In combination with the community information portal, NOPSEMA has updated guidance and published additional supporting documents and brochures to assist stakeholders in understanding and engaging with the offshore oil and gas regulatory process. NOPSEMA will continue to seek feedback on the page and supporting materials and make updates as required. |
| | | | 11. | NOPSEMA to examine ideas and suggestions for capacity building in relation to improved consultation practices and propose initiatives for implementation under the work program by 31 August 2016 ¹ . | Throughout the work program NOPSEMA has received suggestions from various stakeholders for improvement to transparency and engagement practices. These suggestions have been analysed and in many cases implemented through the stakeholder engagement and transparency work program to date. NOPSEMA will continue to seek feedback from stakeholders as opportunities arise. |
| | | | 12. | NOPSEMA to publish material for relevant persons on how to engage with NOPSEMA prior to, during, and after assessment of an EP, by 30 June 2016 ¹ . | NOPSEMA has launched its 'Community Information' webpage which provides detailed advice for community stakeholders on how to engage with NOPSEMA and the types of engagement activities that NOPSEMA undertakes to increase understanding of regulatory processes. |
| | | | 13. | NOPSEMA to consolidate a list of environmental management-related cooperative forums it is aware of, and specify our participation in those forums publicly by 30 June 2016 ¹ . | NOPSEMA has published a report entitled "NOPSEMA's involvement in environmental management collaborative networks" which is published on the NOPSEMA website. |
| | | | 14. | NOPSEMA to publish material for relevant persons on how to engage in the consultation process as described in the Environment Regulations, by 30 June 2016 ¹ . | NOPSEMA has published significant additional information for stakeholders throughout the work program which has included guidance, brochures other supporting information and a community focussed webpage. NOPSEMA is continuously updating and revising community focussed information based on feedback from stakeholders. Information for the community is available on NOPSEMA's 'Community Information' webpage. |
| | | | 15. | NOPSEMA to convert the proposed Consultation Guidance Note into a Guideline relating to its interpretation of the Environment Regulations about how regulatory decisions will be made on the appropriateness of consultation and publish this in April 2016 and invite further comment from stakeholders. | NOPSEMA has published the Deciding on Consultation Requirements Guideline (N-04750-GL1629). In response to feedback from titleholders and other stakeholders, NOPSEMA re-opened this action and extended it to publish the remainder of the guidelines on EP acceptance decision-making to improve transparency of NOPSEMA decision-making during Q4 2016. Responses to consultation and public comment were progressed in Q1/Q2 2017. The final Decision Making Guideline has now been made available on the NOPSEMA website. |
| | | | 16. | APPEA to prepare and publish a 'how to undertake effective consultation with relevant persons' methodology (or equivalent) by 30 June 2016. | APPEA provided NOPSEMA with a draft of the proposed method in June 2017. Following review of the method, NOPSEMA has decided to continue progression of this initiative through the transparency taskforce. |
| | | | 17. | NOPSEMA to review and update the proposed EP Summary Guideline to address stakeholder feedback by 1 January 2016. NOPSEMA to review and update the EP Content Requirements Guidance Note in January 2016 to make it clearer where titleholders can prepare material to satisfy both the EP content requirements and the EP Summary content requirements by 30 April 2016 ¹ . | EP Summary Guideline published on 1 January 2016 (N-04750-GL1566). EP Content Requirements Guidance Note updated and published (N04750-GN1344). |
| | | | 18. | NOPSEMA develops with input from stakeholders its state and Commonwealth organisations and agencies communication plan by 30 June 2016 ¹ . | NOPSEMA will continue to strengthen its relationships with key state and Commonwealth government agencies. This will be achieved through NOPSEMA's implementation of its established stakeholder engagement framework which includes participation in cross-jurisdictional forums and committees. |

 Complete

 To be progressed through Transparency Taskforce