

Community Environment Reference Group – Meeting 1

Meeting Objectives:

To establish the NOPSEMA Community Environment Reference Group and agree its mode of operation; and

To introduce some discussion topics on which the group will provide views to NOPSEMA.

Meeting Details

The meeting was held at NOPSEMA's Perth office at 2.00–4.00pm AWST on 29 March 2018.

Attendees included representatives of NOPSEMA and members of the Community Environment Reference Group (CERG). An attendees list is provided in Attachment 1.

Meeting Record

Agenda Item 1 – Safety and introduction

The Chair opened the meeting and welcomed all participants, inviting each to introduce themselves with an outline of their background and main perspectives for the CERG.

The agenda and objectives for the meeting were then confirmed with no changes.

Agenda Item 2 – Introduction to NOPSEMA

2.1 Introduction to NOPSEMA's role, jurisdiction and regulatory functions

NOPSEMA presented an introduction to its remit, history and functions; a copy is provided in Attachment 2. Some key points that were discussed within the group included:

- The difference between NOPSEMA's role in safety and environment regulation, and that of the National Offshore Petroleum Titles Administrator (NOPTA) in title award, resource management and title surrender
- The role of the Minister in appointing the NOPSEMA CEO and Advisory Board, and NOPSEMA's independent decision-making role
- The role of the Advisory Board, which is able to receive referrals from the CEO on policy-level issues
- The role of the Minister and the Department of Industry, Innovation and Science (DIIS) in legislation and policy development
- The concept of objective-based regulation, which recognizes that the duty holder creates risk and is therefore best-placed to understand and manage that risk. This is preferable to a prescriptive set of laws, which are unlikely to keep pace with technological changes in industry. However, in some circumstances it is appropriate to include some prescription requirements in the regime.

2.2 Introduction to environmental management regulation by NOPSEMA

NOPSEMA presented an introduction to the environmental management regulatory regime it administers; a copy is provided in Attachment 2. Key points included:

- The Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009 (the Environment Regulations), which prescribe a process of environmental assessment and management that mirrors the ISO 31000 risk management standard and the ISO 14001 environmental management standard
- The organizational structure of the Environment Division and the expertise of the specialists in areas such as marine science, fisheries, toxicology and spill response, as well as the relationships in place for provision of expert advice from fisheries departments, biosecurity agencies and the Australian Antarctic Division.
- Regulatory activity levels for environment plans, which commenced in 2013 with a high proportion of assessments and in 2017–18 show a more even balance of assessments and inspections, as well as some enforcements.
- The types of enforcement tools available in the regulatory regime, which include prohibition and improvement notices that are published in full on NOPSEMA's website, as well as general directions, requests for revision and written warnings, which are not published.

Agenda Item 3 – Establishing the Community Environment Reference Group

3.1 Background and motivations to establish the group

NOPSEMA explained that the CERG is intended to provide an avenue to receive feedback from those affected by its regulatory activities, and that NOPSEMA is sincere in wanting to collect good-quality feedback. The establishment of the CERG was also supported by DIIS, as it provides an additional forum for community feedback relevant to policy development.

3.2 Function and transparency of the Community Environment Reference Group

The group reviewed the discussion paper Function and transparency of the Community Environment Reference Group, working through the items for discussion and decision.

Item for discussion: Range of perspectives represented in the CERG

The group noted that indigenous perspectives were not represented, and this could be achieved by inviting an Aboriginal representative from an area with petroleum activities (e.g. north-west WA), or by a suitably experienced academic or consultant. Some of the group members had previous experience working with representatives of indigenous communities and could assist with contacts.

Other community-based industries like tourism and diving are also not directly represented by the current group, but interaction between these industries and the offshore petroleum industry in Commonwealth waters is limited due to distance from the coast.

Action: NOPSEMA to explore opportunities to add indigenous perspectives to the CERG.

Item for decision: Publishing of CERG membership details

The group discussed the extent to which details of the group members should be publicized, and agreed that names and a brief description of each member's main perspective should be published on the NOPSEMA website (e.g. "John Smith, commercial fishing industry participant in northern Australia").

Transparency of the group and its discussions was desired by both NOPSEMA and the CERG members, and the general public should be able to raise issues, views or concerns to NOPSEMA via the CERG members to some extent. However, the CERG is established as a "perspectives" group only, not as a collection of representatives of defined sections of the community. There is no expectation by NOPSEMA that CERG members canvas their community or spend time collecting feedback from the public prior to attending meetings.

In addition, publication of personal contact details was not preferred, for privacy and to avoid receipt of unsolicited mail. Instead, a generic email address was suggested as an avenue for members of the public to



contact the CERG. NOPSEMA can set up and monitor this type of inbox, and forward any emails to CERG members as relevant.

More broadly, CERG members requested more information on established mechanisms for NOPSEMA to engage with the community, as the CERG should not be the only method. NOPSEMA confirmed that there are a range of regulatory and non-regulatory pathways for interactions with the community that complement the CERG, and agreed to provide more information on this at the next meeting.

Action: CERG Coordinator to collect a brief descriptor from each member, for publication along with member names on the NOPSEMA website.

Action: NOPSEMA to set up a generic email address so that members of the public can contact the CERG.

Action: At the next meeting, NOPSEMA to provide more information on the range of pathways via which it engages with the community, which complement the CERG (e.g. Transparency Taskforce, direct engagement with organisations, regulatory interaction via complaints or incident reports).

Item for decision: Records of the CERG to be published

In order to maintain transparency, it was widely agreed that the written records from the CERG should be published on the NOPSEMA website. These include:

- Agreed CERG Terms of reference
- Meeting records, with an outline of the topics discussed and main points raised
- Discussion papers and other information provided to the CERG

The draft Terms of Reference require some modification and will be circulated after the meeting to collect edits and comments. Similarly, the meeting record will be drafted by the CERG Coordinator and circulated to all participants with a comment period of two weeks, prior to consolidation and publication on the NOPSEMA website.

Action: CERG Coordinator to circulate draft Terms of Reference and draft meeting record for comment prior to publication.

Item for decision: Method for payments to CERG members for meeting attendance

NOPSEMA confirmed its offer of a \$401 payment per meeting to CERG members, as a way to incentivize attendance and encourage longer term participation. NOPSEMA recognizes this as compensation for the effort involved in meeting preparation and attendance, and believes it is common practice for government agencies to offer payment to community members that are engaged to provide advice or input. There was general agreement throughout the CERG that this sort of compensation by government agencies is appropriate.

CERG members have the option to access payments by providing an invoice to the CERG Coordinator. A template invoice will be circulated.

Action: CERG Coordinator to send around invoice templates

Action: CERG members wishing to access payment for meeting attendance to provide an invoice to NOPSEMA

Agenda Item 4 - Items for discussion and information

4.1 Changes to the Environment Regulations to enable public comment and publication of environment plans

NOPSEMA provided some background on the process of regulatory reform underway by DIIS to improve transparency in the offshore petroleum regime, including publication and public comment on environment plans. Feedback on this reform must be provided to DIIS.

The CERG discussed some of the challenges of participating in consultation on environment plans in their experiences:

- consultation material needed to be provided in universal language, and was sometimes too technical
- environment plans are too large to review in their entirety
- the key piece of information required by stakeholders is the response to their particular concern or objection
- the costs of consultation are borne by the stakeholder, which can be a huge burden
- the description of the activity in the environment plan sometimes doesn't match what happens in reality
- government department websites are complex to navigate and confusing
- organisations can encourage improvements in consultation practices by specifying their preferred methods in guidance
- a higher level of professionalism could be achieved in consultation practices by following a recognised standard, and evaluating the effectiveness of the consultation program at the end

4.2 Ideas on topics for future discussion in the CERG

Due to limited time, the discussion on future topics for the CERG was postponed to a survey after the meeting. This will be used to brainstorm and prioritise topics, which will shape the next meetings.

Action: CERG Coordinator to initiate a survey of discussion topics for future CERG meetings

Agenda Item 5 – Review and Close Out

Given that this first meeting was mainly used for introduction and establishment of the CERG, another meeting is proposed prior to the end of the financial year. The proposed date is the last week in May, with a start time earlier in the day for the convenience of eastern-states participants.

Attachment 1

Attendees list

NOPSEMA representatives:	
Stuart Smith, Chief Executive Officer (Chair)	In person
Cameron Grebe, Head of Environment Division	In person
Carrie McIntosh, Executive Officer to the Transparency Taskforce	In person
Community members:	
Mr Brett McCallum	Teleconference
Mr Daniel Marsh	In person
Ms Jacqueline Hine	Teleconference
Ms Kirsten Rough	Teleconference
Ms Marilyn Shea	In person
Ms Pauline Noelle	Teleconference
Ms Robyn Glindemann	In person
Mr Stuart Field	In person



Attachment 2

Presentation – Introduction to NOPSEMA



Introduction to NOPSEMA

Presentation to NOPSEMA Community and
Environmental Reference Group

Stuart Smith – Chief Executive Officer

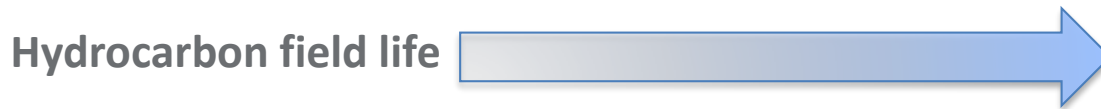
29 March 2018

What we regulate




What we regulate

National Offshore Petroleum Titles Administrator (NOPTA)		
Acreage release Title award	Resource management Taxation Titles transfer	Title relinquishment

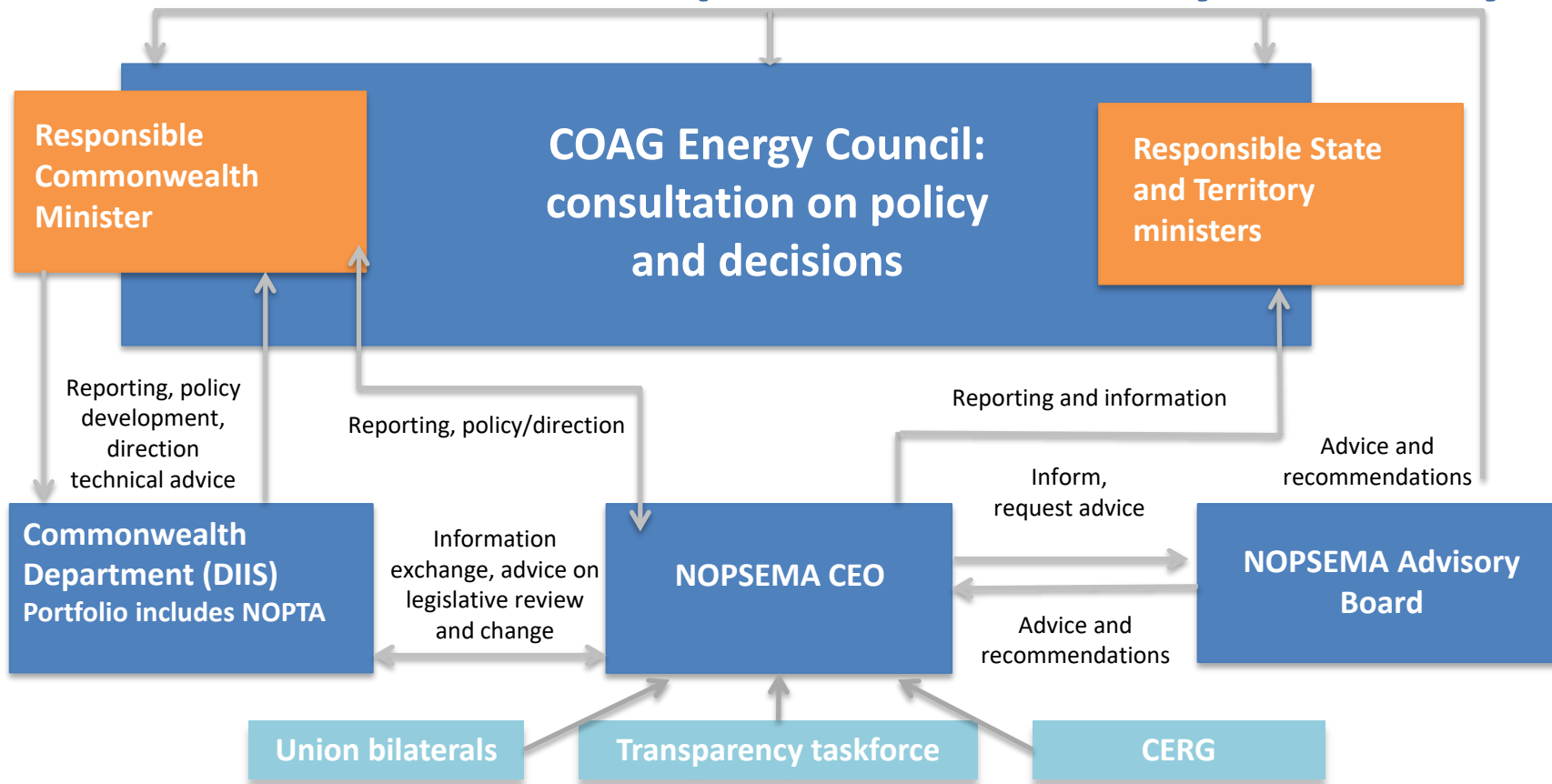


NOPSEMA		
	Regulation of safety and environmental management Exploration, production and decommissioning phases Input into titles transfer	

Background and history

- 
- 2005** National Offshore Petroleum **Safety** Authority (NOPSA) established *(Jan 2005)*
- 2008** Triennial review of NOPSA operational effectiveness *(Mar 2008)*
- 2009** Productivity Commission review of upstream sector regulatory burden *(Apr 2009)*
Offshore Petroleum Safety Regulation Inquiry and report *(Jun 2009)*
- 2010** Montara Commission of Inquiry and report *(Jun 2010)*
- 2011** Regulation of **well integrity** commenced *(Apr 2011)*
Australian Government response to Montara Commission of Inquiry *(May 2011)*
Evaluation against National Legislative Compliance Framework *(Oct 2011)*
Second triennial review of NOPSA operational effectiveness *(Nov 2011)*
- 2012** National Offshore Petroleum Safety and **Environmental Management** Authority (NOPSEMA) established *(Jan 2012)*
- 2013** Audit on establishment and effectiveness of NOPSEMA by the Australian National Audit Office
- 2015** Triennial review of NOPSEMA's effectiveness

Independent statutory authority



Vision

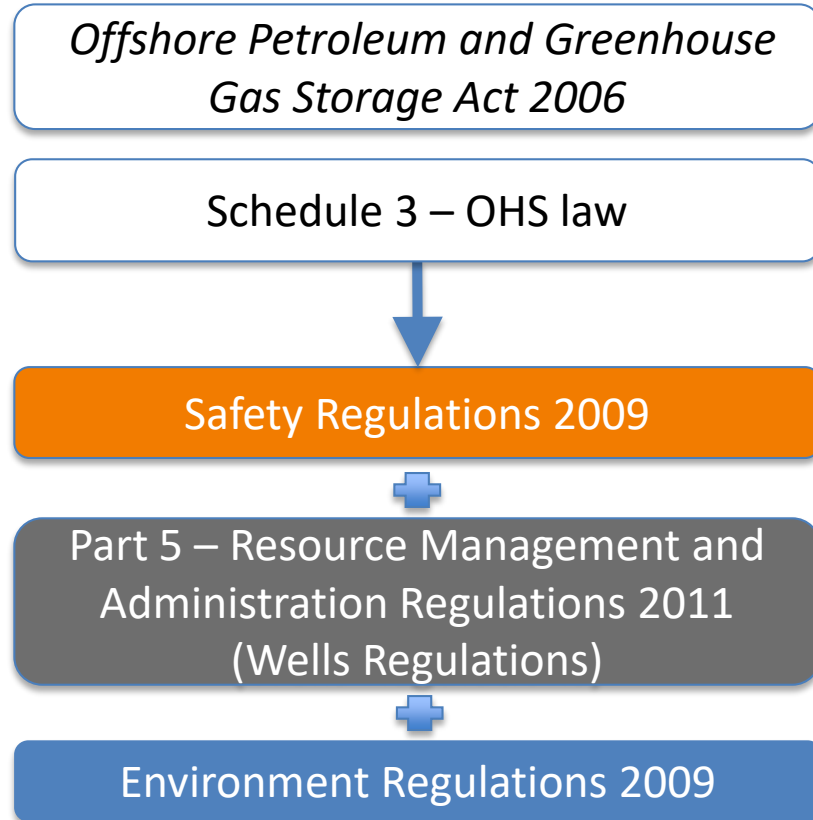
Safe and environmentally responsible Australian offshore petroleum and greenhouse gas storage industries.

Mission

To independently and professionally regulate offshore safety, well integrity and environmental management.

- **Professional** – we will be accountable, consistent, reasonable and act in accordance with the law
- **Ethical** – we will demonstrate respect and integrity in all we do
- **Independent** – we will make our decisions on the merits of the circumstances
- **Leadership** – we will be proactive, inclusive and decisive in our conduct as a pre-eminent regulator.

Legislation administered by NOPSEMA



- An independent safety and environmental management authority
- Cost-recovered, funded by levies on industry
- Objective-based, but with some prescriptive elements
- A duty holder's management plan, accepted by NOPSEMA, is used as a 'permissioning' document:
 - Safety case
 - Well operations management plan
 - Environment plan

Chief Executive Officer

Safety & Integrity

Floating Production & Drilling
Platforms, Pipelines & Diving
Vessel Facilities
Well Integrity

Environment

Seismic & Production Operations
Drilling & Developments
Spill Risk
Environmental Effects

Regulatory Support

Legislative Change, Stakeholder Relations
Enforcement Risk, Planning
HR, Finance & Administration
IT & Communications

Legal

Contracts, Commercial
Statutory Advice
Freedom of Information

Environmental Management

Presentation to NOPSEMA Community and Environmental Reference Group

Cameron Grebe – Head of Division

29 March 2018

NOPSEMA:

Assess

Inspect

Enforce

Investigate

Advise

Promote

Titleholder:

Consult

Identify

Evaluate

Treat

Improve

Monitor

Objective-based laws

Prescribed
process
& required
outcomes in law



Prescriptive standards enforced to achieve
outcomes case-by-case

Prescriptive laws

~~Prescribed
minimum
performance
standards set in
law for all
situations~~

Head of Environment Division

**Assessment &
Inspection:
Seismic & Production
Operations**

**Assessment &
Inspection:
Drilling &
Developments**

Spill Risk

**Environmental
Effects**

Regulatory teams

Lead assessments and inspections

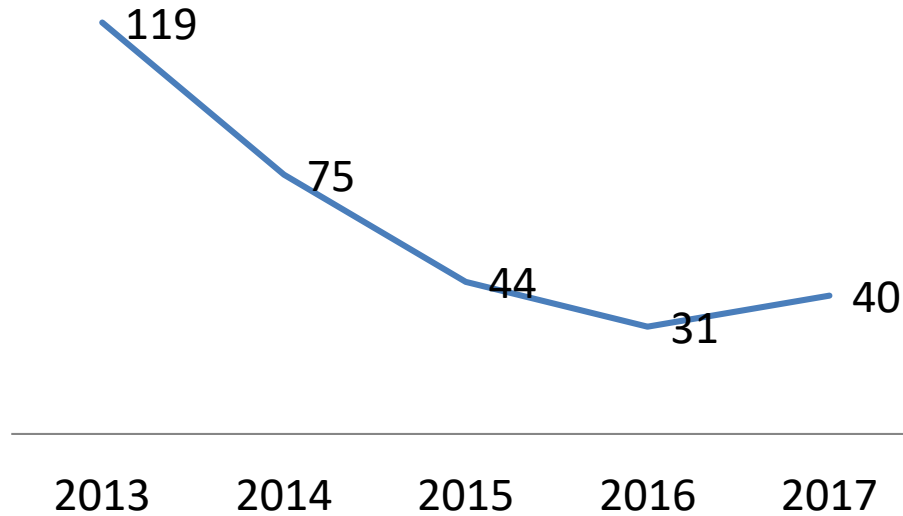
Team managers are Representatives of NOPSEMA (RONs) – decision makers

Specialist teams

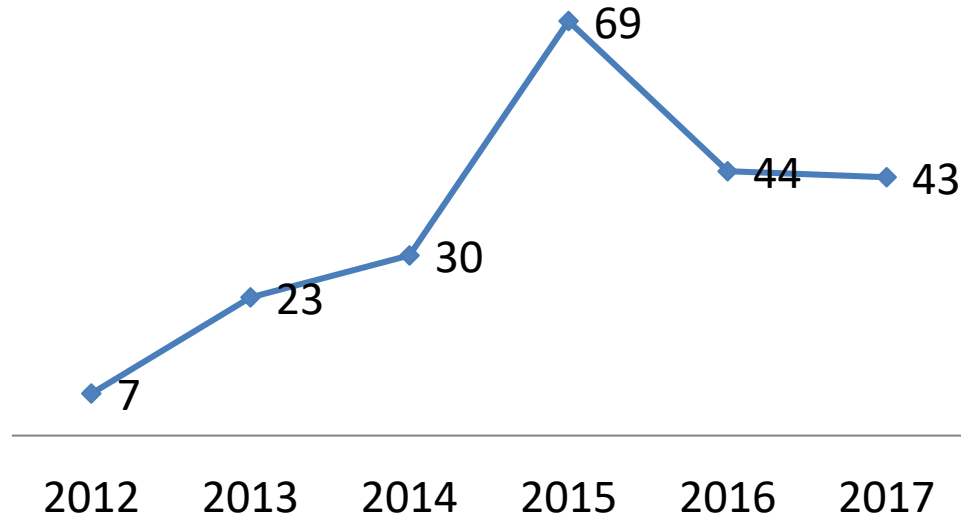
Technical input to assessments and inspections

Inter-agency liaison

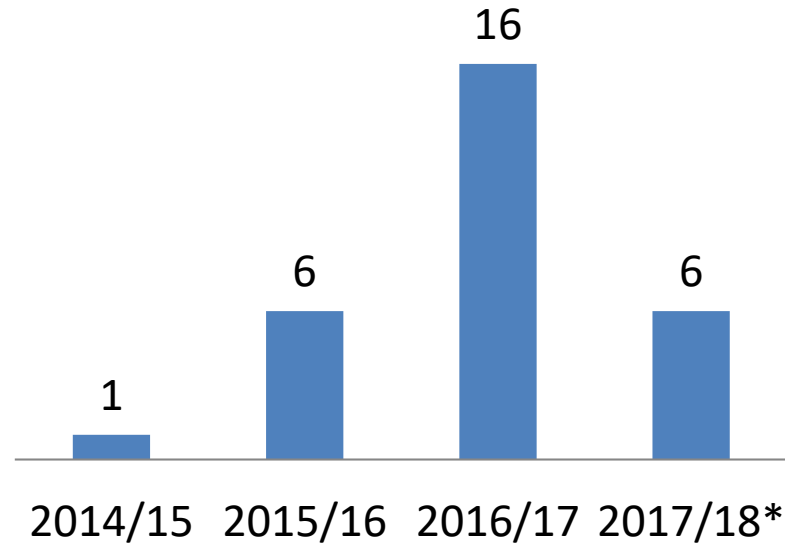
Environment Plan submissions



Inspections completed



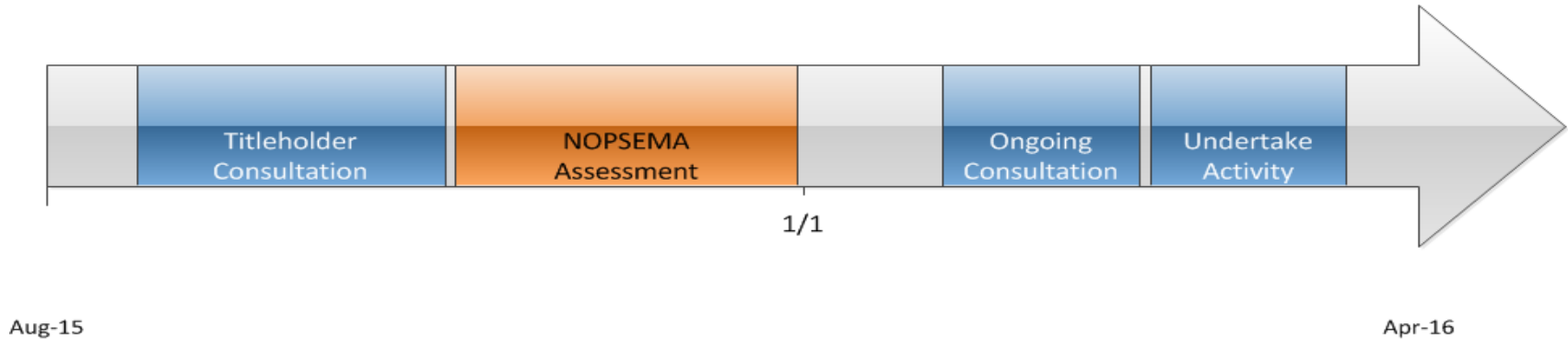
Enforcements undertaken



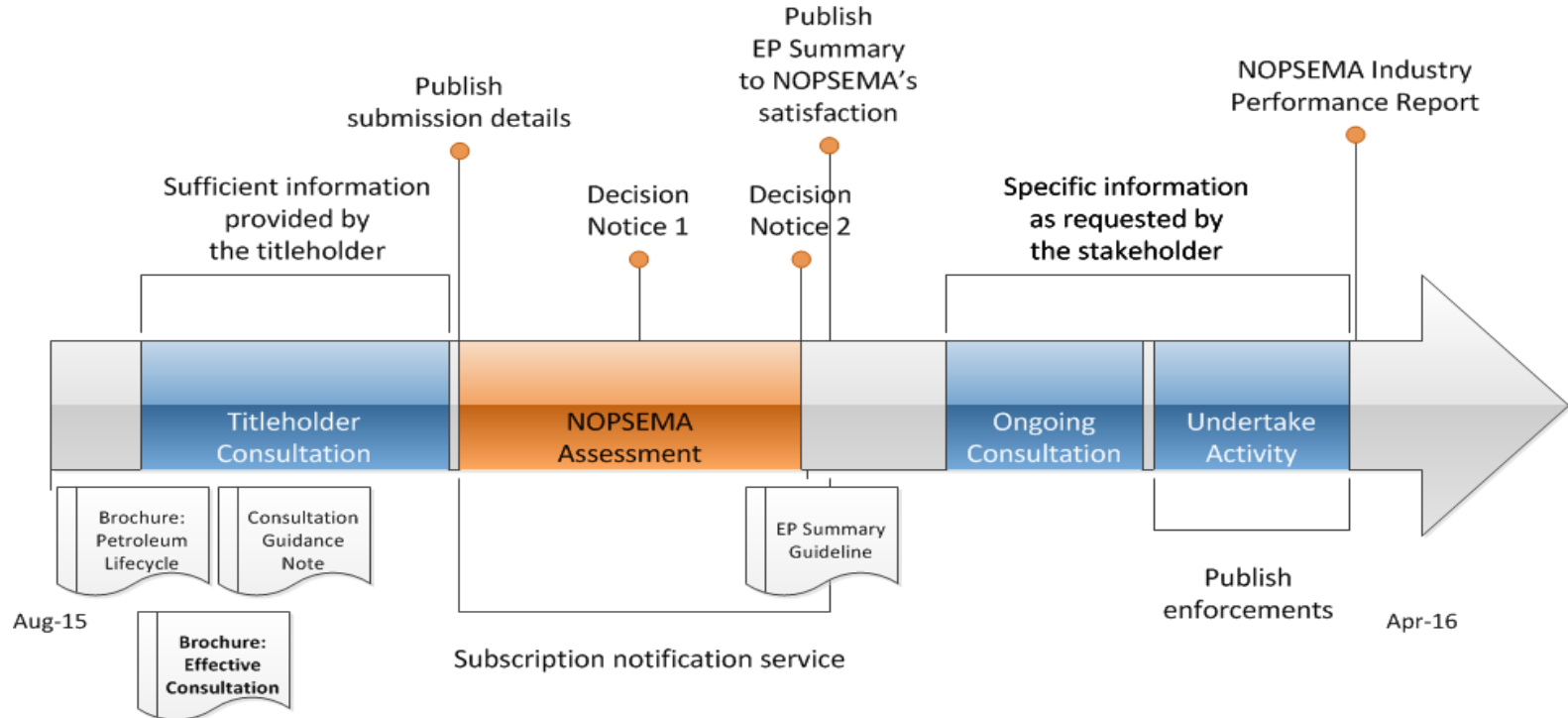
* Year to date


Environment Plan process

Consultation with relevant persons



Improved consultation and transparency




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National Offshore Petroleum Safety and Environmental Management Authority

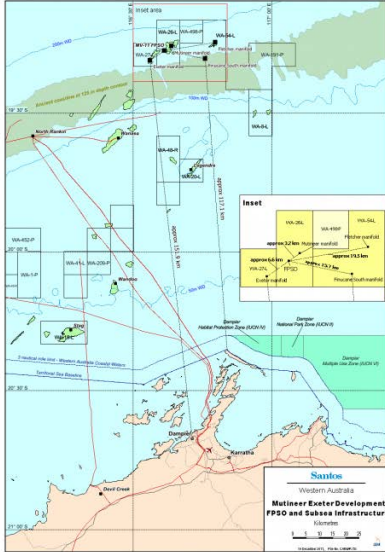
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MUTINEER EXETER DEVELOPMENT FIELD OPERATIONS

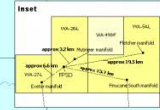
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Activity name	Mutineer Exeter Development Field Operations
Activity types	Any other petroleum-related activity
Submitted by	Santos Limited
Submission date	22/12/2017
Submission type	Revision (Change of Circumstances or Operations)
Status	Accepted
Decision date	20/02/2018
Related documents	EP Summary (PDF 1.7 MB)
Link to previously accepted EP	Mutineer-Exeter Development Field Operations accepted EP

Location map (click to enlarge)



Inset



Features:

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Questions?