

Transparency Taskforce Steering Committee – Meeting 6

Meeting Objective: To share information on the progress of the Transparency Taskforce work streams, and to discuss direction of the Taskforce.

Meeting Details

The meeting was held at NOPSEMA's Perth office at 9.00–11.00am AWST on 17 April 2018. Attendees included Steering Committee sponsors, members and observers (see agenda in Attachment 1)

Meeting Record

Agenda Item 1 – Introduction, agenda and record

The Chair welcomed attendees and the objective of the meeting was agreed by all attendees.

The agenda items were followed as planned with no additions made.

The record from Meeting 5 was agreed, and discussion of the status of actions in the action report deferred to their relevant agenda items.

Agenda Item 2 – Update on Taskforce Steering Committee and work streams

2.1 Invitation to join Steering Committee

The Pearl Producers Association (PPA) has accepted an invitation to become a member of the Steering Committee, and also provides representation for the National Aquaculture Council, whose members in the pearling and tuna industries interact with the offshore petroleum industry.

2.2 Scope of Work and Status Update

Work stream #1 – Regulatory amendment process to give effect to the agreed government policy position.

DIIS representatives briefed the committee on the updates summarised in the Scope of Work and Status Update paper (the Paper). DIIS is now working through the feedback received in consultation during March with the aim of having drafting instructions for regulatory amendments completed by the end of May, and an exposure draft of the regulations for public consultation in September.

Committee members expressed appreciation for the effort made by DIIS to conduct thorough consultation on the framework for regulatory amendments, and asked how DIIS would provide a response to the range of feedback received. DIIS confirmed that a discussion paper will be published along with the exposure draft Regulations, which will outline the issues raised during consultation and how these were taken into account when developing the amendments.

For the information of the committee, DIIS is also currently working towards amendments of government policy for decommissioning of offshore petroleum facilities. Guidelines have been published on current requirements and an issues paper will be released later this year for consultation, outlining areas where regulatory amendments may be useful.

Also for the information of the committee, NOPSEMA advised that its CEO has agreed to a request from Statoil to facilitate a publication and public comment process for its environment plan for proposed drilling

in the Great Australian Bight. Statoil has commenced consultation for preparation of the environment plan, with the intent to submit it to NOPSEMA later this year, prior to the forecast amendment of the Environment Regulations. Statoil approached NOPSEMA with the request in an effort to proactively manage the known high levels of community concern and interest in exploration activities in the area. This assessment is not intended to be a trial run of the proposed regulatory amendments, nor a precedent for any other submissions.

Work stream #2 – Monitor industry and regulator readiness for environment plan publication and public comment, and communicate Taskforce progress and achievement

A SWOT analysis table is included in the Paper for most of the work stream updates, which provides an indication of the completeness of the work plans, or any gaps. Committee members agreed this is helpful and assists in outlining what the work streams are trying to achieve.

Discussion of the Stakeholder Engagement Plan was deferred to agenda item 4.

Initiative 6 on the work plan is to “Create key messaging for the Taskforce and Q&As for each work stream” and has not yet commenced. The committee discussed the current level of information available for stakeholders to understand the progress of the taskforce, including meeting records now published on the NOPSEMA website and planned public briefings (see item 4), and agreed that this initiative is no longer required and can be removed from the work plan.

APPEA shared with the committee its recent work to review industry’s readiness for publication and public comment of environment plans. This included a workshop by the APPEA EHS Committee to identify issues, particularly in relation to understanding stakeholder values and their perceptions of environmental management for offshore petroleum activities. The APPEA committee recognized that stakeholders are not always receiving the information they seek at the right time, in the simplest format, and that solutions offered by industry don’t always reflect what stakeholders want. APPEA is developing a work plan to address these issues, with some immediate and longer-term actions.

The committee also discussed the differences in transparency provisions across the Commonwealth, State and Territory jurisdictions in offshore petroleum environmental regulation, and how these differences lead to increased workload for industry and confusion for community stakeholders. Committee members representing stakeholder groups expressed their desire to see all jurisdictions align with greater transparency in environmental assessment by regulators. Given that many of the State and Territory regulators were apologies for this meeting, it was proposed that an update on transparency reforms in these jurisdictions would be sought at the next meeting.

Action: APPEA to share their work plan to ensure industry readiness for transparency at next meeting

Action: State and Territory offshore petroleum regulators to update the committee on transparency reforms underway in their jurisdictions at next meeting

Work stream #3 – Communication and engagement initiatives to increase transparency of key offshore petroleum industry processes and associated regulatory frameworks

NOPSEMA has established its Community Environment Reference Group (CERG) and held its first meeting in late March. Details of the group members and records from the meeting will be published on the NOPSEMA website, along with a new email address that can be used by members of the public to contact the CERG if desired. The group has eight members with good representation of the community that interacts with offshore petroleum, including a number of fisheries industry participants from south-eastern and northern Australia, and members with expertise in conservation and public policy. Discussions at the CERG meeting confirmed that the group is supportive of an increase in transparency of environment plans, and that

improved consultation practices were desired in areas such as standardization of terms and use of universal language in consultation material.

DIIS outlined its plans to conduct Offshore Petroleum Information Sessions in a three-year rolling program, commencing in South Australia in September 2018 with events proposed in Adelaide, Kangaroo Island, Port Lincoln and Victor Harbour. Other sessions are expected to be held in the Northern Territory, New South Wales, Western Australia and Victoria between 2019 and 2020, with this year's events in SA used as a pilot. Locations would be prioritised in areas where offshore petroleum was less common and community interest was high. The events would be booth-style open days with representation from multiple Commonwealth agencies and potentially also the local State/Territory government organisations.

The committee asked for more information on the scope of these information sessions, how the 3-year frequency of the events would provide continuity for the local communities, and whether opportunities would be taken to build on existing events such as State/Territory government and CSIRO forums.

Action: DIIS to undertake a review of the information sessions once completed, to inform future roadshows including frequency and location. DIIS to share information about the sessions and the review findings with the committee.

Work stream #4 – System updates to deliver regulatory amendments facilitating public comment and environment plan publication

NOPSEMA is working closely with DIIS to understand the proposed regulatory changes as the details are developed, and has commenced early planning for changes to its internal policies and procedures. The committee asked whether there are any particular challenges to NOPSEMA's internal systems relating to the regulatory changes proposed. NOPSEMA confirmed that its systems are designed to support the regulations and can be changed as required, and that the largest changes are likely to be required in the areas of NOPSEMA's website functionality and its policies and procedures relating to published decision records.

The committee also suggested that NOPSEMA could improve the distinction it makes between its assessment role and its advisory role, which may be confused by community stakeholders. While NOPSEMA staff usually make stakeholders aware of this distinction during individual conversations, the current policies and guidance available on the website don't describe the differences between these functions.

Work stream #5 – Alignment of regulatory interpretation to deliver efficient and effective environmental assessments

NOPSEMA continues to receive feedback that some guidance or prescription of environmental impact assessment methods (e.g. risk assessment, oil spill modelling, acoustic modelling) would increase the efficiency of developing environment plans, and would generate standardized outputs that are easier for community stakeholders to review during consultation. However, development of this type of material must be by industry or a third party in order to generate effective uptake, as titleholders have been reluctant to agree to standardised methods developed by NOPSEMA in the past (e.g. for stakeholder consultation, or acoustic impact evaluation).

NERA agreed to look at whether this type of initiative would be suitable for a grant application to the Commonwealth Government for funding for "optimising regulatory frameworks". If funding could be secured, NERA agreed that this type of initiative would fit within its work plan in work stream 6.

Similarly, NERA agreed to take on development of an environment plan glossary within work stream 6, with input from industry, NOPSEMA and community stakeholders. The committee expressed strong support for a glossary or similar product to standardise terminology in environment plans and other consultation material.

The committee also discussed the selection of environmental impact assessment terms or methods that might be appropriate for standardisation. Industry members indicated that they could identify areas where efficiencies could be gained, but recognised that stakeholder consultation was also required to refine this selection. Committee members representing stakeholder groups expressed a desire to be involved, and emphasised that the community expects that industry manages the impacts and risks of each activity via best practice methods and with recognition of local sensitive environmental receptors.

With initiatives 3, 4 and 5 moved to work stream 6, the committee reviewed the intent of work stream 5 and asked NOPSEMA to consider whether the stated objective (“alignment of regulatory interpretation”) could also refer to internal consistency in decision making by NOPSEMA. NOPSEMA agreed to consider whether some items could be added to the work plan on this issue, recognising that consistent decision making is an ongoing responsibility, regardless of changes in transparency of environment plans. For example, NOPSEMA’s Environment Plan Decision Making guidelines, which are an important tool used to achieve consistent decisions, have now been implemented for almost one year (released in May 2017) and could be reviewed for effectiveness.

Action: NERA to pursue initiatives 3, 4 and 5 under work stream 6, with input from industry, stakeholders and NOPSEMA

Action: NOPSEMA to consider additional initiatives relating to internal consistency of decision making that could strengthen this work stream

Work stream #6 – Reduce unnecessary effort for titleholders to produce, and stakeholders to review, environment plan content by extracting common and typical content

NERA’s new reference case website is scheduled to be launched next week. In addition to the latest versions of reference cases under development, the website will provide a review report by Greenlight Environmental (consultant) on the “proof of concept” phase of the project, and NERA’s response to recommendations for the ongoing implementation of the initiative. In particular, the term “reference case” will likely be changed to “good practice guidance” or a similar title, which provides a more intuitive description of these types of documents.

NERA is also working on the reference case framework and development process, and will request input from NOPSEMA on the steps at which it will contribute regulatory advice or endorsement, such as at scoping phase and at finalization through a regulatory review process.

For the information of the committee, NERA also described its recent progress on a proposal to develop three basin-wide environment plans for seismic surveys (for the outer Carnarvon, Browse and Bonaparte basins), which can be used by a joint venture of ten petroleum or multi-client seismic companies. The advantage to stakeholders of this approach will be that there will be a single point of contact for seismic activities in each region, instead of the current situation in which several multi-client companies might seek to consult with stakeholders for environment plans in the same area.

The committee broadly agreed that this approach could result in positive outcomes, and individuals expressed interest in discussing the proposal with NERA in more detail after the meeting.

Agenda Item 3 – Items for decision

3.1 Ideas on how to progress an online offshore petroleum information portal as a joint sponsor initiative

The committee refreshed its discussion of the costs and benefits of an online information portal, with strong support for the initiative from community stakeholders but no leader identified to progress it. DIIS agreed that a large proportion of the information proposed to be included fits within its remit, but links to other authorities or industry bodies would require information management and joint funding. NOPSEMA stated that it could not lead the initiative as its remit covers only a small portion of the regulatory regime.

The committee discussed other organisations that maintain similar online portals. A current good example is the NSW state government portal (www.nsw.gov.au).

One possible way forward would be to put a business case for funding to the COAG Upstream Petroleum Resources working group, which involves Commonwealth, State and Territory government agencies. The business case would require:

- a clear outline of the scale and nature of the problem, which is that offshore petroleum stakeholders are finding information on the regime confusing, and time-consuming to access
- a clear definition of the scope of the portal that would best solve the identified problem
- a proposal for ownership and maintenance of the portal
- a commitment for support and input to the portal by the other organisations whose information is required to meet the defined scope.

DIIS agreed to facilitate a phone conference involving a small group of steering committee members to workshop whether a reasonable business case could be put together on this proposal.

Action: DIIS to facilitate a phone conference of key steering committee members to workshop a business case for an offshore petroleum information portal

Agenda Item 4 – Items for discussion and information

The committee briefly discussed the Draft Transparency Taskforce Stakeholder Engagement Plan, particularly the proposal to conduct dedicated public briefings on taskforce progress. It was agreed that it is now timely to offer an update to interested stakeholders on work streams 2 – 6. NOPSEMA agreed to coordinate the event in Perth, in early June, with input from other work stream leads and contributors (e.g. NERA, APPEA).

DIIS reported that a round of public information sessions is planned when the exposure draft of the amended regulations is issued for public comment, which is likely to be in September or October. This will provide another opportunity for a taskforce briefing, and can include all work streams 1 – 6. Location and coordinator for that (or those) briefings will be determined at the next committee meeting.

Further discussion on the Draft Transparency Taskforce Stakeholder Engagement Plan, including whether it should be published on the NOPSEMA website, is deferred to next meeting.

Action: NOPSEMA to coordinate a public briefing on taskforce work streams 2 – 6, in Perth in June

Agenda Item 5 – Review and close out

The next meeting is proposed to be held on Tuesday 17 July, 9.00–11.00am AWST at the NOPSEMA office in Perth.

Attachment 1 – Agenda



 NOPSEMA	<h2>MEETING AGENDA</h2>	Attention: Transparency Taskforce Steering Committee
		Meeting No.: 6
		Time: 0900 – 1100 AWST
		Date: Tuesday, 17 April 2018
		Location: NOPSEMA, Alluvion Building, Level 8, 58 Mounts Bay Rd, PERTH

Attendees	
Steering Committee	
National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) (Chair)	
Commonwealth Department of Industry, Innovation and Science (DIIS), Offshore Resources Branch	
SA Department of Premier and Cabinet (DPC)	
Australian Petroleum Production and Exploration Association (APPEA)	
National Energy Resources Australia (NERA)	
The Law Council of Australia	
WA Fishing Industry Council (WAFIC)	
Pearl Producers Association (PPA)	
The Wilderness Society SA (<i>advisors</i>)	
Work Stream Leads	
Work stream 1: DIIS	
Work stream 2–5: NOPSEMA	
Work stream 6: NERA	
Observers	
Additional NOPSEMA representatives	
Apologies	
Victoria Department of Economic Development, Jobs, Transport and Resources (DEDJTR), Earth Resources Regulation	
WA Department of Mines, Industry Regulation and Safety (DMIRS)	
NT Department of Primary Industries and Resources (DPIR), Energy Division	
Seafood Industry Australia (SIA)	
Meeting Objective	
Objective of the meeting	To share information on the progress of the Transparency Taskforce work streams, and to discuss direction of the Taskforce.

Agenda	
No	Item
1	Safety and introduction
1.1	Safety induction – Safety is everyone's responsibility
1.2	Confirm the agenda and objective for the meeting, and introduce all participants
1.3	Agree meeting record from Meeting 5 and review the status of actions (actions recorded in this Agenda – see below).
2	Update on Taskforce Steering Committee and work streams
2.1	An invitation to join the Steering Committee as a member has been accepted by the Pearl Producers Association.
2.2	A "Scope of Work and Status Update" paper has been prepared for the committee to review and discuss. Work stream leads to provide more detail as requested by committee members.
3	Items for decision
3.1	Ideas on how to progress an online offshore petroleum information portal as a joint sponsor initiative

Agenda	
No	Item
4	Items for discussion and information (as time allows)
4.1	Draft Transparency Taskforce Stakeholder Engagement Plan developed and circulated prior to meeting. Committee to consider scope and purpose of this plan, allocation of lead roles to quarterly briefings, and input any other communications opportunities provided by members.
5	Review and Close Out
5.1	Agree next meeting (propose Tuesday 17 July 9-11am WST)
5.2	Review of meeting objective, action recap and other business

Steering Committee Action Report

Action	Status	Due By
Actions from Meeting 5		
NOPSEMA to lead development of a 2018 stakeholder engagement plan for the Transparency Taskforce, with input from the other work stream leads	Underway	17 April 2018
NOPSEMA to refine the template for a work stream SWOT analysis, and incorporate into the Paper for next meeting with input from all work stream leads	Complete	17 April 2018
NOPSEMA to re-send the original proposal for an online information portal to DIIS and copy the Steering Committee members	Complete	19 March 2018
NOPSEMA to collaborate with NERA on an environment plan glossary	Pending	
NOPSEMA to circulate a link to the Reference Case website, and information on subscribing to reference case updates, for the Steering Committee members to share throughout their organisations	Complete	17 April 2018
Steering Committee to bring ideas on how to progress the information portal as a joint sponsor initiative to the next meeting.	Pending	17 April 2018
Any feedback from Steering Committee members on the evaluation of long-term owners of reference cases to be provided to NOPSEMA prior to meeting 6.	Pending	17 April 2018
All Steering Committee members to explore and test options for the long term home of reference cases and continue to keep the committee informed on successful models and options discovered. ¹	Open	17 April 2018

1 - Action to remain open until a suitable and sustainable long-term entity is identified to take on reference cases.