

## Community and Environmental Reference Group – Meeting 2

### *Meeting Objectives:*

*To inform the group of NOPSEMA's current activities in community consultation and transparency; and*

*To discuss the group's views on consultation with relevant persons during preparation of environment plans.*

### Meeting Details

The meeting was held at NOPSEMA's Perth office at 1.00–3.00pm AWST on 28 June 2018.

Attendees included representatives of NOPSEMA and members of the Community and Environmental 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. The agenda and objectives for the meeting were then confirmed with no changes.

#### *Agenda Item 2 – CERG Terms of reference*

##### **2.1 How NOPSEMA has considered the comments received from the group on the proposed terms of reference**

During review of the proposed terms of reference, the CERG members suggested to NOPSEMA that Indigenous representation on the group would be beneficial. Since receiving this feedback, NOPSEMA has explored other Commonwealth Government processes seeking input from traditional owner groups on environmental values in the offshore marine area, such as the reserve management planning process underway by Parks Australia. These processes are likely to provide a more effective model for Indigenous involvement than NOPSEMA's CERG, as they seek traditional owner input to marine conservation planning in their local region, rather than seeking representation of a national perspective.

The group also suggested the Fisheries Research and Development Corporation's (FRDC's) indigenous reference group could provide representatives or advice on how to achieve Indigenous input.

The CERG members also suggested to NOPSEMA that a youth perspective would benefit the group. NOPSEMA has been in contact with the Youth Advisory Council of WA (YACWA), who expressed some interest but could not provide a representative in time for this meeting. NOPSEMA will continue to explore options for a youth representative until the next CERG meeting.

As a result of review by the group, a clause on conflict of interest has been added, which invites CERG members to declare any interests that may be considered in conflict, real or perceived, with their role in the group at the start of each meeting. This will be implemented from next meeting onwards, and could take the form of an update from each CERG member on community interactions since the last meeting (e.g. events attended, meetings, noteworthy discussions with community members or groups).

## 2.2 For decision: Agree the final Terms of Reference, for publication on the NOPSEMA website

CERG members agreed that the current version of the terms of reference (dated 31 May 2018) could be considered final and published on the NOPSEMA website.

**ACTION: NOPSEMA to add registration of interests to the standard meeting agenda, via an update from each CERG member on community interactions since last meeting**

**ACTION: NOPSEMA to publish current version of the terms of reference (dated 31 May 2018) on its website**

### *Agenda Item 3 – Overview of NOPSEMA’s stakeholder engagement pathways – Cameron Grebe*

Cameron Grebe, Head of Environment Division, presented background on NOPSEMA’s interactions with stakeholders of offshore petroleum environmental management over recent years, and the proactive efforts NOPSEMA has made to improve engagement within and outside the environment plan assessment process. This engagement includes establishment of the Transparency Taskforce in 2017, which now involves NOPSEMA and a range of other government and non-government organisations, and which gave a public briefing yesterday (Wednesday 27 June 2018). The Transparency Taskforce is intended to be in place throughout the regulatory change process and afterwards, to allow for review after implementation.

NOPSEMA also maintains a stakeholder engagement plan that drives regular and ad hoc communication with a range of government and non-government organisations relevant to our environmental management regulatory remit.

In addition, information from the community is received by NOPSEMA through regulatory activities such as investigation of incidents and complaints.

**ACTION: Provide the presentation to all CERG members for reference, and include in published meeting record (Attachment 2).**

**ACTION: Provide a link to yesterday’s Transparency Taskforce briefing presentation to all CERG members (the link is also available on the Resources page of the NOPSEMA website)**

### *Agenda Item 4 – Topics for discussion by the CERG*

#### **4.1 Discussion paper – Results of survey to identify future discussion topics**

The group reviewed the results of the online survey of ideas for future discussions that was circulated after last meeting. The three issues of greatest interest to the group were:

- consultation practices of titleholders with relevant persons,
- assessment and regulation of cumulative or long-term impacts of petroleum activities on the environment and other marine users (particularly fisheries), and
- environmental assessment and regulation of seismic surveys as a particular petroleum activity of interest to the community, from both a consultation and environmental impact perspective.

A range of other discussion topics were also identified, as follows:

- decommissioning options for platforms and pipelines
- sharing of environmental information within the petroleum industry and with the public
- social impacts of interactions of regional small businesses with the petroleum industry, recognising the imbalance in size, resourcing and business model of these companies
- strategic environmental assessment for regions, particularly the Great Australian Bight
- accessibility and hierarchy of NOPSEMA’s guidance material, providing a clear guide as to what is a “mandatory” consideration for titleholders and the Regulator, versus what is optional or for information only

- how NOPSEMA considers “as low as reasonably practicable” (ALARP) for environmental management, and the residual risk to the environment after ALARP is reached
- how NOPSEMA considers the precautionary principle in its decision making.

***ACTION: NOPSEMA and the CERG members agreed to draw from this list, starting with the first three priority areas, when designing the agenda for future CERG meetings.***

#### **4.2 Discussion paper – Consultation with relevant persons**

The group discussed its experiences of relevant persons consultation with petroleum titleholders for environment plans, including some problems and potential solutions. Common themes included the following:

- Some stakeholders experience a one-way flow of information back to the titleholder, without being advised how the titleholder has considered its feedback and modified the activity (if at all). Currently, the only remedy to this is the Environment Plan Summary, which is published after acceptance (too late). This process doesn’t provide for “closing the loop” on consultation in an effective way. It was suggested that titleholders should be encouraged to share draft environment plan content prior to submitting it to NOPSEMA, and should recognise that this additional work early in the consultation process may prevent pressure on the Regulator and others later during assessment.
- The quality of impact assessment material provided by petroleum titleholders as a starting point for consultation is variable and often poor. Publicly available information should provide more detail or specificity around the proposed actions, including maps and impact prediction, to frame discussions with relevant persons – rather than relying on more generic fact sheets about the activity or petroleum activity in general. This pre-work would also correct some of the resourcing imbalance between large petroleum companies and the small organisations of relevant persons.
- The sheer volume of consultation material received by the fishing sector is enormous and often unmanageable (generated not only by petroleum, but also by other industries and government processes). The current consultation process with the petroleum industry provides no economic benefit to fishers, and in fact costs fishing industry associations significant amounts to carry out consultation on behalf of petroleum industry proponents, while delivering gains to petroleum titleholders who are able to proceed with their projects if approved. This imbalance in benefits is exacerbated by the costs, which can be debilitating for small fishing businesses. Similar resourcing stresses can be experienced by environmental advocacy groups and community organisations. These adverse impacts could be addressed through efficiency initiatives to shorten consultation and frameworks for compensating relevant persons for their participation in consultation.
- Seismic companies typically apply a lower standard of consultation practice and don’t clearly explain their multi-client, speculative model. This approach has the effect of raising alarm instead of reducing it. NOPSEMA can try to influence this process but often finds out about consultation on new environment plans too late as the seismic companies are not obliged to advise NOPSEMA ahead of submitting an environment plan for assessment. Joint solutions between the fisheries and petroleum industries are needed; some options include fee-for-service arrangements for fishing peak bodies to implement consultation tasks, or guidance notes by fisheries peak bodies to communicate their issues to petroleum titleholders.
- The petroleum industry consists of a wide variety of companies, large and small. Smaller companies are often less equipped to carry out comprehensive consultation, regardless of their best intentions, and also may miss out on the benefits of learnings achieved by industry groups (e.g. APPEA, IAGC) if they are not members. These features elevate NOPSEMA’s opportunity and responsibility to do more to clarify requirements and expectations for the industry.

The group also discussed the proposed amendments to the Environment Regulations that will facilitate publication of environment plans and public comment on exploration environment plans. NOPSEMA

recommended that the CERG utilise the upcoming consultation opportunities to be provided by DIIS when the exposure draft of the amended regulations is issued later in 2018.

***ACTION: NOPSEMA to revisit previous work by industry and other stakeholders on standard requirements for relevant persons consultation, with the view to NOPSEMA establishing and publishing this guidance.***

***ACTION: NOPSEMA to raise the profile and urgency of improvements in relevant persons consultation with key industry groups (e.g. Seafood Industry Australia, APPEA, IAGC), and promote the rapid establishment of key information requirements and methods.***

#### ***Agenda Item 5 – Review and Close Out***

The proposed date for the next meeting is Thursday 18 October, in the afternoon.



## 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	In person
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 – Overview of NOPSEMA’s stakeholder engagement pathways**



# Overview of NOPSEMA's stakeholder engagement pathways

Presentation to Community and Environmental  
Reference Group

**Cameron Grebe – Head of Environment Division**

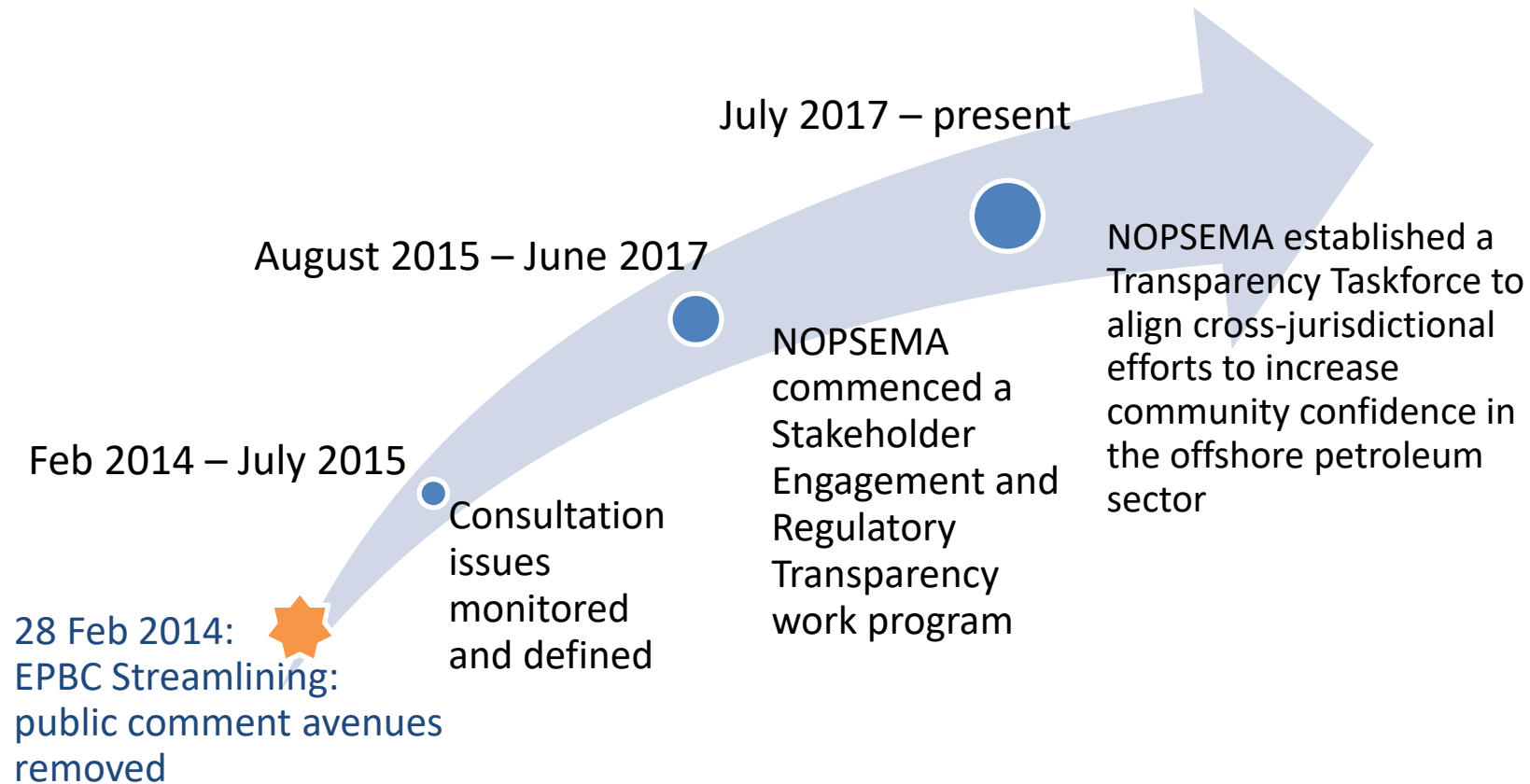
**28 June 2018**



- Stakeholder Engagement and Transparency
  - Completed work program (2015-2017)
  - Transparency Taskforce (2017-present)
- NOPSEMA Stakeholder Engagement Plan
- Regulatory pathways



# Stakeholder Engagement and Transparency



### NOPSEMA's work program

- Commenced August 2015
- Motivated by:
  - Increased scrutiny on NOPSEMA's assessment decisions following EPBC streamlining
  - Negative interactions between industry and relevant persons
  - Inspection findings of poor consultation practices
  - Community expressing expectations for transparency and service delivery

- 18 initiatives identified, 16 completed by NOPSEMA including:
  - Enhancements to NOPSEMA website, e.g. EP Activity Status and Summaries page
  - Guidance on consultation and NOPSEMA's decision making
  - Participation in offshore oil and gas open days
- Two remaining actions at end of program, July 2017:
  - Engage with DIIS on regulatory change to improve transparency
  - APPEA to develop a consultation method

- Established in July 2017
- Six cross-jurisdictional, complementary work streams
- Steering Committee of stakeholders:
  - NOPSEMA, DIIS, NERA
  - State government petroleum regulators
  - APPEA
  - Fisheries peak bodies
  - The Wilderness Society of SA, Law Council of Australia

# Transparency Taskforce

**Outcome 1: Amended Environment Regulations to give effect to increased transparency**

1

Legislative change process (DIIS)

2

Monitor sector readiness for transparency (NOPSEMA, APPEA)

3

Communication with community via events, online, CERG (NOPSEMA, DIIS)

4

Regulatory system updates (NOPSEMA)

**Outcome 3: Reduced size and complexity of EPs**

5

Alignment of regulatory interpretation (NOPSEMA)

6

Efficiency and standardisation initiatives, e.g. reference cases (NERA)

- **NOPSEMA's legislated functions:**
  - to provide advice to stakeholders on environmental management matters; and
  - to cooperate with other agencies performing functions relating to offshore petroleum operations.
- **Regular, tailored engagement with :**
  - Government agencies
  - Environmental advocacy groups
  - Fishing sector
  - Research organisations
  - International regulators

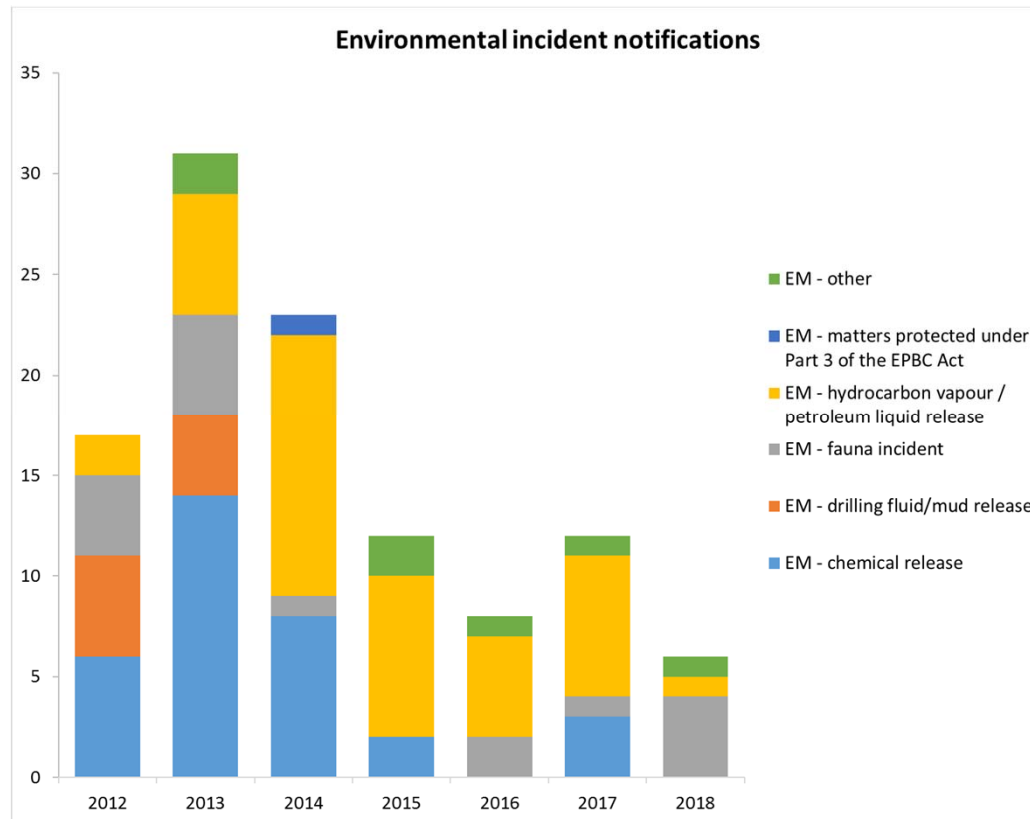
## Stakeholder Engagement Plan

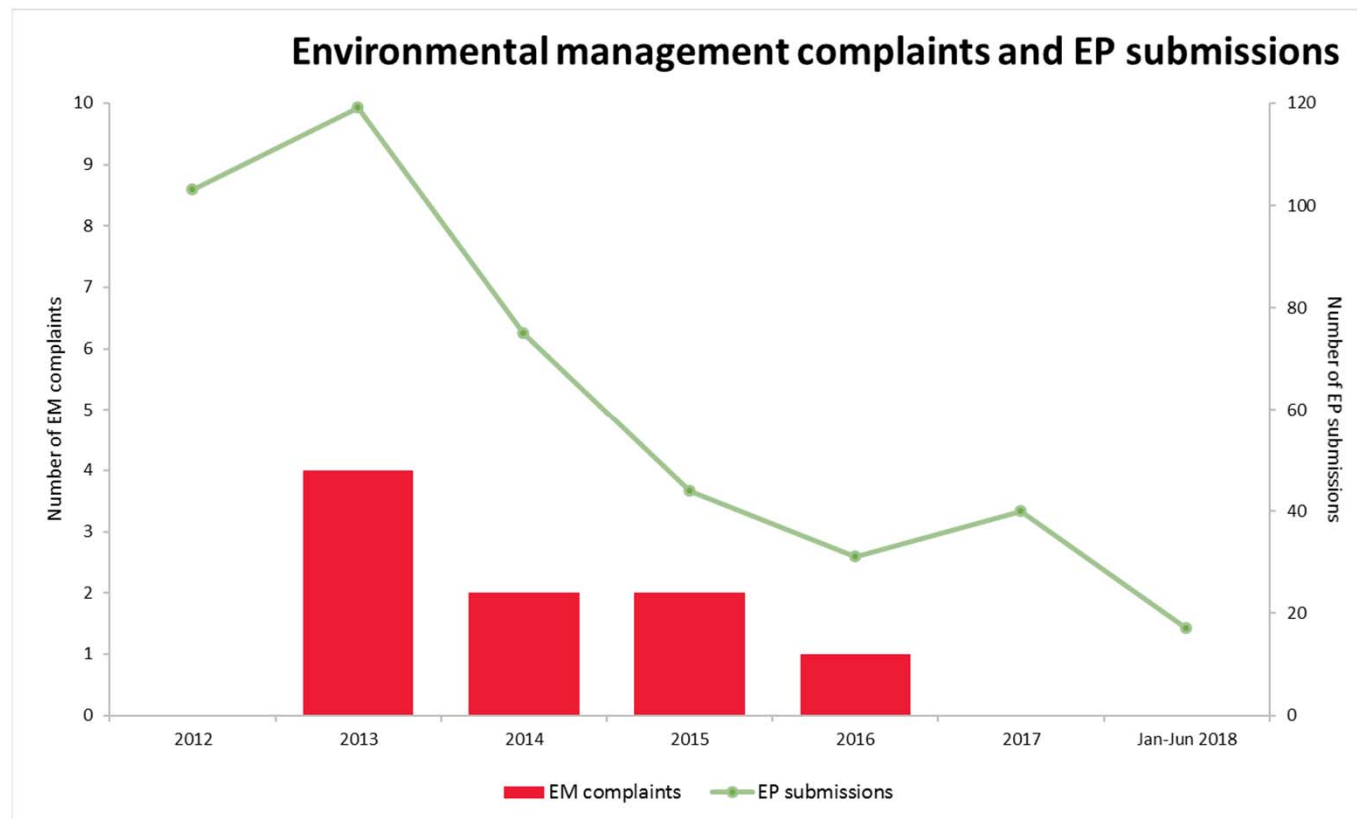
- Collaborative networks – complex challenges, multiple participants
  - Marine pollution
  - Marine science
  - Biosecurity
  - Petroleum industry

- Investigation function
  - Environmental incidents (notified by titleholders)
  - Formal complaints (received from stakeholders)



# Regulatory pathways





# Questions?

