

Transparency Taskforce Steering Committee – Meeting 7

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 July 2018. Attendees included Steering Committee sponsors, members and observers (see agenda in Attachment 1) participating in person and by telephone (note: due to a technical issue a number of participants were unable to join the meeting until agenda item 2).

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 6 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 Scope of Work and Status Update

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

Representatives from the Department of Industry, Innovation and Science (DIIS) briefed the committee on the progress of regulatory amendments, with drafting instructions now being finalised. An exposure draft of the new Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009 (the Environment Regulations) is expected to be released later this year for a 30-day public consultation period. DIIS will hold public information sessions during this consultation period, with locations of the meetings to be announced closer to the date.

The committee discussed proposed transition arrangements to be included in the amended regulations. DIIS advised provisions are being considered for environment plans already under assessment. With respect to environment plans being prepared, DIIS recommended industry consider how their drafting processes might need to change to prepare for the upcoming regulatory changes. DIIS noted the proposed changes have been widely publicised and subject to various consultation process over the last few years, and as such, there is unlikely to be a significant delay to the commencement of the provisions once finalised. NOPSEMA also noted that since the Minister announced his intent to increase transparency in November 2017, there is a reasonable public expectation for these provisions to be in place soon, and regulations that enable rapid implementation would deliver this.

There was some discussion about whether a Regulatory Impact Statement (RIS) would be developed to support the regulatory amendments, and whether industry and stakeholders would be asked to provide input to this. DIIS advised that as with all policy process, the regulatory impacts of the proposal will be

considered in line with the RIS process specified by the Office of Best Practice Regulation, which provides some criteria for when a RIS is required and how a RIS is developed (information available [here](#)).

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

It was proposed that this work stream now focus on industry readiness initiatives, with NOPSEMA's regulatory preparations for transparency tracked in Work streams 4 and 5, and the risk management action now treated by SWOT analysis for each individual work stream.

APPEA shared with the committee that it will be bringing a range of initiatives to the APPEA Board next week, and will be able to share them in more detail at the next meeting of the Taskforce. In summary, APPEA's proposal includes promotion of consistent language in environment plans and consultation material, strengthening and modernising the Memorandum of Understanding between APPEA and fishing industry peak bodies, and exploring other environmental performance improvement initiatives such as reference cases.

The committee requested some feedback from APPEA, WAFIC and SIA on the progress made at the Petroleum-Fisheries Industry Round Table meeting held in May. APPEA confirmed the meeting was productive and positive, with discussion around the communication, cooperation and collaboration opportunities available to the two industries to work more effectively together.

APPEA and SIA also shared that they are preparing a letter for Minister Canavan (Minister for Resources), to be copied to Assistant Minister Ruston (Assistant Minister for Agriculture and Water Resources), describing the intentions of the two industries to work together on shared use of the Commonwealth marine area, and requesting some Government assistance in key areas. DIIS requested a copy of this letter once finalised, to assist with ministerial briefing.

ACTION: APPEA to share with DIIS the letter to Minister Canavan from APPEA and SIA about petroleum-fisheries industry cooperation opportunities.

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

DIIS updated the committee on the planned Offshore Petroleum Drop-In Sessions in South Australia in late August (information available [here](#)). These have mainly been scheduled for evening timeslots to enable community members to attend after business hours. There will be no formal presentation at these events; rather, participants will be able to attend at any point during the session and speak to some or all of the agencies in attendance.

Committee members suggested that it would be useful to provide stakeholders with an outline or list of the organisations represented at these events, to assist stakeholders make the most of their visit. DIIS advised such a document was already being prepared, and would be provided upon entry to the events.

As outlined in the Scope of Work and Status Update paper (the Paper), DIIS reported that they had coordinated a teleconference of steering committee members to discuss the business case for an online information portal for offshore petroleum. .

The committee recapped discussions from previous steering committee meetings identifying that a large number of websites (13 or more) currently provide information on different aspects of the offshore petroleum regime, and emphasised that stakeholders unfamiliar with the industry and government structures were not able to navigate these easily, and that information within sites was often not accessible. Non-government members of the steering committee all reflected this view. DIIS advised that a review of its website is currently underway, which should improve accessibility of information on their website.



NOPSEMA updated the committee on the second meeting of their Community and Environmental Reference Group (CERG), in late June. In its first meeting, NOPSEMA had invited the CERG to identify topics for discussion that reflected the areas of interest or concern for the group, and consultation with relevant persons for environment plans was nominated by the majority of members. In the June meeting, the CERG discussed a range of experiences and views, from the perspective of relevant persons (mainly fishers), as well as with the broader views of lawyers and social impact practitioners. The CERG urged NOPSEMA to do more to set prescriptive requirements and expectations for consultation by the petroleum industry to ensure consistent practices and process, and the NOPSEMA CEO agreed to take this on as an action.

For future meetings, actions arising for NOPSEMA from the CERG will be tracked in Work stream 5.

ACTION: NOPSEMA to establish prescriptive requirements for relevant persons consultation, with input from the CERG (within Work stream 5)

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

NOPSEMA shared with the committee that it is starting to prepare the regulatory management system to facilitate the amended regulations, with work to last through to December, assuming the amendments come into effect in early 2019. Early work on scoping the NOPSEMA website for public comment and publication has commenced, and a review of guidance material is underway (see Work stream 5).

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

In addition to noting progress as per the Paper, NOPSEMA highlighted that it has issued an invitation for comment on its environmental assessment process, as a first stage to input to scoping improvements and updates in the lead-up to regulatory change. The comment period offers the opportunity for comment on the process focusing on existing environment plan assessment regulatory policy and other guidance documents, via an online survey form on the NOPSEMA website.

A number of committee members expressed interest in contributing to this review and requested extra time to provide comments. NOPSEMA acknowledged that it was important to ensure sufficient time was available for stakeholders to provide feedback and agreed to extend the closing date for the comment period to 31 August 2018.

The committee also commented that there are a large number of guidance documents provided on the NOPSEMA website, and some clearer structure or hierarchy would assist titleholders and stakeholders in understanding the critical factors taken into account for environment plan assessment decisions. This would also help clarify the basis and inputs to NOPSEMA's decision making. This feedback will be included in the review of the assessment process regulatory policy and guidance documentation.

ACTION: NOPSEMA to extend the comment period on its environment plan assessment guidance to 31 August 2018.

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

NERA highlighted the review of the reference case project being conducted, including feedback collected in a live survey at the Transparency Taskforce information session on 27 June 2018. NERA offered to circulate the results of this survey, including detailed demographic data, which gives some interesting insights into industry, regulator and stakeholder experiences with the environment plan assessment process. In particular, respondents from all sectors held the opinion that the assessment process is too long, and is

ultimately utilized to gain permission for an activity, rather than primarily for management of environmental impacts and risks.

NERA and APPEA are planning to conclude interviews for the reference case project review by the end of next week, and will then prepare a joint report with recommendations on actions for industry and government to best manage ongoing transparency of environment plans. This report will be shared with APPEA and NOPSEMA.

The main challenge in this review is to clearly identify the main risks posed by publication of environment plans, and recommend how these should be managed. Currently there is little alignment on these conclusions between industry and stakeholders, with a vast range of risks and management measures being identified in feedback. From APPEA's perspective, the areas of greatest reputational risk relating to environmental performance include produced formation water management, oil spill response and underwater noise, but an additional risk that is evident in the assessment process and decision-making is consultation with relevant persons. For stakeholders such as environmental NGOs and fishers, the highest priorities are improving certainty about the assessment process, and achieving a shorter assessment process. Among those interviewed during the review, the preferred methods to achieve these goals, or reduce these risks, have been widely different.

ACTIONS: NERA to circulate the results of the live survey on the reference case project, from the Transparency Taskforce information session on 27 June 2018.

Agenda Item 3 – Items for decision

3.1 Finalise the Stakeholder Engagement Plan

NOPSEMA proposed that the Transparency Taskforce Stakeholder Engagement Plan be finalized and published on the NOPSEMA website. Through discussion with the committee, the following changes were agreed to finalise the plan:

- Within “Scheduled updates – In writing”, include commitments from APPEA and NERA to publish updates on their websites or as bulletins to members, and a commitment from SIA to include updates in its fortnightly newsletter. Other fishing peak bodies receive information from the SIA newsletter and can pass it on through their own channels as relevant (e.g. WAFIC monthly newsletter or social media pages)
- Within “Scheduled updates – In person”, and in the Calendar, include a proposed public briefing in late October/early November and another briefing in February-March 2019, subject to progress of the workstreams. Hosting and format for these events will be decided closer to the dates.

ACTION: NOPSEMA to update and finalise the Transparency Taskforce Stakeholder Engagement Plan, and publish on the NOPSEMA website

ACTION: NERA and APPEA to provide Taskforce updates on their websites and in bulletins

ACTION: SIA to include Taskforce updates in its newsletter

Agenda Item 4 – Items for discussion and information

4.1 State and Territory offshore petroleum regulators to update the committee on transparency reforms underway in their jurisdictions

Members from the State and Territory regulators outlined current regulatory reforms relevant to offshore petroleum, as follows:

Northern Territory:

DPIR already publishes environment plans for offshore petroleum, and has done for 12 months. Another topical regulatory reform underway is the Scientific Inquiry into Hydraulic Fracturing in the Northern Territory, which made a number of recommendations for careful management of unconventional gas

developments in the NT, including some that are relevant to the transparency of decisions and provisions for appeal. The NT government accepted all the recommendations, and was therefore able to lift a moratorium on these activities. The inquiry Implementation Report is available [here](#).

South Australia:

SA does not currently have any offshore petroleum activities, but the DPC publishes environmental approvals documents for onshore resources developments. Those that are deemed high profile also go through a public comment process. The SA government is conscious of an increasing desire by the public to be consulted on resources developments, and to have transparency of plans and decisions. An Act review process is underway that may facilitate publication and public comment on all regulatory documents, and the DPC is introducing consultation plans to promote proactive, early engagement with stakeholders.

Victoria:

DEDTJR is currently undertaking the Victorian Gas Program (VGP), which includes an offshore component. Reforms to current regulations are under consideration, with a proposed implementation timeframe of 2020. DEDTJR already publishes environment plan summaries, and is reviewing the adequacy of the existing duties of titleholders to conduct consultation. Harmonisation with Commonwealth legislation is a consideration of the regulatory review and DIIS offered to make contact with DEDTJR to assist in more detail on the current changes being proposed to the Commonwealth Environment Regulations.

Western Australia:

DMIRS publishes environment plans and chemical disclosures for offshore petroleum activities after approval. Reforms to current regulations are under consideration, with a proposed implementation as part of Petroleum 2020. DMIRS also identified it is looking to harmonise with Commonwealth legislation and mirror other jurisdictions where possible. DMIRS identified that the current regulatory reform priority is the Mining Legislation Amendment and Validation Bill 2017, to amend the *Mining Act 1978* and validate granted tenements to ensure security of title for mining companies.

4.2 Review of Transparency Taskforce public information session held on 27 June 2018

The steering committee were briefed on the formal feedback received from attendees of the information session. NOPSEMA highlighted that the session was well-attended despite poor weather on the day. Around 80 people attended in person, from 150 people registered, and the majority of this audience was comprised of titleholders and consultants. Around 35 viewed the live webcast, from 40 registered, with more government and NGO organisations represented in this online audience.

NOPSEMA sought feedback by a survey directly afterward, and received 20 responses. Feedback included:

- The webcast was delivered successfully with few technical problems
- The room was a bit too brightly lit by the windows, reducing visibility of the slides
- Two-thirds of responders said that they would have liked to have some pre-read material to prepare for the session
- Some responders would like to have heard from petroleum industry majors, and from stakeholder/NGO organisations, about their views and preparations for increased transparency
- The Menti live survey tool used by NERA received very good feedback for the ease with which audience members could contribute, and the instant access to results

The Steering Committee supported NOPSEMA's suggestion that in future feedback should be sought at the event itself (e.g. using a tool like Menti).

Agenda Item 5 – Review and close out

The next steering committee meeting is proposed to be held in late October, before the next public information session. A suggested date is Monday 29 October 2018, 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.: 7
		Time: 0900 – 1100 AWST
		Date: Tuesday, 17 July 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)	
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	
Australian Petroleum Production and Exploration Association (APPEA)	
National Energy Resources Australia (NERA)	
The Law Council of Australia	
Seafood Industry Australia (SIA)	
WA Fishing Industry Council (WAFIC)	
Work Stream Leads	
Work stream 1, 3: DIIS Work stream 2, 4, 5: NOPSEMA Work stream 6: NERA	
Observers	
The Wilderness Society SA (<i>advisors</i>) Additional NOPSEMA representatives	
Apologies	
Pearl Producers Association (PPA)	
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	Time
1	Safety and introduction	
1.1	Safety induction – Safety is everyone's responsibility	5 min
1.2	Confirm the agenda and objective for the meeting, and introduce all participants	
1.3	Agree meeting record from Meeting 6 and review the status of actions (actions recorded in this Agenda – see below).	

Agenda		
No	Item	Time
2	Update on Taskforce Steering Committee and work streams	
2.1	<p>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.</p> <ul style="list-style-type: none"> • Work stream 1 – DIIS • Work stream 2 – NOPSEMA and APPEA • Work stream 3 – DIIS • Work stream 4 – NOPSEMA • Work stream 5 – NOPSEMA • Work stream 6 – NERA 	60 min (~10 each)
3	Items for decision	
3.1	<p>Finalise the Stakeholder Engagement Plan</p> <ul style="list-style-type: none"> - ensure opportunities to utilise communications channels from all steering committee organisations are understood and maximised (e.g. links on websites, items in newsletters) - identify location and coordinator of next public briefing - see item 4.2 for discussion on content and approach for future public briefings 	5 min
4	Items for discussion and information (as time allows)	
4.1	<p>State and Territory offshore petroleum regulators to update the committee on transparency reforms underway in their jurisdictions at next meeting</p> <ul style="list-style-type: none"> • NT • SA • Vic • WA 	20 min (~5 each)
4.2	Review of Transparency Taskforce public information session held on 27 June 2018, including feedback from attendees and input to plans for approach to future sessions – NOPSEMA	10 min
5	Review and Close Out	
5.1	Agree next meeting (propose late October 2018)	5 min
5.2	Review of meeting objective, action recap and other business	

Steering Committee Action Report

Action	Status	Due By
Actions from Meeting 6		
NERA to pursue Work stream 5 initiatives 3, 4 and 5 under Work stream 6, with input from industry, stakeholders and NOPSEMA	Complete	17 April 2018
NOPSEMA to coordinate a public briefing on taskforce work streams 2 – 6, in Perth in June	Complete	27 June 2018
Finalise the 2018 stakeholder engagement plan for the Transparency Taskforce	Pending	17 July 2018
APPEA to share their work plan to ensure industry readiness for transparency at next meeting (Work stream 2)	Pending	17 July 2018
State and Territory offshore petroleum regulators to update the committee on transparency reforms underway in their jurisdictions at next meeting	Pending	17 July 2018
NOPSEMA to consider additional initiatives relating to internal consistency of decision making that could strengthen Work stream 5	Complete	17 July 2018
DIIS to facilitate a phone conference of key steering committee members to workshop a business case for an offshore petroleum information portal	Pending	17 July 2018
DIIS to undertake a review of the public 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.	Pending	31 September 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 July 2018

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