

Update on progress

Introduction

The Transparency Taskforce strives to increase community confidence in the offshore petroleum regulatory regime by improving stakeholder consultation and transparency. The Taskforce was established by the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) in 2017 and brings together multiple jurisdictions to align efforts by government, and to assist the industry in identifying solutions to common issues. The Taskforce is overseen by a Steering Committee of Commonwealth and state/territory government agencies and petroleum industry and community representatives.

The recent achievements and goals of the six work streams underway within the Taskforce are outlined in this update. Further information on these work streams can be requested from the work leaders via the contact details provided.

More information on the evolution of these work streams since the Transparency Taskforce commenced can be found on NOPSEMA's website under [Stakeholder Engagement and Transparency](#).

Work stream 1: Regulatory amendment process to give effect to the agreed government policy position

Leader: Department of Industry, Innovation and Science (DIIS)

Contact: Catherine Kesteven
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Update to stakeholders:

Draft amendments to the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009 have been developed to implement reforms to the consultation and transparency requirements for offshore petroleum activities.

The exposure draft of the regulation amendments was released on 8 October 2018 for public comment, along with an explanatory document which provides further information on the proposed changes and transitional arrangements.

The public comment period closed on 16 November 2018. Consultation forums were held in Perth, Adelaide and Melbourne between 30 October and 2 November 2018. Information about the draft amendments and the public forums is available on the department's website:

<https://consult.industry.gov.au/offshore-resources-branch/consultation-and-transparency-reform-draft-regulat/>

The proposed amendments do not represent final government policy. The final regulatory framework will be informed by submissions received during the comment period, and is expected to be in place by mid-2019.

Upcoming milestones	Date
Regulatory amendments to be finalised and provided to the Minister for Resources for consideration and approval	End 2018
Approved regulatory amendments submitted to the Federal Executive Council	Early 2019
Amended regulations expected to be in force	Mid 2019

Work stream 2: Industry readiness for environment plan publication and public comment

Leader: Australian Petroleum Production and Exploration Association

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Update to stakeholders:

APPEA has been working with its members to increase industry readiness for environment plan publication.

Three workshops are scheduled for sharing of knowledge and management practices, to increase consistency of terminology and approaches, in anticipation of environment plan publication and comment.

The first workshop was held on 29 November 2018 to share industry approaches and methodologies for undertaking an oil spill risk assessment and identify opportunities for collaboration and consistency. The two additional workshops are proposed for APPEA Connect events in 2019, and will be on produced formation water and underwater noise, with consideration of environmental descriptions, impact terminology, impact criteria and management processes.

On 16 November 2018, APPEA and Seafood Industry Australia held a regional forum for the seismic survey and commercial fishing industries in the south-east of Australia. This forum explored the challenges being experienced between the two industries and covered issues on consultation on environment plans and measures to improve shared access to marine areas.

APPEA has also supported the review of reference cases for improving the environmental approval process (see work stream 6).

Upcoming milestones	Date
APPEA collaborative workshop – oil spills	29 November 2018
APPEA collaborative workshop – produced formation water	February 2019
APPEA collaborative workshop – underwater noise	March 2019

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

Leader: DIIS

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Update to stakeholders:

In August 2018, the department coordinated a series of community information sessions in South Australia, giving members of the public the opportunity to learn about governments' roles in regulating offshore oil and gas activities off the SA coast, including in the Great Australian Bight.

Events were held in Adelaide, Port Lincoln, Victor Harbor and Kangaroo Island. Seven Commonwealth and SA Government agencies participated, and answered questions on:

- how oil and gas activities are approved
- offshore areas available for petroleum exploration and production
- environmental regulation
- NOPSEMA's role as an independent safety and environmental regulator
- oil pollution emergency planning and government response capability
- the Australian Marine Park Network
- resource development in SA.

The events were well attended and well received.

The next community information session will be held in Newcastle, NSW in early 2019, due to strong community interest in proposed offshore seismic survey activity in the region. The event will follow a similar format to the South Australian sessions, aiming to address matters of public concern, and provide an opportunity for the community to better understand the range of approvals processes for petroleum activities, and when and how they can engage with the process.

Future events are being considered for NT, Victoria and/or WA for later in 2019 and in 2020.

Upcoming milestones	Date
Community drop-in session, Newcastle, NSW	Early 2019

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

Leader: NOPSEMA

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Update to stakeholders:

NOPSEMA has been working closely with DIIS during the regulatory amendment process for the Environment Regulations (work stream 1), to ensure that we have a good understanding of the proposed changes to facilitate publication of environment plans and public comment on exploration environment plans. We will continue to be involved in consultation workshops coordinated by DIIS to maintain awareness of any areas of stakeholder concern or suggestions for improvement while the exposure draft is out for comment.

In the meantime, NOPSEMA has commenced scoping the possible changes to its assessment processes and systems that will be required to implement the amended Environment Regulations as they appear in the exposure draft. These include:

- New guidance to titleholders on how to submit an environment plan for publication
- New guidance on the public comment process for exploration environment plans, with advice on:
 - how to make an effective comment,
 - how NOPSEMA will deal with comments received outside the public comment period, and
 - the difference between public comment on the submitted environment plan, and consultation with relevant persons during preparation of the environment plan.
- Updates to our Environment plan assessment policy and other guidance to describe how new requirements will be implemented.
- Improvements to our website to ensure that opportunities to make comment on exploration environment plans are user-friendly, and relevant content, including published environment plans, is accessible.
- Development of a new publication by NOPSEMA that explains how comments received during the public comment period have been taken into account, to be issued with final decisions on exploration environment plans.

Upcoming milestones	Date
Public briefing to outline proposed implementation of regulatory amendments	Early 2019

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

Leader: NOPSEMA

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Update to stakeholders:

NOPSEMA has recently completed a process of inviting comment on our environment plan assessment guidance. We received some detailed feedback from a small number of stakeholder groups with a range of familiarity with the assessment process. This useful feedback has helped us clarify the areas requiring improvement as we update our guidance to implement transparency.

A common theme reflected in this feedback was that NOPSEMA should provide better delineation and explanation about how its various policies, guidance and other documents are relevant to decision making, as opposed to advice on good practice or stakeholder information.

In addition, the feedback clearly identified a need for common approaches in environment plans to the following:

- Methods for consultation with relevant persons, and documentation of the consultation report in environment plans
- Methods used to demonstrate of reduction of environmental impacts and risks to as low as reasonably practicable (ALARP)
- Environmental risk assessment standards and matrices

A report on the feedback received through this comment process, as well as NOPSEMA's proposed actions, will be published before the end of the year.

NOPSEMA's Community Environmental Reference Group has also urged us to take a more active role in setting specific expectations on consultation with relevant persons in the preparation of seismic survey environment plans, having identified ongoing problems in this area.

Upcoming milestones	Date
Publication of a report on the review of NOPSEMA's environment plan assessment guidance	December 2018
Community Environment Reference Group meeting 4	March 2019

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

Leader: National Energy Resources Australia

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Project Manager

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Update to stakeholders:

- NOPSEMA has provided draft regulatory advice statements for two reference cases (diesel spill consequence and anchoring operations). These statements are currently being considered by industry before further engagement with NOPSEMA and subsequent publication.
- The reference case project review has been completed with interviews, a survey, and written submissions received from governments, regulators, consultants, titleholders, industry associations, and environmental advocacy groups.
- The report is currently being drafted and will be circulated to members of the Transparency Taskforce for comment prior to consideration by APPEA, NOPSEMA, and NERA.
- Work on an Environment Plan Glossary as well as future reference cases and associated material will be considered as part of the next steps, after the release of the reference case project review report.

Upcoming milestones	Date
Circulation of the draft reference case report on improving the environmental approval process	November 2018
Publication of the reference case report on improving the environmental approvals process	December 2018
Publication of the final reference cases with inclusion of NOPSEMA's regulatory advice statements.	December 2018