

Transparency Taskforce Steering Committee – Meeting 8

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

Meeting Details

The meeting was held at NOPSEMA's Perth office at 9.00–11.00am AWST on 29 October 2018. Attendees included Steering Committee sponsors, members and observers (see agenda in Attachment 1) participating in person and by telephone.

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 7 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 amendments to the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009 (the Environment Regulations), with draft regulations and an explanatory document having been published on 8 October 2018. This exposure draft is available for a six-week comment period, which closes on 16 November 2018.

DIIS will be holding information sessions for stakeholders this week in Perth, Adelaide and Melbourne, allowing for questions and seeking feedback. Registrations for these sessions indicate a mix of attendees from industry, government and non-government organisations. Presentation slides will be published on the DIIS website following the sessions and will also be emailed to attendees. Stakeholders will be encouraged to provide written submissions on the draft regulations by 16 November 2018, to enable DIIS to provide the final draft to the Minister before the end of the year.

Once submitted, the Minister has an opportunity to either agree the draft changes to the Environment Regulations or make further amendments, prior to bringing them to the Federal Executive Committee for sign-off and registration. The timeframe for this process is not coordinated by DIIS. At this stage, DIIS expects the regulations to be registered in the first half of 2019, although Ministerial and other parliamentary processes could alter this timeframe.

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

The Australian Petroleum Production and Exploration Association (APPEA) reported to the committee that it is considering the potential impact of publishing environment plans in full, as required by the proposed amendments to the Environment Regulations. Its Environment, Health and Safety (EHS) committee is focusing on opportunities to standardize the presentation of information in environment plans for the three most significant environmental impacts and risks of offshore petroleum activities: spill risk assessment, underwater noise impact assessment, and produced formation water impact assessment. APPEA is planning three workshops to be run in November to progress this work.

Consistent presentation of information in these areas should reduce the possibility of confusion or misinterpretation by public readers. The committee also discussed that environmental risk assessment matrices and processes differed between titleholder companies, possibly driven by internal cultures and applications across multiple countries, and this could cause confusion to Australian public readers.

APPEA members are aware that, once published, environment plans will be reviewed by multiple audiences (the internal workforce, the regulator, and now also the public and community stakeholders), and the industry needs to consider how best to meet the needs of all these groups.

In addition, APPEA is working with Seafood Industry Australia to plan a regional forum for the seismic survey and commercial fishing industries in the south-east of Australia on 16 November 2018. This forum will explore the challenges being experienced between the two industries and any barriers to cooperation, particularly in the areas of consultation on environment plans and measures to improve shared access to marine areas.

APPEA is also working with National Energy Resources Australia (NERA) on a review of the reference case project (see Work stream #6).

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

DIIS reported to the committee that its August series of community information drop-in sessions held in South Australia was successful. Around 150 people attended across four locations, and most appeared to be community members wanting to understand how offshore petroleum is regulated. A broad range of views were heard, with most appearing to be seeking further information on offshore petroleum activities, and a small number either strongly opposed or in favour.

The next community information session is planned for Newcastle, NSW. DIIS will consider future events in the Northern Territory, Victoria, Tasmania and Western Australia.

A restructure of the DIIS website is underway to make information easier to find. Little feedback on the accessibility of online information about the petroleum industry and its regulation was received at the SA drop-in sessions. DIIS will use the Newcastle session to explore this further with stakeholders.

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

NOPSEMA has been working closely with DIIS throughout the regulatory amendment process and has now commenced scoping changes to its internal regulatory management system and public website to facilitate the functions required in the draft amendments to the Environment Regulations. NOPSEMA is working towards an implementation date of February 2019, anticipating that this is the soonest the amended Environment Regulations could come into effect.

Feedback will be sought from stakeholders in some key areas, such as the public comment facility on the NOPSEMA website, which will likely be delivered as an online form with established text fields. NOPSEMA will also seek feedback on the updates required to its guidance, particularly its Environment Plan Assessment Policy.



NOPSEMA will be attending DIIS's information sessions on the regulatory amendments this week (see Work stream #1) to introduce some possible approaches to implementation and seek stakeholder feedback.

The committee discussed the proposed new regulatory requirement for NOPSEMA to publish a report to accompany final decisions, describing how public comment was taken into account by NOPSEMA. This will only apply to exploration environment plans, as development environment plans do not receive public comment. NOPSEMA explained that it has only ever received community interest or concern on decisions for exploration environment plans in the past, and that public comments are likely to reflect the highest-order impacts and risks for the activity, similar to NOPSEMA's assessment scope. This means that the proposed report on public comment should deliver the insight into the final assessment decision that the community currently desires, but is not provided under the current regulations. NOPSEMA will also be reviewing its Statement of Reasons Policy and considering how the format and content of future statements (when requested) or other documentation may address meet community needs for transparent decision making by NOPSEMA.

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

NOPSEMA has completed an invitation for feedback on its environment plan assessment guidance, receiving thirteen submissions from a range of industry and stakeholder groups. NOPSEMA is now working through this feedback and will publish a report by the end of the year on any changes to be made as a result.

As previously discussed, NOPSEMA's Community Environmental Reference Group (CERG) and a broad range of other stakeholders have appealed to NOPSEMA for prescriptive guidelines for relevant persons consultation for seismic survey activities, as the variability in consultation practices throughout the petroleum industry is causing challenges. NOPSEMA has commenced drafting these prescriptive guidelines and has tabled them for discussion at the next CERG meeting, on 15 November 2018. NOPSEMA intends to collect feedback from stakeholders regularly involved in consultation as well as the seismic industry, in order to determine whether the guidelines meets their needs, and would provide for greater consistency in practices.

The committee discussed the composition and purpose of the CERG, which is made up of individuals bringing their own personal and professional experiences to provide feedback to NOPSEMA. The CERG is not a decision-making group and does not represent stakeholder organisations, but provides formal feedback on NOPSEMA's regulatory performance that can be considered by the CEO.

Work stream #6 – Reduce unnecessary effort for titleholders to produce, and stakeholders to review, environment plans

NERA reported that it is finalising a review of the reference case project and the environment plan assessment process more broadly, with a report to be tabled for discussion with APPEA and NOPSEMA over next few weeks. NERA also intends to share the report with the Transparency Taskforce Steering Committee in the near future. Three issues identified as causing difficulties in the environment plan assessment process include:

- a compliance mentality in the environment plan assessment process,
- disbursed environmental knowledge amongst industry, and
- the outsourcing of risk, in terms of development of documents and whole activities, particularly for seismic surveys.

Of these three issues, the reference case project offers a solution to only one, in that it reduces the disbursement of environmental knowledge. Feedback on the reference case project has indicated that the development process could have been more efficient, which is not surprising given that the process was new, and that the commencement of the project by the Regulator (NOPSEMA) had caused some discomfort amongst industry that was difficult to overcome.

NERA and its industry working groups are now reviewing the draft regulatory advice statements provided by NOPSEMA in October on the first two reference cases submitted for advice. Pending the completion of this review, NOPSEMA will be able to issue the statements as final for NERA to publish on the [Reference Case website](#). NOPSEMA added that its regulatory advice statements identified areas where greater detail or effort could increase the breadth of application for these reference cases, increasing their value to industry in the longer term

The initiative to develop an Environment Plan Glossary was revisited by the committee, but NERA is not yet certain that this will be beneficial and will decide where effort should next be placed after full distribution and discussion of the reference case project review report.

Agenda Item 3 – Items for decision

3.1 Stakeholder Engagement Plan – November 2018 update

A written stakeholder update for November 2018 had been drafted prior to the meeting and was almost complete. The committee agreed that it could be of value to both petroleum industry and community stakeholders and would be a good substitute to a public briefing for this quarter. The committee also recommended that NOPSEMA check the feedback from the audience at the last public briefing to identify any requests for particular content.

ACTION: NOPSEMA to review feedback from last public briefing to identify any requests for content.

ACTION: APPEA to provide a written update for work stream #2.

ACTION: Once complete, NOPSEMA to publish the November 2018 stakeholder update and send links to steering committee members for further circulation within their networks.

3.2 Extending Stakeholder Engagement Plan into 2019

The committee discussed ways to extend the Transparency Taskforce stakeholder engagement plan into 2019, particularly around the time that regulatory amendments come into effect. NOPSEMA anticipates a need to provide some instruction or training to both industry and stakeholders, particularly for the new public comment process for exploration environment plans. DIIS noted a Federal election will be called before May 2019.

Committee members identified some planned events, such as the APPEA conference in May and Seafood Directions conference in October, which provide opportunities to add on events relating to consultation and transparency of offshore petroleum.

ACTION: Steering committee members to provide dates for 2019 events to NOPSEMA, for revision of the Stakeholder Engagement Plan

Agenda Item 4 – Items for discussion and information

4.1 Potential community interest in transparency of environmental management information, beyond environment plans

A discussion paper was circulated prior to the meeting and the steering committee members were asked to share their views on whether further publication of environmental management data or records (in addition to environment plans) would be of interest to their communities or members.

Committee members raised queries about NOPSEMA's inspection and enforcement activities, reflecting that these functions are not well known within the community as records are not published (with the exception of notices for serious enforcements). The committee also discussed NOPSEMA's existing publications of industry-wide statistics (e.g. the Annual Offshore Performance report and the Regulator newsletter), which might satisfy broad queries about industry performance but don't provide information on specific activities. In determining whether NOPSEMA should seek to publish more environmental

management information, it should identify what is the particular information being sought, by whom, and at what time – publishing “all information, all the time” is unlikely to meet community or industry needs.

The committee also discussed the potential advantages to industry of publishing environmental performance information, both in educating the community and raising confidence through transparency. Some titleholders already voluntarily publish environmental performance reports for this reason.

Agenda Item 5 – Review and close out

The next steering committee meeting is proposed to be held on Thursday 21 February 2019. This date may be shifted closer to the time, depending on the progress of consultation and transparency regulatory amendments.

Attachment 1 – Agenda

 NOPSEMA	<h2>MEETING AGENDA</h2>	Attention: Transparency Taskforce Steering Committee
		Meeting No.: 8
		Time: 0900 – 1100 AWST
		Date: Monday, 29 Oct 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: APPEA	
Work stream 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 7 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 – APPEA • Work stream 3 – DIIS • Work stream 4 – NOPSEMA • Work stream 5 – NOPSEMA • Work stream 6 – NERA 	60 min (-10 each)
3	Items for discussion and decision	
3.1	<p>Stakeholder Engagement Plan: November 2018 update – <i>Draft circulated for review by the committee</i></p> <ul style="list-style-type: none"> - Confirm that a written update is suitable in place of a public briefing at this point in the year - Seek agreement from committee organisations to provide cross-promotion through their established communications channels (e.g. websites, newsletters) - Seek input on any final changes/edit and agree to publish on NOPSEMA website. <p>Steering committee members to report on communications made about the Taskforce since last meeting.</p>	15 min
3.2	<p>Extending Stakeholder Engagement Plan into 2019:</p> <ul style="list-style-type: none"> - Discuss plans for engagement heading into 2019 as regulatory amendments take effect - Engagement tailored to sectors - Instruction or 'training' for industry 	15 min
4	Items for discussion and information (as time allows)	
4.1	Potential community interest in transparency of environmental management information, beyond environment plans – <i>Discussion paper circulated for review by the committee</i>	15 min
5	Review and Close Out	
5.1	Agree next meeting (propose February 2019)	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	Complete	9 August 2018
APPEA to share their work plan to ensure industry readiness for transparency at next meeting (Work stream 2)	Pending	29 October 2018
State and Territory offshore petroleum regulators to update the committee on transparency reforms underway in their jurisdictions at next meeting	Complete	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	Complete	9 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	29 October 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	29 October 2018

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