NOPSEMA

Taskforce Outcome	**Amend the Environment Regulations to give effect to increased transparency**			
Work Stream	#1: Regulatory amendment process to give effect to the agreed government policy position			
Project Leader	Department of Industry, Innovation and Science (DIIS)			
Date	Meeting 9, 27 March 2019			
Work Plan	ID	**Initiative**	**Status**	**Timeframe for completion**
	1	Minister approved policy recommendations arising from consultation and transparency review	Complete	
	2	DIIS to discuss a proposed framework for the public comment period and publication of environment plans with key stakeholders	Complete	
	3	DIIS to prepare regulatory amendments	Complete	
	4	An "exposure draft" of the proposed regulatory amendments will be released for public comment	Complete	
	5	Regulatory amendments to come into force	Pending	April 2019

Update to the Committee:

- In October 2018, the department released draft regulatory amendments which proposed the full publication of environment plans and the introduction of a public comment period for seismic and exploratory drilling activities.
- The department received 15 submissions from a range of stakeholders including titleholders, ENGOs, fishing representatives and interested community members. These submissions were taken into consideration in finalising the amendments.
- The final regulations have now been approved and will come into force a month after the date they are registered.

NOPSEMA

Taskforce Outcome	**Amend the Environment Regulations to give effect to increased transparency**			
Work Stream	#2: Industry readiness for environment plan publication and public comment, and communicate Taskforce progress and achievement			
Project Leader	Australian Petroleum Production and Exploration Association (APPEA)			
Date	Meeting 9, 27 March 2019			
Work Plan	ID	**Initiative**	**Status**	**Timeframe for completion**
	1	Identify project risks and controls in the Transparency Taskforce Terms of Reference (ToR). Completed by NOPSEMA	Complete	Oct 2017
	2	Ensure each work stream identifies risks and opportunities and puts in place appropriate control measures to mitigate. Completed (and ongoing) by all work stream leads.	Complete	April 2018
	3	Steering Committee to review the risks and opportunities provided by the work streams using SWOT analysis	Ongoing	July 2018
	4	Records from Transparency Taskforce to be published on the NOPSEMA website, for the information of stakeholders and the public	Complete	March 2018
	5	NOPSEMA to coordinate finalisation and publication of a 2018 Stakeholder Engagement Plan for Taskforce sponsors to implement	Complete	July 2018
	6	APPEA to work with NERA on the Reference Case project review (see Work stream 6)	Underway	August 2018

Update to the Committee:

- No update provided, verbal update requested at the committee meeting.

SWOT Analysis	Addressed by work plan?
Strength: Steering committee members provide access to a range of channels for external communication, which should be leveraged regularly.	*Yes*
Weakness: Independent nature of the work streams can result in inefficient planning and delivery of communications. Taskforce-wide plan of stakeholder engagement to be developed to coordinate efforts.	*Yes*
Opportunity: Use established channels to provide links to Taskforce information (e.g. industry/stakeholder websites, newsletters).	*Yes*
Threat: Given the long lead times to prepare environment plans, when regulatory amendments are first implemented public comment and publication processes may be inefficient, and as a result confidence in the regulatory regime may decrease. Mitigated by comprehensive engagement during development of regulatory amendments (work stream 1).	*Yes*

Taskforce Outcome	**The community has confidence in the offshore petroleum regulatory regime**			
Work Stream	#3: Communication and engagement initiatives to increase transparency of key offshore petroleum industry processes and associated regulatory frameworks			
Project Leader	NOPSEMA (items 1-6), DIIS (item 7)			
Date	Meeting 9, 27 March 2019			
Work Plan	ID	**Initiative**	**Status**	**Timeframe for completion**
	1	Establish Transparency Taskforce	Complete	July 2017
	2	Conduct introductory event and produce brochure	Complete	July 2017
	3	Start the Reference Case Project website	Complete	Sept 2017
	4	End of year briefing on the Transparency Taskforce and Reference Case Project	Complete	Dec 2017
	5	Continue to extend membership of the Transparency Taskforce Steering Committee – confirm this in terms of reference	Complete	Mar 2018
	6	Establish a Community Environmental Reference Group to provide feedback to NOPSEMA	Complete	Mar 2018
	7	DIIS to commence planning for Offshore Petroleum Information Sessions to engage with the community on current offshore petroleum issues	Complete	August 2018, then ongoing
	8	Steering Committee to consider the business case for an online offshore petroleum information portal, and alternative options to improve information accessibility.	Underway	

Update to the Committee:

- The Department of Industry, Innovation and Science hosted a series of community information events in Newcastle on 7 February 2019.
  - o Events included two roundtable discussions with local elected officials and with representatives from fishing, tourism and community groups; and a public drop-in session.
- The department is currently planning for future information sessions in other parts of Australia, and is considering events in WA, NT and Victoria, as well as additional events in SA and NSW, as required.

SWOT Analysis	Addressed by work plan?
Strength: The first two rounds of community information sessions (SA and NSW) were well attended and well received, and provided communities with a useful source of reliable and objective information about the regulation and management of offshore petroleum activities. Future sessions will ensure information is provided to geographically diverse regions.	*Yes*
Weakness: Regulatory processes applying to offshore petroleum are delivered by a range of agencies, which can be difficult for external stakeholders to navigate. Some stakeholders may be unable or unwilling to attend the information sessions.	*No*
Opportunity: Ministerial commitment to community information, which facilitates resourcing and planning of information sessions.	*Yes*
Threat: Establishment and maintenance of internet-based information requires sustainable resourcing, and there is no business case to justify it.	*No*

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Taskforce Outcome	**The community has confidence in the offshore petroleum regulatory regime**				
Work Stream	#4: System updates to deliver regulatory amendments facilitating public comment and environment plan publication				
Project Leader	NOPSEMA				
Date	Meeting 9, 27 March 2019				
Work Plan	ID	Initiative		Status	Timeframe for completion
	1	Establish a community information access pathway on the NOPSEMA website for non-titleholder visitors		Complete	Aug 2017
	2	Review the NOPSEMA website for adequacy of communicating information about the work of the Transparency Taskforce (e.g. Steering Committee records)		Complete	Feb 2018
	3	Review capability of NOPSEMA's internal regulatory management system in light of any changes to the Environment Regulations		Complete	Feb 2019
	4	Draft policy and guidance changes to clearly communicate amended assessment process and system. Publish updated documents for stakeholder review prior to finalisation.		Underway	26 March 2019
	5	Review NOPSEMA's Environment Plan Assessment Policy in relation to transparency of decision-making, in light of the amendments to the Environment Regulations. Also review NOPSEMA's policy on provision of Statements of Reasons under the *Administrative Decisions (Judicial Review) Act 1977*.		Complete	March 2019
	6	Update the functionality of NOPSEMA's website to provide for public comment processes and publication of environment plans under assessment		Underway	25 April 2019
	7	Provide new webpages for publication of in-force environment plans for activities that are underway, replacing previous submissions pages		Underway	30 June 2019
	8	Update NOPSEMA website messaging regarding titleholder ownership of environment plan documents that are under assessment, to distance NOPSEMA from any endorsement		Underway	25 April 2019

Update to the Committee:

- NOPSEMA has been working closely with DIIS to understand the final amendments to the Environment Regulations (work stream #1).
- NOPSEMA's internal regulatory management system and operating procedures have been updated to accommodate the regulatory amendments, ready for commencement in late April. Internal training will be completed in early-mid April.

- NOPSEMA's updated Environment Plan Assessment Policy and other relevant guidance has been published on the NOPSEMA website, with an invitation for stakeholders to provide feedback before it is finalized and implemented. This review period ends on Wednesday 10 April 2019.
- NOPSEMA's online activity summaries pages have been restructured to enable easier navigation to EPs open for comment, under assessment and in-force with the activities underway, with links to the full EP documents. These pages will go live after commencement day of the regulations, late April.
- Feedback on NOPSEMA's proposed systems and guidance relating to the new public comment process was sought from the Community and Environment Reference Group at its March meeting, and was broadly positive with some constructive suggestions for improvements.
- Overall status: NOPSEMA's systems and processes to administer transparency regulatory amendments will be ready for commencement date on 25 April 2019.

SWOT Analysis	Addressed by work plan?
Strength: NOPSEMA has a close working relationship with DIIS, which should facilitate early notice of regulatory amendments as they are developed. NOPSEMA's existing system can be built upon to deliver public comment and publication. The current website structure also already allows for add-ons by other jurisdictions.	*Yes*
Weakness: Development work will have to be undertaken in parallel with regulatory amendment process by DIIS (work stream #1).	*Yes*
Opportunity: Online system for public comment and publication can be tested thoroughly prior to first day of implementation, which should mitigate technical problems. If well-delivered, community confidence in NOPSEMA's regulatory process should be strengthened. Promotion and visibility at the time of delivery would capitalise on this. An expanded, fit-for-purpose online system would facilitate more efficient data management for NOPSEMA, and more effective notifications to the community.	*Yes*
Threat: Volume of public comments and website traffic that will be generated when environment plans are first published is unknown, and if high may result in large administrative workload for NOPSEMA. If poorly-delivered, community confidence in NOPSEMA's regulatory process would be eroded, and assessment timeframes could also be affected. Thorough testing prior to delivery should mitigate this. Environment plan content submitted by titleholders will not be vetted by NOPSEMA prior to publication. If industry is not ready to implement consistent approaches to presentation of key material, stakeholder concerns will increase.	*Partially, by item 8* *To be addressed further by work stream #2*

NOPSEMA

Taskforce Outcome	**Reduced size and complexity of environment plans**			
Work Stream	#5: Alignment of regulatory interpretation to deliver efficient and effective environmental assessments			
Project Leader	NOPSEMA			
Date	Meeting 9, 27 March 2019			
Work Plan	**ID**	**Initiative**	**Status**	**Timeframe for completion**
	1	Information paper entitled "Considerations for five-year environment plan revisions" published	Complete	Jan 2018
	2	NOPSEMA to provide activity-specific advice to titleholders during preparation of environment plan revisions	Ongoing	Dec 2019
	3	Conduct holistic review of environment plan assessment guidance, starting with invitation for stakeholders to give feedback on key documents and identify areas for improvement/clarification.	Complete	Dec 2018
	4	NOPSEMA to continue to promote improvements in relationships between the petroleum and fishing industries.	Underway	June 2019

Update to the Committee:

- NOPSEMA worked collaboratively with the seismic and fisheries industries at the South-East Regional Forum held by APPEA and SIA in December, particularly on improvements to consultation methods and process. This work is ongoing, and requires leadership and resources from industry groups to continue this initiative and extend it to other areas.
- NOPSEMA worked collaboratively with APPEA to develop more consistent approaches to presenting oil spill risk assessment in environment plans in December. The status of this work is unknown (refer to work stream #2), and assumed unlikely to be delivered by commencement date of the amended regulations. NOPSEMA is preparing a bulletin to clarify best practice considerations.

SWOT Analysis	Addressed by work plan?
Strength: Industry, regulator and all stakeholders have a focus in this area to improve clarity. A structured system is already in place for communicating NOPSEMA's interpretations and how to apply the Regulations, which can be built on.	*Yes*
Weakness: In aspects of environmental regulation where the scope for interpretation is too broad, it is very difficult to achieve consistent application in the absence of established standards for processes or performance.	*No*
Opportunity: Clarify areas where NOPSEMA can increase certainty on meeting objective-based criteria.	*Yes*
Threat: Independent, global nature of titleholder companies often leads to differing approaches to environmental management.	*Yes*

NOPSEMA

Taskforce Outcome	Reduced size and complexity of Environment Plans			
Work Stream	#6: Reduce unnecessary effort for titleholders to produce, and stakeholders to review, environment plan content			
Project Leader	National Energy Resources Australia (NERA)			
Date	Meeting 9, 27 March 2019			
Work Plan	ID	Initiative	Status	Timeframe for completion
	1	Develop four reference cases as proof of concept	Complete	July 2018
	2	Proof of concept consultant's report	Complete	Jan 2018
	3	Project handover, stocktake, and analysis	Complete	May 2018
	4	Identify and prioritise future reference cases	Pending	TBC
	5	Reference case framework and development process	Pending	TBC
	6	Prepare business case for long-term owner of reference cases	Pending	TBC
Actions adopted by NERA from Work Stream 5	7	Produce an Environment Plan Glossary to standardise the language used in preparing and consulting on environment plan content, to reduce misunderstandings and communication issues, with input from NOPSEMA.	Pending	TBC
	8	Develop improved method for applying Australian and international standards to environmental impact and risk assessment, and environmental management, to standardise environment plan content.	Pending	TBC
	9	Seek stakeholder feedback on priority areas where prescription or guidance could increase the efficiency of developing environment plans, and the best way to communicate this information.	Complete	June 2018

Update to the Committee:

- No update provided, verbal update requested at the committee meeting.

SWOT Analysis	Addressed by work plan?
Strength: Collaborative initiative aligning industry practices and sharing experiences	*Yes*
Weakness: Industry resourcing required to extract benefits, which limits speed of progress	*Yes*
Opportunity: Project opens large productivity opportunities in environmental approvals	*Yes*
Threat: Reference cases present environmental management practices for portions of petroleum activities, without the full context of the environment plan. Potential misinterpretation by external readers is managed by careful scoping and explanation of how the reference case is applied.	*Yes*