

Transparency Taskforce Steering Committee – Meeting 9

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 27 March 2019. 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 Chair thanked the committee for accommodating changes to the meeting date to follow the registration of amendments to the Offshore Petroleum and Greenhouse Gas (Environment) Regulations 2009 (Environment Regulations). Similarly, the agenda and papers were issued late so that work stream updates relevant to this registration could be included.

The record from Meeting 8 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

The Department of Industry, Innovation and Science (DIIS) reported that the Environment Regulations amendments were approved by the Federal Executive Council on 21 March and registered on the Federal Register of Legislation on 25 March 2019. They will come into effect after a month transition period, on 25 April 2019.

A small number of changes were made to the draft regulations that were consulted on in late 2018, to form the final regulations:

- Retention of the requirement for titleholders to submit an environment plan summary
- Amendment of the definition of activities requiring public comment on their EPs – from “exploratory seismic and drilling” to “seismic and exploratory drilling”
- Clarification of the types of information that is considered sensitive and exempt from publication
- Clarification that EP revisions due to significant new or increased environmental impact and risk are excluded from the requirement for a public comment period.

DIIS conducts policy and legislation reviews as part of its normal ongoing business, and as required ahead of remaking regulations. The operation of the new regulations will be reviewed once they have been in place for some time and a number of EPs have been published and subject to public comment.

The committee congratulated those involved in the regulatory change process on achieving its completion, and welcomed the start date for the increased transparency provisions.

DIIS confirmed that any new environment plans for seismic or exploratory drilling submitted to NOPSEMA after 25 April 2019 would be required to undergo public comment, even if a voluntary process had already been completed. Submissions prior to 25 April 2019 would not be required to undergo public comment.

NOPSEMA noted that it had advocated for a short transition period for the new transparency requirements and is preparing a media release encouraging titleholders with exploration EPs to either hold off submitting until 25 April 2019, or to discuss with NOPSEMA the possibility of running a voluntary public comment process for any submissions intended to be made prior to 25 April 2019. NOPSEMA acknowledged however that it cannot legally *require* public comment on EPs submitted until the commencement date of 25 April.

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

APPEA reported that it will be establishing a number of work groups, pending approval from the APPEA EHS committee at its mid-April meeting, which will identify industry best practice environmental management and promote consistency across member companies. These will include groups focussed on science-based approaches to produced formation water, and noise impacts to megafauna, finfish and humpback whales. Detailed work plans will be developed, with some consultation with NOPSEMA, and in place by the end of this year. The steering committee discussed the issue of perceived bias associated with published science, and encouraged APPEA to work with other science organisations like CSIRO, FRDC and Geoscience Australia to increase independence and public trust.

Another working group will be established to refresh APPEA's online information about the offshore oil and gas industry, to bring it up to date and increase its utility to APPEA and members in stakeholder communications.

In conjunction with Seafood Industry Australia (SIA), APPEA has committed to developing a framework for relevant persons consultation for titleholders preparing environment plans. A similar project was started by APPEA in 2016, but the working group did not receive support from the APPEA Board, and ended the work before engaging with stakeholder groups to optimise the draft framework. This year, the APPEA Board is driving the initiative, and APPEA and SIA have already identified some common issues and committed to working together to improve relationships between the petroleum and fisheries industries. The committee urged APPEA to draw on other similar work underway, such as innovative approaches to consultation being undertaken by NERA (see work stream #6), and to broaden the stakeholder focus beyond the commercial fishing sector.

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

DIIS has undertaken community information sessions in four locations in South Australia, and one in Newcastle, NSW. A review of the information sessions will be done later in the year, and the next locations selected based on greatest need. Dates will be after the Federal election, in Q3 2019 at the soonest.

DIIS's website is currently undergoing significant reform, and could undergo more changes after the election.

Implementation of the Minister's commitment to improved consultation and transparency of proposed offshore petroleum acreage releases has been running for some time. The Department is currently conducting the public comment process on this year's proposed acreage release areas, which closes on 31

March 2019 (to be notified of opportunities for comment on proposed acreage release, subscribe to *Australian Petroleum News*: <https://www.industry.gov.au/data-and-publications/australian-petroleum-news>).

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

NOPSEMA's systems and processes to administer amendments to the Environment Regulations are in place and will be ready to implement on 25 April 2019. New website functionality will be launched in the week leading up to commencement day.

NOPSEMA's revised and new guidance relevant to transparency has been published on its website, with an invitation for feedback for two weeks, ending Wednesday 10 April 2019. NOPSEMA will finalise these documents, which include the Environment plan assessment policy amongst others, with consideration of any feedback received. The committee asked that NOPSEMA convey where the changes had been made to those documents that have been revised, to enable efficient review within the two-week period.

NOPSEMA noted that although it is ready, there may be issues given the publication of environment plans involves large, complex documents, which will be published without any assessment by NOPSEMA, with varying quality and consistency across submissions that may lead to stakeholder concern. NOPSEMA will be emphasising on its website and in guidance that it does not assess or endorse environment plans prior to publication (the completeness check is a basic presence/absence check only, and done in a short timeframe), but that the content belongs to the submitting titleholders.

ACTION: NOPSEMA to communicate where changes have been made to the revised environment plan assessment guidance that is currently open for comment.

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

NOPSEMA is preparing to publish a bulletin on best practice oil spill risk assessment for environment plans, in lieu of any deliverables from APPEA's oil spill response working group. Bulletins are a new advice tool that NOPSEMA intends to use increasingly to convey environmental management issues to industry and stakeholders. This one will be published in April 2019, and NOPSEMA hopes to follow with more this year on a broader range of environmental management topics.

Bulletins are not decision-making tools against which EPs are assessed, rather they promote good practice or highlight problems. NOPSEMA is working on improvements to its website to clarify the hierarchy of its guidance material, indicating which documents contain decision-making criteria and requirements, and which contain information and advice.

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

NERA has published a report on the review of the reference case project conducted jointly by NERA and APPEA, with the recommendation that APPEA and NOPSEMA should consider the identified difficulties with the environment plan approvals process and develop joint solutions. No additional work will be undertaken on reference cases by NERA, but the organization is ready and willing to contribute to further efficiency initiatives that receive support from industry and the regulator.

NERA is now working on a cooperative seismic survey environment plan for the north-west region, seeking to facilitate seismic surveys from Exmouth to the NT for a five-year period. The titleholder group supporting

the work includes ten companies (from both the petroleum and multi-client seismic industries), involving around 60% of all the titleholders of the acreage covered by the activity area.

NERA has commenced the project with a consultation program focused on commercial fishing stakeholders, and has so far received good support from the WA Department of Fisheries, WAFIC, PPA and the Northern Territory Seafood Council. A suite of consultation workshops will be run in Exmouth, Broome and Darwin, with invitations issued publicly and to any stakeholders involved in relevant person's consultation on environment plans over the last seven years in those regions.

Environmental data collected during development of the environment plan, and the draft documents, will be available to the participating titleholders via a database. The project has already resulted in moving forward work to provide public access to WA Department of Fisheries fishing data, which will deliver substantial reductions in the time, effort and cost involved in impact assessment for all environment plans.

The timeframe for completing the cooperative environment plan is intended to be mutually achievable by NERA and the stakeholders, and is likely to be late 2019. Titleholders are still able to join the cooperative up until submission date and would then (subject to NOPSEMA acceptance of the EP) be able to undertake a seismic survey without a separate environment plan.

NOPSEMA advised that it was supportive of this initiative as it presents a streamlined way for industry to improve relationships with other marine users (reduce stakeholder burden), provide a mechanism to deal with issues in a more strategic and ongoing manner and should enable a more robust application of relevant science on acoustic impacts to marine life.

NOPSEMA clarified that if/when the cooperative environment plan is accepted, any other titleholders not involved in the cooperative (at the point of submission) that wish to conduct seismic surveys would need to commence development of a survey-specific environment plan, including consultation with relevant persons, from scratch. While titleholders still have this option, any exploration permit holder with work program commitments for seismic surveys may wish to consider the significant value the certainty of an approved seismic survey environment plan would offer and consider supporting the initiative. Further, NOPSEMA can foresee challenges in timeframes for titleholders, given the effort already expended by relevant persons on consultation for the cooperative environment plan.

NERA's project manager Matt Smith is the contact for the initiative (matt.smith@nera.org.au).

Agenda Item 3 – Items for decision

3.1 Timing and approach for further meetings of the Taskforce

The committee discussed options for the continued function and composition of the Transparency Taskforce now that its major piece of work, regulatory change, is complete. The non-government members expressed broad support for continuing with meetings, both to discuss the operation of the new regulations after implementation, and to continue working collaboratively to address challenges such as relationship-building between the petroleum and fishing industries. Government members agreed to continue participating if appropriate, but pointed out that the aim and scope of the Taskforce would need to change.

Timing for the next meeting should allow opportunity for at least a few exploration environment plans to go through public comment and assessment by NOPSEMA, which would likely take four or five months – therefore around October 2019, with NOPSEMA to suggest a date closer to this time.

In the longer term, the purpose and composition of the Taskforce might evolve further to explore remaining issues, and other organisations might be better placed to lead the work. To evaluate the past work of the Taskforce and seek input for the future NOPSEMA will circulate a survey for steering committee members. Results and options for discussion will then be tabled at the next meeting.

ACTION: NOPSEMA to coordinate the next meeting after implementation of the amended regulations has been underway for a suitable time.

ACTION: NOPSEMA to circulate a survey to steering committee members to explore remaining issues and opinions for the future of the Taskforce.

Agenda Item 4 – Items for discussion and information


None.

Agenda Item 5 – Review and close out

As per item 3.1, the next steering committee meeting is proposed to be held around October 2019, with NOPSEMA to confirm closer to the date.

The meeting participants all agreed the objectives for the meeting were met. No further items discussed.

Attachment 1 – Agenda

 NOPSEMA	<h2>MEETING AGENDA</h2>	Attention: Transparency Taskforce Steering Committee
		Meeting No.: 9
		Time: 0900 – 1100 AWST
		Date: 27 March 2019
		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)	
Pearl Producers Association (PPA)	
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	
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 8 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	Timing and approach for next (and final) Steering Committee meeting, to review the effectiveness of the Taskforce, share learnings, and to close the stakeholder engagement plan.	15 min
4	Items for discussion and information (as time allows)	
4.1		15 min
5	Review and Close Out	
5.1	Agree next meeting	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
NOPSEMA to review feedback from last public briefing to identify any requests for content.	Complete	27 March 2019
Once complete, NOPSEMA to publish the December 2018 stakeholder update and send links to steering committee members for further circulation within their networks	Complete	December 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	27 March 2019
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	27 March 2019
Steering committee members to provide dates for 2019 events to NOPSEMA, for revision of the Stakeholder Engagement Plan	Open	27 March 2019

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