

Transparency Taskforce Steering Committee – Meeting 10

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

Meeting Details

The meeting was held at NOPSEMA's Perth office at 9.00–11.00am AWST on 2 December 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 record from Meeting 9 was agreed and discussion regarding the status of actions was 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 amendments to the Environment Regulations came into effect on 25 April 2019.

The amendments introduced a 30-day public comment period for all seismic and exploratory drilling environment plans to provide a new level of accountability.

Further, the amendments require all environment plans to be published upon submission to NOPSEMA for assessment. If the environment plan is accepted by NOPSEMA, it will be published, along with an explanation of how public comments have been taken into account, enabling the community to see how their concerns have been addressed.

The new requirements were part of a suite of changes to improve consultation and increase transparency of offshore oil and gas activities.

The amended regulations will be reviewed once they have been in place for some time and a number of environment plans have been published and subject to public comment.

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

The Australian Petroleum Production and Exploration Association (APPEA) reported that, following completion of work and preparation of a report by NERA, a decision about APPEA supporting the reference case project has been put on hold until further notice.



APPEA reported the establishment of a number of science-based work groups to drive industry best practice environmental management.

APPEA are planning to produce practical industry guidance outlining the impacts of produced formation water (PFW) and recommending how monitoring can be optimised in relation to PFW.

APPEA's Environment, Health and Safety Committee's Environmental Science Working Group is leading a project to review existing scientific literature, acceptable levels of noise impacts and control measures as they relate to cetaceans and finfish. The review will deliver an industry guidance note for the Australian offshore regulatory regime to provide a consistent approach to the assessment of noise impacts to mega fauna. The first exposure draft of the guidance is expected to be available in late 2019.

APPEA reiterated commitments to publish an industry wide good practice guideline on consultation to standardise the approach and improve the performance of engagement practices within the offshore oil and gas sector.

APPEA is also working closely with the Australian Marine Oil Spill Centre to develop guidance on oil spill modelling with a view to releasing an exposure draft of the guidance in Q1 2020. The APPEA Oil Spill Working Group are also looking at preparing documents and tools to promote continuous improvement in oil spill preparedness and response.

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

DIIS reported on 16 May 2019, the Liberal-National Coalition announced that if re-elected they would initiate an independent audit of NOPSEMA's consideration of oil and gas exploration in the Great Australian Bight.

Australia's Chief Scientist, Dr Alan Finkel was appointed to undertake the audit. The purpose of the audit was to provide independent assurance to the public that NOPSEMA's process for assessment and decision making is consistent with the requirements of Environment Regulations and its regulatory obligations. As part of the audit process, the Chief Scientist and his team of experts met with industry representatives, government bodies, fishing associations, environmental interest groups, community groups and traditional owners to provide a stakeholders perspective on the environment assessment process administered by NOPSEMA.

On 20 September 2019, the audit report was jointly released by the Minister for Resources and Northern Australia and the Minister for the Environment. The Chief Scientist identified a range of opportunities for industry, government and NOPSEMA to provide more information to local communities and improve the public's understanding of the offshore oil and gas regulatory regime. DIIS recognises community interest in offshore oil and gas activities continues to grow and is considering ways to build stakeholders' understanding of the regulatory regime. This includes reconsidering the community information program and further development of website and information material.

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

On 18 April 2019 following a public comment period, NOPSEMA published a range of information to assist stakeholders in understanding and meeting the requirements of the amended Environment Regulations.

NOPSEMA also launched a series of website and system enhancements to facilitate public comment and publication of environment plans. Stakeholders can now search for approved projects and activities and access environment plans which relate to a particular project.

Further, NOPSEMA enhanced and streamlined its EP subscription service. Stakeholders can now subscribe to environment plans that are open for comment, under assessment and have been approved by NOPSEMA. Subscriptions can be tailored according to regions, activity types and titleholders of interest. NOPSEMA noted minor issues in the service are being resolved.



NOPSEMA invited members of the taskforce and the stakeholders they represent to provide feedback on the subscription service and website enhancements.

NERA suggested NOPSEMA consider formatting updated guidance in a way that allows the reader to easily identify the revised content.

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

NOPSEMA noted the Independent Audit of its consideration of exploration in the Great Australian Bight reflected NOPSEMA positively overall in terms of the assessment process. The audit highlighted opportunities to improve the transparency of the environmental decision-making processes and provide greater clarification of how decisions are made in compliance with requirements under the Environment Regulations.

NOPSEMA's response to the audit is available at: <https://www.nopsema.gov.au/news-and-publications/latest-news/news-announcement/2019/11/21/nopsema-responds-to-chief-scientists-audit-findings/>

WAFIC noted there continues to be issues between the commercial fishing sector and the offshore petroleum industry primarily due to varying consultation practices, misunderstanding and rushed timeframes, which are causing stakeholder fatigue and confusion. NOPSEMA noted there had been an increase in complaints from stakeholders around issues associated with consultation and is subsequently increasing the assessment timeframes of environment plans.

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

NERA has published a reference case review report which was completed jointly with APPEA, taking into account a broad range of views from stakeholders involved in offshore environmental approvals. The report is available at: https://referencecases.nera.org.au/Story?Action=View&Story_id=84

NERA noted that some titleholders find the reference cases of value and continue to draw on the published material, however the website hosting the reference cases has not been updated for some time primarily due to the unresolved issue of not having a long term owner of the project. NOPSEMA noted that it had prepared regulatory advice statements in relation to the published reference cases and committed to writing to NERA (jointly with APPEA) regarding the future of the reference case project and, to request that the regulatory advice statements are published alongside the relevant reference cases. Further, NOPSEMA advised that new reference cases continue to be provided to NOPSEMA for review. This indicates some parts of the industry support and recognise the inherent value of documenting standardised good practice.

NERA continues to progress a cooperative seismic survey environment plan for the north-west region, seeking to facilitate seismic surveys from Exmouth to the Northern Territory for a five-year period. The timeframe for finalising the EP is expected to be early 2020.

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.

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

Agenda Item 3 – Items for discussion and decision

3.1 Discuss results of the Taskforce survey

To determine whether the Taskforce has delivered on its objectives and met the requirements for success, members of the Taskforce Steering Committee were invited to complete a short survey. The results of the survey confirmed that while all of the criteria for success had been met, a number of issues have been



raised by some taskforce members which are outside the original scope and terms of reference of the taskforce.

DIIS noted that there were a range of views in relation to the reference case project contributing to reducing unnecessary effort for titleholders to produce and stakeholders to review environment plans and asked how industry is going to continue the project moving forward.

Non-government members questioned whether publication of environment plans is enough to improve community confidence in the offshore petroleum regime and asked if there will be an opportunity for further enhancements to the regulatory framework in relation to transparency. DIIS noted that the transparency provisions in the Environment Regulations will be reviewed in due course and advised that feedback from stakeholders will be sought during this process.

3.2 Seek agreement that the Terms of Reference have been met

The Taskforce agreed that the Terms of Reference have been largely met noting there are some outstanding actions for the work stream seeking to reduce the size and complexity of environment plans associated with final decisions and a long term owner for the reference case project.

3.3. Discuss feedback on the work of the Taskforce and future effort

NERA noted the Taskforce has successfully delivered on a number of initiatives and confirmed the value of having key stakeholders who integrate daily with the offshore petroleum regime working collaboratively. NERA also questioned if there may be an opportunity for the Community and Environment Reference Group to carry any residual regulatory issues forward.

The non-government members expressed broad support for continuing to work collaboratively to address ongoing challenges such as relationship-building between the petroleum and fishing industries.

Further, fishers noted forums such as the national fishing round table could be a useful platform to work through ongoing issues however this would require additional resources from fishing representative bodies which is difficult given funding and personnel constraints.

Government members noted that the key objective of the Taskforce was to prepare the oil and gas industry and the community for regulatory change and this had been achieved. DIIS and NOPSEMA acknowledged that stakeholders continue to experience frustration in relation to consultation and noted that there was benefit in ensuring that these issues were addressed through other forums. Whilst it was agreed that the Transparency Taskforce had met its objectives and would be closed, it was agreed there could be benefit in establishing a new collaborative body. This would need to be framed appropriately, with a new terms of reference to ensure it has a clear purpose, as well as a lead organisation identified and agreed.

Members agreed that further discussion was required on a new body and a meeting should be convened in early 2020 to discuss how this might be progressed.



ACTION: NOPSEMA to prepare draft survey questions for the consideration of former Transparency Taskforce Steering Committee members to identify:

- *any outstanding issues that should be carried forward*
- *an appropriate body to carry matters forward*
- *the leadership and composition of this body.*

ACTION: Conduct survey on agreed questions, NOPSEMA to collate feedback from Steering Committee members on a potential terms of reference for a separate new collaborative body.

Agenda Item 4 – Review and close out

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



Steering Committee Action Report

Action	Status	Due By
Actions from Meeting 10		
APPEA to share their work plan to ensure industry readiness for transparency at next meeting (Work stream 2). <i>APPEA have established a number of science-based work groups to drive industry best practice environmental management.</i>	Closed	
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.	Closed	
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. <i>NOPSEMA to write to NERA (jointly with APPEA) regarding the future of the reference case project.</i>	Closed	
NOPSEMA to prepare draft survey questions for the consideration of former Transparency Taskforce Steering Committee members to identify: <ul style="list-style-type: none"> • any outstanding issues that should be carried forward • an appropriate body to carry matters forward • the leadership and composition of this body. 	Open	February 2020
NOPSEMA to conduct survey on agreed questions and collate feedback on a potential terms of reference for a separate new collaborative body.	Open	February 2020



Attachment 1 – Agenda

Meeting Date	Monday 2 December, 2019	
Time	09:00 – 11:00 AWST	
Venue:	NOPSEMA King Island Meeting Room, 58 Mounts Bay Road, Perth	
Chair	NOPSEMA	
Attendees:	<p>Steering Committee Members</p> <p>Australian Petroleum Production and Exploration Association (APPEA) Department of Industry, Innovation and Science (DIIS), Offshore Resources Branch National Energy Resources Australia (NERA) NT Department of Environment and Natural Resources (DENR), Environment Division Seafood Industry Australia (SIA) SA Department of Mines Energy and Mines The Law Council of Australia VIC Department of Jobs, Precincts and Regions (DJPR), Earth Resources Policy and Programs) WA Department of Mines Industry Regulation and Safety (DMIRS) WA Fishing Industry Council (WAFIC)</p>	
Advisors	The Wilderness Society SA	
Observers	Additional NOPSEMA representatives	
Apologies	APPEA EHS Committee Pearl Producers Association	
Objectives of Meeting	Review progress and finalisation of transparency taskforce work plan to conclude the steering committee process, and provide an opportunity to share respective views on opportunities / issues.	
	Agenda	
No	Item	Time
1	Safety and introduction	
1.1	Safety induction – Safety is everyone’s responsibility	5 mins
1.2	Confirm the agenda, objective for the meeting and introduce all participants.	
1.3	Agree meeting record from Meeting 9 and review the status of actions (actions recorded in this Agenda – see below).	





2	Update on Taskforce Steering Committee and work streams	
2.1	“Scope of Work and Status Update” papers were requested for the final meeting and are attached if provided. <ul style="list-style-type: none">• Work stream 1, 3 – DIIS• Work stream 2 – APPEA• Work stream 4, 5 – NOPSEMA• Work stream 6 – NERA	30 mins (~5 each)
3	Items for discussion and decision	40 mins
3.1	Discussion - results of survey (attached)	15 mins
3.2	Seek agreement that the Terms of Reference have been met.	10 mins
3.3	Seek feedback on the Taskforce, discuss work completed to date and discuss how feedback from the survey for future efforts could be considered.	15 mins
4	Review and close out	
4.1	Review of meeting objective, action recap and other business.	5 mins
4.2	Agree next meeting (if appropriate)	