

Community & Environmental Reference Group – Meeting 7

Meeting objectives:

To seek the group's feedback on amendments to the Environment Regulations and NOPSEMA's administration of the Act and regulations.

Meeting details:

The meeting was held via Microsoft Teams and in person at 09:30am – 11:30am AWST on Wednesday 4 November 2020.

Attendees included representatives of NOPSEMA and members of the Community and Environmental Reference Group (CERG), as listed in Attachment 1.

Meeting record:

Agenda Item 1 – Safety and introduction

The Chair opened the meeting and welcomed all participants. The apology of Stuart Field was noted. Jess Lerch and Liam O'Connor were welcomed to the group.

The Chair provided a safety overview for the participants in the Perth office.

The agenda and objectives for the meeting were confirmed with no changes.

Agenda Item 2 – Register of interests

The Chair provided background to the introduction of a Register of Interests, noting that most participants will have some involvement with or interest in the offshore oil and gas sector, which helps inform their participation in discussion. The Chair added that the Register ensured there was transparency amongst participants and that any potential conflicts were recorded and noted as required.

The Chair acknowledged the entries noted in the register and invited members to identify any further. No new potential entries were raised and the Chair concluded the declarations could be managed within the scope of the agenda and purpose of the CERG.

Agenda Item 3 – Confirmation of record of Meeting 6

The record of the meeting of 29 April 2020 was accepted without change. The action item regarding requirements for relevant persons' consultation is closed.

Agenda Item 4 – Recent community interactions

Members noted that Covid-19 had impacted their respective activities and community interactions in the past few months. Recent involvement by members included: participation in the Independent Review of the *Environment Protection and Biodiversity Conservation Act 1999*; consultation around maintenance and removal of property; seismic activity nearby to post-war chemical munitions disposal sites; the change to



more focused and specific advocacy activities, and the assessment of claims for fishermen following seismic survey activities in South Australia.

The Chair advised that a draft decommissioning policy would shortly be released by the Department of Industry, Science, Energy and Resources (DISER) and added that NOPSEMA may be responsible for monitoring the financial assurance of activities throughout the life of a project. NOPSEMA would advise the group when the policy was available and decommissioning was required as a discussion topic for meetings in 2021.

The topic of seismic activity around chemical munition disposal sites was likely to be raised during the forthcoming inquiry into the effects of seismic testing on fisheries and the marine environment.

The dedicated page on the NOPSEMA website relating to greenhouse gas emissions and climate change also was noted. Discussion also took place on whether the NOPSEMA website could make it easier to find out what environment plans were currently open for comment. Members were invited to provide any suggestions on how to rename or reword the “Have Your Say” section on the front page of the website.

ACTION: NOPSEMA to share the Hansard transcripts in relation to chemical munitions disposal sites from the Senate Estimates hearing on 29 October 2020 and the forthcoming Seismic Inquiry, when they are available.

ACTION: CERG members to provide suggestions on how to rename or reword the “Have Your Say” section of the NOPSEMA website

Agenda Item 5 – Topics for discussion/information

Agenda Item 5.1 – NOPSEMA’S role and approach to achieving environmental outcomes

CERG members were provided with an overview of how NOPSEMA demonstrates its effectiveness in achieving and/or improving environmental outcomes from the offshore energy industry, with performance information being available via the Annual Offshore Performance Report, NOPSEMA Annual Report and The Regulator magazine. It was noted that current legislation limits NOPSEMA’s ability to publish performance information such as environmental performance reports and incident information. NOPSEMA has raised this issue with DISER and will continue to advocate for a review of the current policy and legislation so that this information can be publicly available in an appropriate manner.

Members discussed that while some research was being done in areas such as cumulative impacts, it was not always independent and the design and subsequent outcomes were not easily able to be consolidated to provide an overall picture. It was also noted that the offshore energy industry is not the only contributor to environmental change and the impacts of other industries and activities also needed to be taken into consideration when assessing environmental impacts. NOPSEMA has contributed to the current State of the Environment report and is also hopeful the review of the EPBC Act will identify the need for a stronger link to outcomes from industry across Australia.

Agenda Item 5.2 – NOPSEMA Actions for improving relevant persons’ consultation for environment plans

NOPSEMA provided members with an update on current initiatives being pursued to improve consultation and reduce conflict between the seismic survey and fishing industries.



The first initiative is the development of a policy framework that will include standard measures for avoiding negative interactions; mitigating impacts, the use of fishery experts in an advisory capacity, and loss-adjustment protocols. This work is being undertaken in conjunction with DISER, the Australian Fisheries Management Authority (AFMA), the Department of Agriculture, Water and the Environment (DAWE) and will expand to include groups from the petroleum and fisheries industries. DISER and AFMA will contact the respective industry associations for involvement in the initiative and NOPSEMA will continue to participate and provide its perspective on the environmental plan process and regulatory issues encountered when seismic surveys are undertaken.

The second initiative is the full policy review of the Environment Regulations that DISER will commence in 2022. NOPSEMA will provide its perspective on relevant persons consultation, including feedback from the CERG.

The CERG discussed the equity and burden of consultation on smaller organisations and how proponents determine who is a relevant person for consultation purposes. It was agreed that the requirement for greater transparency has led to better practice however more work can be done in this area.

Agenda Item 5.3 – Update on NOPSEMA activities

CERG members were provided with an update on a variety of activities including: offshore renewables and NOPSEMA's role as the offshore regulator in this area; the update to the NOPSEMA [website](#) for greenhouse gas and climate change; [decision making guidelines](#) that had been release for public comment, and an update on NOPSEMA's progress on developing a 'Reflect' Reconciliation Action Plan.

Members were invited to provide feedback to NOPSEMA via cerg@nopsema.gov.au

Agenda Item 5.4 – Future meeting topics

The Chair sought input for future meeting topics. These include:

- Cumulative impacts (scheduled for discussion first meeting in 2021)
- Decommissioning and removal of property and equipment
- Outcomes from the five yearly Operational Review by Deloitte
- Outcomes from public comment on the decision making guidelines (Note: NOPSEMA will provide members with a link to the summary of issues raised and how they were addressed, when it is published)
- Outcomes from seismic inquiry scheduled for 24-25 November 2020.

Agenda Item 6 – Review and close out

Members were asked if there were any further comments or items for feedback.

- One member raised a query about anchoring during fishing activity with oil and gas operations in progress in the same area, in relation to collision avoidance. NOPSEMA noted it is a question for AMSA given this issue falls within maritime law.
- Members observed an improvement to NOPSEMA's website to include information on greenhouse gas emissions and climate change, in response to previous feedback from the CERG.



- Discussion on the above also included observations that climate change may put additional pressure on emergency services if a natural disaster such as bushfires occurred at the same time as an oil spill emergency. NOPSEMA confirmed this aspect is part of NOPSEMA’s consideration on this topic and noted that under national frameworks, emergency responses are generally oriented around an all hazards approach and do not assume only one type of emergency is addressed at a time.

The proposed date for the next meeting is the morning of **Tuesday 23 March 2021**. The agenda will be confirmed closer to the time.

The Chair thanked everyone for their participation and the meeting closed at 11:30am.



Attachment 1

Attendees list

NOPSEMA representatives	
Stuart Smith, Chief Executive Officer (Chair)	In person
Cameron Grebe, Head of Environment Division	In person
Christine Lamont, Chief Environmental Scientist	In person
Community representatives	
Mr Daniel Marsh	Teleconference
Ms Jacqueline Hine	Teleconference
Ms Kirsten Rough	Teleconference
Ms Marilyn Shea	Teleconference
Ms Pauline Noelle	Teleconference
Ms Ruby Hamilton	Teleconference
Ms Robyn Glindemann	In person
Dr Andrew Levings	Teleconference
Ms Jess Lerch	Teleconference
Mr Liam O'Connor	In person
Apologies	
Mr Stuart Field	