

**Attachment 1 – Reasons why NOPSEMA is not reasonably satisfied and matters requiring clarification.**

Item	Description	OMR Impact
<b>Acceptance Criteria 10A(a) – the EP is not appropriate for the nature and scale of the activity because:</b>		
1	<p><b>The EP does not contain a thorough description of the environment.</b></p> <p><b>Requirement:</b> The EP must contain a thorough description of the environment to ensure that all environmental impacts and risks of the activity can be adequately detailed and evaluated. The definition of the ‘environment’ includes the cultural features of the environment mentioned in paragraphs (a), (b), (c) and (d) of Regulation 4.</p> <p><b>Issue:</b> The EP does not contain a thorough description of the environment that may be affected by the activity because the cultural heritage description is not supported by sufficient and appropriate evidence. In particular:</p> <ul style="list-style-type: none"> <li>on 26 October 2022, NOPSEMA provided to Woodside a copy of a 2022 report containing opinion and advice by Extent Heritage (the Report) requested by NOPSEMA for the purposes of supporting NOPSEMA with its independent assessment of the EP as required under the Environment Regulations. The Report was provided to Woodside because it is information that NOPSEMA may consider in its assessment of the EP (as part of procedural fairness and as is set out in NOPSEMA’s EP Assessment Policy). The Report was not provided to Woodside for the purposes of Woodside demonstrating the acceptance criteria of an EP had been met. While Woodside may have been informed by the Report, the EP does not indicate Woodside has made its own enquires with respect to describing the environment and instead relies on the Report, including by quoting it directly in the EP (see sections 4.10.1 and 6.2); and</li> <li>the EP states that “No sites of significance within the Operational Area or EMBA were identified by Traditional Custodians during preparing the EP” (section 4.10.1.4) and “No cultural values related to marine species within the Operational Area or EMBA were raised by Traditional Custodians during the course of preparing the EP” (section 4.10.1.5). However, in connection with other deficiencies raised in this letter, these statements are not sufficiently supported given that: <ul style="list-style-type: none"> <li>it is unclear whether all relevant persons under regulation 11A(1)(d) within the subcategory of ‘Traditional Custodians’ have been identified and consulted (refer to item 3);</li> </ul> </li> </ul>	<p>References to the Extent report removed and Section 4.10.1 updated to describe the cultural features of the environment.</p>

	<ul style="list-style-type: none"> <li>effective consultation has not taken place with all relevant persons under regulation 11A(1)(d) within the subcategory of 'Traditional Custodians' (refer to item 5).</li> </ul> <p><b>Request:</b> Please modify the EP to:</p> <ul style="list-style-type: none"> <li>remove any direct quotes and references to the Report from the EP and instead rely upon Woodside's own enquiries as to how the environment is described in the EP;</li> <li>address the deficiencies raised under items 3 and 5 in this letter; and</li> <li>provide a comprehensive description of cultural features of the environment that may be affected by the activity that is supported with sufficient relevant and appropriate evidence.</li> </ul>	
<p><b>Acceptance Criteria 10A(b) and 10A(c) – the EP does not demonstrate that the environmental impacts and risks of the activity will be reduced to as low as reasonably practicable (ALARP) and will be of an acceptable level because:</b></p>		
<p><b>2</b></p>	<p><b>Areas of uncertainty have not been fully addressed and not enough detail has been provided for the proposed control measures.</b></p> <p><b>Requirements:</b> The Blue Whale Conservation Management Plan Guidance on Key Terms states 'In areas other than those identified in the Conservation Management Plan or National Conservation Values Atlas, where it can be reasonably predicted that blue whale foraging is probable, known or whale presence is detected, adaptive management should be used during industry activities to prevent unacceptable impacts i.e., no injury or biologically significant behavioural disturbance to blue whales from underwater anthropogenic noise.'</p> <p><b>Issue:</b> Updates have been made to section 6.6.3 of the EP to acknowledge that there is a record from tagging research of pygmy blue whale presence overlapping the acquisition area in June. The record was also characterised by "low move persistence" that could indicate foraging behaviour (Thums et al. 2022). The EP also acknowledges that pygmy blue whales "may transit in and around the operational area during north and south migrations" (s4.6.3.1). Subsequently, the EP was updated to include an additional control measure (C4.6) consisting of a spotter vessel with two MFOs travelling ahead of the survey vessel during May and June, which are the predicted peak months of the northern migration. However:</p> <ul style="list-style-type: none"> <li>the implementation of this control is limited to only two months of the potential four-month northern migration (April to July), and not applied to the southern migration season (October to January). Although the proposed timing for the additional control targets the period with the greatest probability of whale presence based on available data, there is no additional adaptive management trigger that would implement the control in other months for the migration seasons,</li> </ul>	<ul style="list-style-type: none"> <li>A triggered implementation of C 4.6 was considered, but due to logistical constraints the spotter vessel with two MFOs travelling ahead of the survey vessel will be extended to cover all daylight activities with seismic source discharge.</li> <li>Figure 3-2 updated to illustrate location of the spotter vessel and control 4.6 updated to link to adaptive management in control 4.1</li> <li>Section 6.6.2 updated to demonstrate noise emissions have been reduced to ALARP and acceptable level. Table 6-21 in the EP has been updated with further detail to reflect this assessment outcome and demonstrate the activity is not inconsistent with the Blue Whale Conservation Management Plan</li> </ul> <p>Woodside has issued a response to GAP's additional questions received in correspondence to NOPSEMA (cc. to Woodside) dated 28 March 2023. This response is shown in the updated Table 5-4 in the EP.</p>

	<p>should the number of whale sightings be greater than predicted, applying the precautionary principle; and</p> <ul style="list-style-type: none"> <li>insufficient detail has been provided in relation to implementation of the additional control, such as the distance forward of the seismic vessel that the spotter vessel will maintain and how this compares with the distance for behavioural disturbance, the triggers for any actions that would be implemented as a result of whale presence (e.g. possible pygmy blue whale observed at limit of visibility) or the actions that will be undertaken (e.g. immediate shutdowns and parameters around subsequent start-ups).</li> </ul> <p><b>Request:</b> Please modify the EP to:</p> <ul style="list-style-type: none"> <li>include a trigger that would result in implementation of C4.6 during other months of the whale migration seasons and/or if the presence or behaviour of pygmy blue whales is different than predicted; and</li> <li>provide further details of C4.6 including location of the vessel relative to the seismic vessel, triggers for noise mitigation actions, details of the proposed noise mitigation actions and any other relevant details for the implementation of this control; and</li> <li>demonstrate that implementation of this control will reduce noise impacts to ALARP and an acceptable level that is not inconsistent with the Blue Whale Conservation Management Plan.</li> </ul> <p>Please also note that the assessment of merits, and response, to the claims made by Greenpeace Australia Pacific (GAP) and any other relevant persons that have made objections and claims relating to impacts to pygmy blue whales may also need to be updated in accordance with any changes made to the EP in relation to this issue (see also item 7).</p>	
<p><b>Acceptance Criteria 10A(g) – the EP does not demonstrate that consultation has been carried out and appropriate measures have been adopted because:</b></p>		
<p><b>3</b></p>	<p><b>Relevant persons defined by regulations 11A(1)(a), (b), (c) and (d) have not been demonstrably identified.</b></p> <p><b>Requirements:</b> The EP must demonstrate that the titleholder has consulted with relevant persons in accordance with regulation 11A(1), which includes having consulted with each relevant person defined by sub regulations 11A(1)(a), (b), (c) and (d).</p> <p>The process for relevant persons identification should be clearly described and provide for the broad capture of relevant persons such that each relevant person who can be identified, is identified.</p>	<p>Woodside has updated Section 5, Table 5-2 to reflect that Woodside assesses Commonwealth and State fishery relevance based on its assessment of potential interaction in Section 4.10.2.</p> <p>Section 4.10.2 has also been updated to define timeframes for assessing fisheries potential interaction within the Operational Area and EMBA for the life of the EP.</p> <p>Tuna Australia does not represent the Southern Bluefin Tuna Fishery. This fishery is represented by the Australian Southern Bluefin Tuna Industry</p>

**Issue:** It is not evident that the EP's process for relevant persons identification provides for the broad capture of relevant persons such that each relevant person is identified, and that the nature and scale of the activity, description of the environment and the potential environmental impacts and risks of the activity have been considered when determining persons or organisations who may have their functions, interests or activities affected by the activity. This is because:

- the relevant persons identification methodology described in Table 5-2 for 'Commercial fisheries (Commonwealth and State) and peak representative bodies' outlines that only those commercial fisheries that have been active within the last five years will be deemed to be relevant persons for the purpose of consultation. However, no justification regarding the appropriateness of this timeframe has been provided, and there is no consideration of potential future fishing efforts or other functions, interests, or activities of commercial fishers, e.g., protection of fish stocks.
- Table 5-3 does not identify Tuna Australia as a relevant person however the correspondence received from Tuna Australia to date (including the Position Statement received by Woodside on 15 March 2023) indicates that their functions, interests, or activities may be affected by the proposed activity. For example, the Southern Bluefin Tuna (listed as Conservation Dependent) is known to migrate and breed in both the operational area and the EMBA.

Table 5-2 of the EP sets out Woodside's methodology for identifying relevant persons under regulation 11A(1)(d) within the subcategory of 'Traditional Custodians'. This indicates that if there are positive determinations or claims of native title or Indigenous Land Use Agreement Areas (ILUAs) *overlapping* the EMBA, Woodside will assess the Prescribed Body Corporate (PBC) for the corresponding native title group as relevant. This methodology may not provide for Woodside to appropriately identify and undertake consultation with traditional owners from *adjacent* coastal areas with connections to sea country that could extend into the EMBA and may constitute an interest for the purposes of regulation 11A(1)(d) (notwithstanding Woodside's "additional persons" process (EP section 5.3.1), noting that a process of public notification and "self-identification" alone is unlikely to be sufficient to demonstrate appropriate representation and reasonable opportunity to participate (section 10, 04750-GL1721)).

- Further to this, the method outlined above has not been implemented as described, because in Table 5-3 it appears that Woodside has assessed some PBCs as relevant persons over and beyond what is required by the methodology, but not others. For example, Nanda Aboriginal Corporation, who have noted within an email dated 3 February 2023 that "Nanda Aboriginal Corporation currently considers itself a 'relevant person' and would welcome consultation with Woodside" (see sensitive information report). As a result of the limitations with, and inconsistent application of the

Association (ASBTIA), which Woodside consulted –no feedback received despite follow up.

Further, as per Section 4.10.2, Woodside does not consider that the proposed activity will present a risk to Southern Bluefin Tuna Fishery licence holders, given since 1992, the majority of Australian catch has concentrated in south-eastern Australia. (Patterson et al., 2022).

With respect to the Western Tuna and Billfish Fishery, represented by Tuna Australia, Woodside considers there to be no potential for interaction, See EP Table 4-20).

Woodside has provided information to Tuna Australia at its discretion as described in Section 5.

Table 5-2 has been clarified that Woodside does assesses native title claims, determinations and ILUAs that overlap the EMBA and are coastally adjacent to the EMBA.

The inclusion of Nanda in the Sensitive Information document was added in error and has been removed. This consultation was for a different EP.



	<p>methodology, NOPSEMA is unable to determine whether all relevant persons under regulation 11A(1)(d) within the subcategory of 'Traditional Custodians' have been identified and consulted.</p> <p><b>Request:</b> Please update the process in Section 5.7 of the EP for the identification of relevant persons to ensure that it provides for broad capture of relevant persons. Where additional relevant persons are identified, ensure that effective consultation is completed in accordance with the principles set out in Section 7 of NOPSEMA's guideline on '<a href="#">Consultation in the course of preparing an environment plan</a>' (04750-GL1721) and provide the rationale for why Woodside considers that, by applying this process, each relevant person has been identified.</p> <p>In addressing this request, please ensure that the report on consultation required by regulation 16(b) of the Environment Regulations includes details of all consultation carried out with relevant persons and that there is a sufficient description of the consultation process, for NOPSEMA to objectively determine that Woodside's duty to identify and consult with each relevant person has been discharged.</p>	
4	<p><b>The consultation process described in the EP does not provide for effective consultation.</b></p> <p><b>Requirements:</b> The EP must demonstrate that the titleholder has consulted with relevant persons in accordance with regulation 11A(1). The EP must provide descriptions of the consultation processes and the rationale used to determine who and how to consult with relevant persons, including the approach to provide sufficient information and a reasonable period for the consultation process.</p> <p><b>Issue:</b> The consultation process described in the EP does not provide for effective consultation to take place with relevant persons because:</p> <ul style="list-style-type: none"> <li>the consultation process limits the iterative engagement with all categories of relevant persons to two attempts, using the same method of communication (email of consultation information sheet), with no consideration for additional attempts using alternative communication methods where no response is received.</li> <li>those persons or organisations that are considered by Woodside to be a relevant person for the purpose of consultation, are not, in all cases advised by Woodside that they are being consulted with as a relevant person in accordance with regulation 11A(1) of the Environment Regulations, which may result in consultation not being undertaken with those persons or organisations in an informed manner.</li> <li>Section 5.4.2 of the EP limits the feedback period for responses to be received from relevant persons to 30-days for all categories of relevant persons. The current justification is based on the 30-day public comment period administered by NOPSEMA under the Environment Regulations which is not an equivalent process. Relevant person consultation should be a genuine two-way</li> </ul>	<p>Woodside has updated Section 5.4.2 to provide additional clarity on the methods of communication Woodside uses.</p> <p>Woodside holds the position that not advising of relevance does not affect the consultation process or outcomes. Woodside considers it has discharged its obligations in accordance with regulation 11A(1). The regulations and associated guidance do not require a Titleholder to advise a person or organisation whether they are relevant person. This is required to be outlined in the environment plan which is set out in Table 5-3.</p> <p>As described in Section 5.4.2, Woodside applies a 30-day feedback period to give relevant persons certainty of a feedback period. The methodology process allows for Woodside to consider requests for additional time on a case-by-case basis, reflecting the merits of the request. This does not mean the 30 day period is the end of two-way dialogue – this is a period for relevant persons to provide feedback and/or request additional information. Woodside has updated Section 5.4.2 to reflect Woodside's consultation extends beyond the 30-day feedback period where applicable.</p> <p>Section 5.4.2 has been amended to remove reference to the 14-day feedback period. Section 5.8.1 has been updated to reflect that requests for additional time were considered on a case-by-case basis. For example AMCS received a 14 day period for feedback in line with the reasoning set out in Section 5.8.1, including that the consultation information has been publicly</p>

	<p>dialogue while the public comment period is a passive one-way process. The method described in the EP does allow for additional time for consultation on a case-by-case basis. However, there are examples where persons or organisations who may require additional time (e.g., commercial fisheries licence holders that may have limited access to emails for extended periods of time) may not have been afforded a reasonable period for consultation to occur. Also see the issues raised in relation to the consultation with Traditional Custodian relevant persons in Item 5.</p> <ul style="list-style-type: none"> <li>Section 5.4.2 of the EP describes that a 14-day feedback period will be afforded to those persons or organisations that are 'identified at a later stage and be determined by Woodside to be a relevant person' however there is no provision for the consideration of additional time on a case-by-case basis. For example, the Australian Marine Conservation Society (AMCS) advised Woodside they 'were unable to make a submission before 30<sup>th</sup> September' and no attempts were made by Woodside to offer AMCS additional time to consider the information provided.</li> </ul> <p><b>Request:</b> Please provide further information in the EP to describe and demonstrate how relevant persons have been provided with a reasonable period for consultation to occur which will result in the opportunity for a genuine and meaningful two-way dialogue.</p>	<p>available for feedback since 2021 (see response above). A follow up was also sent 7 days prior to feedback period concluding. Woodside also afforded an additional 10 days for feedback, with an additional reminder sent on 10 October 2022, which included confirmation that Woodside remains open to receiving feedback during the life of the project.</p> <p>At no point did AMCS request additional time for Woodside to consider an extension. They instead requested Woodside continue to send reminders of consultations.</p>
5	<p><b>Effective consultation has not taken place with all relevant persons – Traditional Custodian relevant persons.</b></p> <p><b>Requirements:</b> The EP must demonstrate that effective consultation has taken place with relevant persons providing a reasonable opportunity for input, a genuine two-way dialogue has occurred to further understand the environment in which the activity will take place and that the measures adopted (if any) because of the consultation are appropriate (N-04750-GL1721, Section 12.3).</p> <p><b>Issue:</b> The EP does not demonstrate that effective consultation has taken place with all Traditional Custodian relevant persons because:</p> <ul style="list-style-type: none"> <li>the proposed timeframe for consultation was not always clearly communicated by Woodside to these relevant persons so that they were able to consider and provide advice on whether the timeframe was reasonable to allow consultation to take place based on their availability and accessibility, noting that Section 5.4.2 of the EP describes that "Woodside recognises that availability and accessibility issues may require additional time being afforded to relevant persons to provide feedback". For example, clear timeframe details are not provided in some of the initial and all of the follow up emails that Woodside sent to representative Aboriginal corporations (i.e. the PBCs and MAC) that are identified as relevant persons in the EP (see Appendix F and/or the sensitive information report).</li> </ul>	<p>All Traditional Custodians received a requested date for feedback in the initial email with the exception of the NTGAC. This was because Woodside already had a meeting scheduled with the NTGAC Board for 16 February 2023 and they had been advised additional EPs, including the activities described under this EP, would be discussed at that meeting. A requested date was also included in the Simplified Consultation Information Sheet received by each Traditional Owner group, including NTGAC. For all follow up emails, Woodside continued the previous email thread, which included the feedback date. Phone calls were also made to Traditional Custodian groups to follow up on consultation and discuss whether they would like to provide feedback, how and timeframes in line with consultation being voluntary.</p> <p>Woodside considers it has allowed a reasonable period for consultation. Section 5, Table 5-4 and Sensitive Information Document has been updated to reflect additional consultation undertaken with Traditional Custodian groups. Woodside considers it has discharged its obligations for consultation under regulation 11A(1).</p>

	<ul style="list-style-type: none"> <li>a reasonable attempt was not always made to complete consultation with these relevant persons based on their preferred method for consultation and the EP does not include a well-reasoned justification to explain why this is acceptable. For example, in response to receiving consultation information about the activity, Buurabalayji Thalanyji Aboriginal Corporation (BTAC) submitted a letter to Woodside dated 20 February 2023 that noted "BTAC on behalf of Thalanyji people, has interests in the EMBA" and set out a proposed framework for further engagement with Woodside. However, Woodside has resubmitted the EP to NOPSEMA before completing further engagements with BTAC in accordance with their proposed approach and indicated that any further engagement will form part of ongoing consultation.</li> <li>a reasonable period has not always been afforded to allow consultation to take place with these relevant persons, or for these relevant persons to be able to consider information provided during consultation, and to make an informed assessment of the possible consequences of the activity on their functions, interests or activities and provide a response. For example: <ul style="list-style-type: none"> <li>Woodside has agreed, or is seeking, to meet with the respective boards or committees of the Ngarluma Aboriginal Corporation, Wirrawandi Aboriginal Corporation, Yinggarda Aboriginal Corporation and Robe River Kuruma Aboriginal Corporation. However, Woodside has resubmitted the EP to NOPSEMA before these meetings have taken place.</li> <li>Nganhurra Thanardi Garrbu Aboriginal Corporation (NTGAC) has advised Woodside that they are still awaiting feedback on the proposed activity from the NTGAC board following a meeting that Woodside attended to provide them with information about the activity. However, Woodside has resubmitted the EP to NOPSEMA before affording NTGAC with an opportunity to provide this feedback.</li> </ul> </li> </ul> <p><b>Request:</b> Please complete the consultation required by regulation 11A with all relevant persons to ensure that the proposed management of the activity's environmental impacts and risks and understanding of the existing environment which may be affected by the activity has been appropriately informed (also refer to item 1).</p> <p>In addressing this request, please ensure that the report on consultation required by regulation 16(b) of the Environment Regulations includes details of all consultation carried out with relevant persons and that there is a sufficient description of the consultation process, for NOPSEMA to objectively determine that Woodside's duty to identify and consult with each relevant person has been discharged.</p>	
6	<p><b>Effective consultation has not taken place with all relevant persons – Save our Songlines (SOS)</b> [REDACTED]</p>	<p>Woodside considers it has discharged its obligations in accordance with regulation 11A(1).</p>



**Requirements:** The EP must demonstrate that effective consultation has taken place with relevant persons providing a reasonable opportunity for input, a genuine two-way dialogue has occurred to further understand the environment in which the activity will take place and that the measures adopted (if any) because of the consultation are appropriate (N-04750-GL1721, Section 12.3).

**Issue:** The EP does not demonstrate that effective consultation has taken place with SOS [REDACTED]. This is because:

- On 6 June 2022, SOS [REDACTED] self-identified as a 'relevant person' and provided comment on the broader Scarborough project and requested to be consulted on the activity. Throughout the EP assessment process, SOS [REDACTED] have submitted various correspondence to both Woodside and NOPSEMA asserting that they are 'relevant persons' that must be consulted by Woodside for the Scarborough activities and raising concerns relating to impacts to cultural heritage values. However, it has not been clear to NOPSEMA whether Woodside considers SOS [REDACTED] to be a 'relevant person' until receipt of the most recent EP submission (Rev 5A, dated March 2023) where SOS [REDACTED] are assessed in Table 5-3 as a relevant person under regulation 11A(1)(d) on the basis that "Woodside has assessed that SOS and/ or [REDACTED] and/ or [REDACTED] feedback demonstrates an interest with the proposed activity."
- NOPSEMA recognises that Woodside has made substantial attempts to meet with SOS [REDACTED] to understand how their functions, interests or activities may be affected by the proposed activity, including travelling to Karratha on 11 October 2022 for a face-to-face meeting that SOS [REDACTED] failed to attend. However, in undertaking consultation with SOS [REDACTED], it appears that Woodside has not provided clear and transparent details about the purpose and intent of the consultation to enable SOS [REDACTED] to have an appropriate understanding of why they are being consulted and how any feedback that they may provide during the consultation will be used to inform the EP, which is necessary to allow genuine two-way dialogue to occur. Woodside has not expressly advised SOS [REDACTED] that they consider them to be a 'relevant person' for the proposed activity. This is despite being directly asked by SOS [REDACTED] to provide clarity on this matter, including in a letter dated 24 November 2022 where it was stated "It is important to us that we have this recognised before having you come to Karratha so that we understand how Woodside is proposing to engage with us. We cannot have a productive meeting without knowing Woodside's position on this issue."
- NOPSEMA understands that on 14 March 2023 Woodside attended a face-to-face meeting with SOS [REDACTED], on 16 March 2023 Woodside provided SOS [REDACTED] with additional information that was requested during the face-to-face meeting, and on 17 March 2023 Woodside provided responses to objections and claims raised by SOS [REDACTED] in correspondence regarding the Scarborough activities dated 6 June 2022, 26 September 2022, and 24 November 2022. Noting that

SOS [REDACTED] self-identified and requested to be consulted on the proposed EP. Woodside was transparent in its communications with SOS [REDACTED] that it was seeking to meet with SOS [REDACTED] to consult with them on the proposed EP (and other related EPs) in line with their request to be consulted. This includes Woodside specifically stating in its correspondence dated 19 January 2023 (Sensitive Information Document) that: *'The purpose of the meeting is for you to share with us any additional feedback you may have with respect to potential impacts to your functions, interests or activities from the proposed Scarborough EPs.'*

Table 5-4, report on consultation with relevant persons or organisations has been updated, to include all consultation records at the time of resubmission.



	<p>the EP was resubmitted to NOPSEMA on 19 March 2023, just days after Woodside attended a face-to-face meeting and provided additional information to SOS [REDACTED], and the substantial length of time (i.e. multiple months) that lapsed before Woodside provided responses to objections and claims raised by SOS [REDACTED], NOPSEMA considers that SOS [REDACTED] have not been afforded a reasonable period to consider information provided during consultation, and to make an informed assessment of the possible consequences of the activity on their functions, interests or activities and provide a response.</p> <p><b>Request:</b> Please complete the consultation required by regulation 11A with SOS [REDACTED] to ensure that the proposed management of the activity's environmental impacts and risks and understanding of the existing environment which may be affected by the activity has been appropriately informed.</p> <p>In addressing this request, please ensure that the report on consultation required by regulation 16(b) of the Environment Regulations includes details of all consultation carried out with relevant persons and that there is a sufficient description of the consultation process, for NOPSEMA to objectively determine that Woodside's duty to identify and consult with each relevant person has been discharged.</p> <p>NOPSEMA also understands that SOS [REDACTED] may have information relevant to the description of the environment and/or the evaluation of impacts and risks which can only be shared with persons who identify as female. NOPSEMA advises Woodside to communicate to SOS [REDACTED] that NOPSEMA will ensure that gender restricted information is received, stored, shared, and used in a culturally sensitive way if it is included as part of a revised EP submission, and has published a <a href="#">draft policy for consultation</a> that may assist Woodside in explaining how information identified as sensitive or restricted will be managed.</p>	
7	<p><b>Effective consultation has not taken place with all relevant persons – Non-government groups or organisations.</b></p> <p><b>Requirements:</b> The EP must demonstrate that effective consultation has taken place with relevant persons demonstrating a reasonable opportunity has been provided to relevant persons to provide input, a genuine two-way dialogue has occurred to further understand the environment in which the activity will take place and that the measures adopted (if any) because of the consultation are appropriate (N-04750-GL1721, Section 12.3).</p> <p><b>Issue:</b> The EP does not demonstrate that effective consultation has taken place with all relevant 'non-government groups or organisations' because:</p> <ul style="list-style-type: none"> <li>although Woodside have responded to the objections and claims of 'non-government groups or organisations' relevant persons, there are instances in which sufficient information may not have been provided to allow the relevant person to make an informed assessment of the possible consequences of the activity on their functions, interests, or activities. Therefore, it is not</li> </ul>	<p>Table 5-4, report on consultation with relevant persons or organisations, has been updated to include all consultation records at the time of resubmission.</p>

	<p>demonstrated in the EP that the measures adopted because of the consultation are appropriate. For example, GAP have made objections and claims relating to impacts to pygmy blue whale; however, Woodside have not provided GAP with sufficient information to determine whether pygmy blue whales are being sufficiently protected e.g., an extract from the current version of the EP and/or the currently proposed control measures. Refer to item 2.</p> <ul style="list-style-type: none"> <li>there are several instances where Woodside responded to the objections and claims of 'other non-government groups or organisations' relevant persons (including GAP, the Australian Conservation Foundation, The Wilderness Society, and Say No To Scarborough Gas) on 17 March 2023, two days before submitting the EP to NOPSEMA. In some cases, these responses were provided months after the objections or claims were received by Woodside. For example, Say No To Scarborough Gas raised objections and claims during the meeting held on 13 October 2022 and in the letter dated 16 November 2022. Because of the timeframe in which Woodside responded to these relevant persons and then submitted the EP to NOPSEMA (19 March 2023), it is not clear whether any further responses have been received that require consideration as part of the relevant persons consultation process and Woodside have indicated that any further engagement will be deferred to ongoing consultation required under regulation 14(9) rather than in the preparation of the EP as required by regulation 11A.</li> </ul> <p><b>Request:</b> Please complete the consultation required by regulation 11A with all relevant persons to ensure that the proposed management of the activity's environmental impacts and risks and understanding of the existing environment which may be affected by the activity has been appropriately informed.</p> <p>In addressing this request, please ensure that the report on consultation required by regulation 16(b) of the Environment Regulations includes details of all consultation carried out with relevant persons and that there is a sufficient description of the consultation process, for NOPSEMA to objectively determine that Woodside's duty to identify and consult with each relevant person has been discharged.</p>	
<b>Other items for consideration:</b>		
8	<p><b>Request:</b> Please revise the relevant tables and content in the EP to ensure it provides an up-to-date record at the time of resubmission for all consultations required under Regulation 11A, including the report of all consultations as required by Regulation 16(b). This includes consultation records related to addressing items 1, 3, 4, and 5 above and the following third-party correspondence received by NOPSEMA (also copied to Woodside):</p>	<p>Table 5-4, report on consultation with relevant persons or organisations has been updated, to include all consultation records at the time of resubmission.</p>

- Letter received by Woodside from Environmental Defenders Office dated 24 March 2023 from [REDACTED] and [REDACTED] on behalf of [REDACTED] and [REDACTED] in relation to Scarborough Gas Project EPs including the Marine Seismic Survey.
- Letter received by Woodside from Environmental Defenders Office dated 29 March 2023 from [REDACTED] and [REDACTED] on behalf of [REDACTED] and [REDACTED] in relation to Scarborough Gas Project EPs including the Marine Seismic Survey in response to Woodside's email response to above letter.
- Letter copied to Woodside from Environmental Defenders Office to NOPSEMA dated 6 April 2023 from [REDACTED] and [REDACTED] on behalf of [REDACTED] and [REDACTED] in relation to Scarborough Gas Project EPs including the Marine Seismic Survey.
- Items in letter from Woodside to NOPSEMA dated 17 April 2023 in relation to the above consultation with EDO/SOS, if not previously included in the EP, and
- Letter received from GAP dated 28 March 2023 from [REDACTED] in relation to the Scarborough Marine Seismic Survey.
- Any further consultation on the above matters or from other parties received in the period between submissions.

If Woodside does not have access to copies of the above correspondence, please advise and NOPSEMA will provide them.