



**MINUTES**  
**NOPSEMA Advisory Board Meeting 40a**  
**Wednesday 24 November 2021**  
*Tamala Meeting room + Teams Video Meeting*

<b>Participants</b>			
<b>Attendees</b>	Agenda item 08 – [redacted] [Department of Science, Industry, Energy and Resources] (by video conference) Agenda item 09 – [redacted] Agenda item 11 – [redacted]		
<b>Apologies</b>			
ITEM	TOPIC		
1.	<b>Welcome and apologies</b>		
	[redacted] commenced the meeting at 8:30am. The [redacted] were present in the meeting room, with [redacted] and [redacted] participating via video conference. The apology of [redacted] was noted.		
2.	<b>Disclosure of interests / conflict of interest declarations</b>		
	[redacted] advised [redacted] had been appointed to the Minerals Research Institute of WA, effective 1 January 2022. [redacted] confirmed the register had been updated.		
3.	<b>Confirmation of minutes of Meeting 39</b>		
	[redacted] requested an alteration to the first bullet point on page 2. Following discussion, the Board agreed to an amendment and the minutes of the meeting of 25 August were accepted without further change.		
4.	<b>Actions and issues arising</b>		
	<p>The action items were reviewed, with most either complete or to be discussed at this meeting. Further discussion was requested during Other Business regarding meeting dates for 2022.</p> <p>[redacted] advised [redacted] had met with the [redacted] on two occasions since the last Board meeting to assist with framing a response to [redacted] request for advice on process safety.</p> <p>The Board advised a preference to receive written feedback from NOPSEMA on topics of discussion and [redacted] referrals such as process safety.</p> <p>[redacted] and [redacted] agreed that Board members were welcome to seek advice from NOPSEMA personnel, however requests should be directly related to Board matters and be discussed with the [redacted] in the first instance for advice to [redacted] so as not to burden NOPSEMA personnel with additional requests.</p>		
5.	<b>Correspondence for noting</b>		
	<p>[redacted] advised [redacted] had received a request from NOPSEMA to provide minutes of meetings held since 9 September 2020, to enable NOPSEMA to respond to a Freedom of Information request.</p> <p>The Board agreed that approved minutes could be released and agreed that draft minutes should not be released.</p>		
6.	<b>For Information: Update from Board members</b>		
	Members provided a brief update of their recent activities.		

7.	<p><b>For Information: [REDACTED] Report – including NOPSEMA Quarterly Report and update on recent developments</b></p>
	<p>The reports tabled by [REDACTED] [REDACTED] were taken as read. [REDACTED] [REDACTED] provided a verbal update on current developments including:</p> <ul style="list-style-type: none"> <li>• NOPSEMA are discussing possible legislative amendments as a result of losing the diving incident case against Technip with the Department of Industry, Science, Energy and Resources (DISER).</li> <li>• The trial for the DOF Subsea matter had commenced and was expected to run for three weeks.</li> <li>• While NOPSEMA had approved Woodside’s Offshore Project Proposal for the Scarborough development, other permissioning documents are yet to be submitted.</li> <li>• [REDACTED]</li> <li>• The General Direction to Woodside in relation to the Nganhurra riser turret mooring remains open and Woodside are yet to advise a new plan after failing to obtain approval for an artificial reef.</li> <li>• NOPSEMA had participated in a number of hearings and forums during the last quarter, including: the Oil and Gas Reserves Inquiry; Offshore Electricity Infrastructure Inquiry; Senate Estimates; Northern Endeavour Decommissioning Levy Inquiry and a Community and Environment Reference Group meeting.</li> <li>• Topics at the recent Union Bilateral meeting had included a Health Safety Representative forum, enforcement activity, mental health survey and international trends. [REDACTED] [REDACTED] noted the last HSR forum had been well attended with another scheduled in December.</li> <li>• The annual [REDACTED] liaison meetings had largely been completed. [REDACTED] understood and accepted that NOPSEMA’s approach in issuing General Directions for decommissioning was reasonable and agreed the bar had been lifted on decommissioning matters. [REDACTED] [REDACTED] added that NOPSEMA inspectors will follow up during inspections to ensure progress was being made.</li> <li>• [REDACTED] [REDACTED] noted that [REDACTED] understand they need to have regard to scope 3 emissions to secure OPP and environment plan approvals, including in relevant five year revisions.</li> <li>• Some companies are mandating Covid-19 vaccinations for employees, some have not and others are relying on compliance with relevant State government health requirements. To date approximately 85% of NOPSEMA personnel are vaccinated with the rate for inspectors at 95%. Inspectors are not permitted to travel offshore if not fully vaccinated. NOPSEMA has not yet mandated vaccinations for staff and have a stretch goal of a fully vaccinated workforce.</li> </ul> <p><b>ACTION:</b> [REDACTED] to include a standing agenda item for a performance update from the decommissioning team at least once per annum.</p>
8.	<p><b>For Information: Policy Update</b></p>
	<p>[REDACTED] joined the meeting via video conference at 9:40am and [REDACTED] joined at 9:50am. The report tabled was taken as read and the following items were highlighted:</p> <ul style="list-style-type: none"> <li>• The term of the NOPSEMA secondee to the Northern Endeavour taskforce had been extended for an additional twelve months.</li> <li>• The <i>Offshore Petroleum (Laminaria and Corallina Decommissioning Cost Recovery Levy) Bill 2021</i> was introduced to Parliament in October and referred to Committee, which has since reported and recommended the bill be passed.</li> <li>• The <i>Offshore Petroleum and Greenhouse Gas Storage Amendment (titles Administration and other Measures) Bill 2021</i> passed both houses without amendment and will commence in March 2022. The Department was working on the implementation aspects and were considering the submissions received to the guidance materials that had been sent out for consultation.</li> <li>• Work is proceeding with the Australian Maritime Safety Authority to undertake a sea worthiness gap analysis in relation to floating production storage and offloading vessels.</li> </ul>



	<ul style="list-style-type: none"> <li>• Drafting instructions had been issued for the policy measures following the Offshore Safety Review however the timing may be impacted by the upcoming federal election.</li> <li>• The Government's response to the Senate Environment and Communications References Committee <a href="#">report into the impact of seismic testing on fisheries and the marine environment</a> had been tabled, with the majority of recommendations noted.</li> <li>• A significant amount of interest had been received in relation to the acreage release for carbon capture and storage.</li> <li>• Drake Energy and Maritime Consulting had been awarded the contract for Phase 1a of the review of the offshore petroleum oil spill preparedness and response arrangements which should be completed by the end of 2021.</li> <li>• Amendments to implement NOPSEMA's proposed levy and fee increases will commence on 1 January 2022 as part of the remake of regulations before they sunset in 2024.</li> <li>• The Offshore Electricity Infrastructure package of bills were currently in Parliament for second readings. The legislation provides for NOPSEMA to be the Offshore Infrastructure regulator.</li> <li>• The appointment of two additional board members and extension of the terms of [REDACTED] and [REDACTED] were currently with Prime Minister and Cabinet for endorsement.</li> <li>• The final report of the 2020 Statutory Review of NOPSEMA operations and updated Statement of Expectations were anticipated to be finalised in early 2022.</li> <li>• [REDACTED] was looking forward to the Board's response to his letter seeking advice on the Board's concerns in relation to process safety.</li> </ul> <p>[REDACTED] thanked [REDACTED] and [REDACTED] for the update, and they left the meeting at 10.28am.</p>
9.	<p><b>For Discussion: Performance Update: Corporate and Financial Assurance Division. Topics to include: Financial assurance, budget, HR and IT matters</b></p>
	<p>[REDACTED] joined the meeting by video conference at 10:40am and provided an overview of the division including:</p> <ul style="list-style-type: none"> <li>• the four teams of finance and planning; human resources; information and technology and investigations</li> <li>• Financial sustainability</li> <li>• Planning (strategic and corporate)</li> <li>• Workforce planning</li> <li>• The review into the investigations function</li> <li>• Information and technology</li> <li>• Financial assurance, noting a small team is assisting DISER to frame policy development and understand what resourcing NOPSEMA would require.</li> </ul> <p>[REDACTED] thanked [REDACTED] for the presentation and [REDACTED] left the meeting at 11:25am.</p> <p><b>ACTION:</b> [REDACTED] to circulate the link to NOPSEMA's Australian Public Service Census snapshot when it is published.</p>
10.	<p><b>For Information: Organisation Review</b></p>
	<p>[REDACTED] provided a brief overview of structural changes to the organisation, summarised as follows:</p> <ul style="list-style-type: none"> <li>• Safety and Integrity – no change</li> <li>• Environment → Environment and Decommissioning (plus offshore renewables)</li> <li>• Regulatory Support → Corporate and Financial Assurance</li> <li>• Legal → Legal and Risk</li> <li>• Office of Chief Executive → A new team reporting to the [REDACTED] comprising: communications and external affairs; legislative and regulatory affairs; regulatory practice improvement, and secretariat and executive support</li> </ul> <p>New Charters are to be established for internal committees and subcommittees to provide greater clarity on roles and operations.</p>



	<p>█████ advised the NOPSEMA █████ supported the adoption of a governing board if given responsibility for financial assurance and the National Offshore Petroleum Titles Administrator.</p>
11.	<p><b>Strategic Discussion Topic: NOPSEMA Risk Management Framework</b></p> <p>█████ joined the meeting at 11:20am and provided an overview of NOSPEMA's risk management framework and thanked those Board members who had assisted with the review of the framework.</p> <p>The Board were advised the internal risk committee had been discontinued, the remit of the Audit Committee had been expanded to include risk and there is now a heightened focus on risk in the Committee's charter.</p> <p>The Board stated that the inclusion of risk with audit was considered best practice and it would welcome the opportunity for a Board member to attend Audit and Risk Committee meetings and/or for a report to be provided to the Board on a regular basis, particularly on risk identification and emerging risks.</p> <p>█████ was thanked for an informative discussion and left the meeting at 11:55am.</p> <p><b>ACTION:</b> Board requested annual update on NOPSEMA's risk universe, risk identification and emerging risks</p>
12.	<p><b>Strategic Discussion Topic: Board reflection</b></p> <p>█████ advised the intent of the paper was to encourage the Board to reflect on the recommendations of the ANAO relating to the effectiveness and best practice of governance Boards and noted while the ANAO findings primarily related to governing rather than advisory boards, a number of the recommendations were still applicable to this Advisory Board.</p> <p>Discussion took place on future strategic focus areas for the Board and it was agreed its primary responsibility was to ensure NOPSEMA retained its license to regulate and remains a competent and independent regulator. It was noted that the Board may not be able to influence the actions of industry, however it was able to influence the actions of NOPSEMA. The Board also agreed it was important for NOPSEMA to remain robust and transparent in how its decisions are made.</p> <p>The Board discussed the increased complexity of NOPSEMA's activities with the expansion of NOPSEMA's responsibilities to include offshore renewables, sea dumping, marine spatial planning, financial assurance and the likely merger of NOPTA with NOPSEMA. █████ noted the additional responsibilities would mean NOPSEMA would be operating under at least two different sets of legislation and report to multiple Ministers with potentially competing portfolio priorities.</p> <p>The Board agreed it would be beneficial to undertake an annual self-reflection and noted that open ended questions generally provide more insightful feedback.</p> <p>Discussion on this item was not completed and would be finalised at a subsequent meeting.</p> <p><b>ACTION:</b> █████ and █████ to finalise the discussion paper on the self-assessment of Board performance based on the ANAO board recommendations and analysis.</p> <p><b>ACTION:</b> █████ and █████ to prepare a final version of the Board evaluation questionnaire.</p>
13.	<p><b>For Discussion: NOPSEMA Communication of expectations via Regulator leadership, commitment and responsibility</b></p> <p>█████ commented on the recent <i>The Regulator</i> article and noted that the points raised in relation to its compliance monitoring activities to ensure senior executives and boards have sufficient oversight of, and accountability for, the control of major accident hazards was significantly more than what other industry regulators were currently doing.</p> <p>█████ thanked █████ for the feedback and advised this particular matter was being led by the █████</p>
14	<p><b>For Discussion: NOPSEMA 10 year summary statistics</b></p>



	<p>█ commented that the 10 year summary statistics on the NOPSEMA website should have the health and safety related data first, followed by the data relating to NOPSEMA's performance. The Board noted that was an interesting observation that could be addressed.</p> <p>█ noted that some level of narrative of the data would be beneficial and that the incident categories used were not helpful to understand why an incident had occurred.</p> <p>The Board were advised that NOPSEMA currently had limited resource capability (i.e. technological or personnel) to undertake that depth of analysis.</p>
15	<p><b>For Discussion: Board Terms of Reference, procedures and website</b></p> <p>The Board provided in principle agreement to reframe the existing Board Policy into a Terms of Reference and discussed minor typographical amendments. It was noted the items in the ToR would need to be reflected in the procedure documents and would make the necessary amendments.</p> <p>The proposed text for the website describing the role of the NOPSEMA Advisory Board was not discussed.</p> <p>Discussion on this item was not completed and would be finalised at a subsequent meeting.</p> <p><b>ACTION:</b> █ and █ to prepare final versions of the Terms of Reference, proposed text for website and Board procedure documents for endorsement at a subsequent board meeting.</p>
16.	<p><b>Any Other Business</b></p> <ul style="list-style-type: none"> <li>• The Board discussed a preference to hold meetings face-to-face and that meeting frequency should be increased to six meetings per year. The Board believed this would allow meetings to be cover the additional detail arising from the increased complexity of NOPSEMA activities in 2022 with reasonable meeting durations and agreed the additional two meetings could be by video conference.</li> <li>• The Board agreed an out of cycle meeting should be held to discuss the response to █ request for advice on process safety.</li> <li>• █ to contact the █ to obtain an update on current environmental matters.</li> </ul> <p><b>ACTION:</b> █ to propose a six-meeting schedule for 2022 based on two additional meetings to the existing four scheduled meetings.</p> <p><b>ACTION:</b> █ to schedule a meeting with █ and the █ to discuss the response to █ request for advice on process safety.</p>
17.	<p><b>Review of action items and items for letter to █</b></p> <p>Proposed topics for inclusion in the letter to █ were not discussed and deferred to a subsequent continuation of meeting 40a.</p> <p><b>Suspension of meeting</b></p> <p>█ suspended the meeting at 2:15pm and requested the █ to schedule a follow up out of cycle meeting in approximately ten days to close out agenda items 12, 15 and 17, and to discuss the content of the response to █ request for advice on process safety.</p> <p><b>Next Meeting – Meeting 40b - Friday 10 December 2021</b></p>