

## Community and Environmental Reference Group – Meeting 3

### *Meeting Objectives:*

*To discuss the group's views on consultation with relevant persons during preparation of environment plans, specifically for seismic surveys.*

*To discuss the group's views on transparency of environmental performance information for offshore petroleum activities.*

### Meeting Details

The meeting was held at NOPSEMA's Perth office at 10.00am–12.00pm AWST on 15 November 2018.

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

#### *Agenda Item 2 – Register of interests and recent community interactions*

##### **2.1 Introduce new group member with a youth perspective: Ms Ruby Hamilton**

The CEO welcomed Ms Ruby Hamilton, who joins the CERG at this meeting, having been selected via an expression of interest process publicised by NOPSEMA at the Perth-based universities in September. Ruby is a UWA law graduate currently working at the Environmental Defender's Office WA, a non-profit and non-government organisation that specialises in public interest environmental law. She brings a youth perspective to the CERG, as well as interests and skills in environmental law and public policy.

##### **2.2 Update from CERG members on community interactions and any conflicts of interest**

All members provided an outline of their recent work or community interactions relevant to offshore petroleum environmental management. Amongst a variety of activities reported, multiple group members had been involved in:

- Consultation on proposed offshore petroleum activities as relevant persons, during preparation of environment plans by titleholders
- Paid work for companies in the petroleum industry
- Strategic meetings for fisheries peak bodies or fisheries-related industry groups

These interactions were recognised and acknowledged.

NOPSEMA also discussed key recent stakeholder engagements, including the last quarterly meeting of the Transparency Taskforce (held 29 October 2018) and stakeholder information sessions coordinated by the Department of Industry, Innovation and Science (DIIS; held 30 October to 2 November 2018). CERG members requested records of the Taskforce meeting, for interest.

**ACTION: NOPSEMA to circulate records from the Transparency Taskforce meeting of 29 October. (These records are available at NOPSEMA's [Stakeholder Engagement and Transparency webpage](#))**

### *Agenda Item 3 – Environment plan assessment for seismic surveys – Consultation with relevant persons*

#### Specific feedback on draft guidance:

The group discussed NOPSEMA's draft guidance on consultation by titleholders with relevant persons on seismic survey activities (provided in a discussion paper), which had been requested by the CERG in previous meetings. NOPSEMA emphasised that its intent would be to mandate specific practices in an effort to provide a more consistent and improved consultation process for both relevant persons and industry, but that it is still exploring the implications of this prescription from an administrative law perspective and is consulting key stakeholders for opinions.

The CERG also suggested that titleholders should have the option to depart from the mandated model with justification, and NOPSEMA agreed that this could be facilitated through discussions and agreement by NOPSEMA prior to commencement of consultation in preparation of an environment plan. NOPSEMA explained the challenges with enforcing this, as the consultation requirements for titleholders commence prior to the requirement to submit an environment plan.

#### Specific feedback on the draft guidance note provided by the group included:

- The purpose of the guidance, and of the consultation process, should be to inform fishers of activities that affect them and enable fishers to provide information to titleholders so that impacts and risks can be effectively managed
- Peak bodies should be used as an initial contact point for consultation, but could not always represent the specific views of individual fishers
- The information provided to initiate consultation must be tailored to fishers, and should be well-developed using all available baseline information, to limit the additional work required by a fisher to identify impacts to their activities
- The timeframe for initial responses from fishers should be 60 days, to allow time to consider the information provided around normal work commitments
- Where additional follow-up consultation is required to further analyse impacts and develop control measures, titleholders should allow at least another 60 days
- Catch data from fisheries management agencies is not sufficient for assessing the possible impacts of a seismic survey, as it is limited in detail due to confidentiality, does not contain commercial data from fishers, and doesn't reflect the sensitive ecological aspects that support the fishery (e.g. breeding, spawning, migration times and areas). For this additional context, titleholders would need to seek information through the consultation process, or fisheries groups (government or industry) would need to make this information publicly available for use in impact assessment
- Guidance on consultation during the activity should be added to the document

Some group members offered to provide additional written feedback to NOPSEMA by the end of the month.

**ACTION: CERG members to provide any additional feedback on the draft consultation guidance to NOPSEMA by end of November 2018.**

#### Other discussion regarding consultation by titleholders

The group also discussed other broader issues relating to interactions between the petroleum and fisheries industry, and the information exchanged during consultation. The general view of the group was that fishers lack the time and resources required to engage in consultation on an activity-by-activity basis, especially when multiple titleholders are consulting in the same region simultaneously. Regional

agreements or strategies would work better, reducing the effort required by relevant persons to consult on individual activities, and providing greater certainty to the petroleum industry.

There was also support for seeking out examples of good practice and communicating them more widely, as some titleholders have dedicated stakeholder engagement staff that would be making genuine efforts to apply professional and effective consultation practices.

The group discussed the financial burden of consultation, with the concern that improved provision of information on fisheries would need to be funded by the fisheries themselves, but for the benefit of petroleum titleholders seeking to gain environmental approvals. The petroleum industry should support their own consultation requirements properly in the longer term through funding.

#### *Agenda Item 4 – Topics for discussion by the CERG*

##### **4.1 Discussion paper – Transparency of regulatory information**

NOPSEMA sought perspectives from the CERG on whether the community desired greater transparency of information on offshore petroleum environmental management beyond the approvals process, during the operating life of a petroleum activity.

The CERG discussion continued to focus predominantly on information about the activity associated with the approvals process.

It was suggested that community curiosity during an activity might be driven by limited understanding of some types of petroleum activities, which could be improved by publishing easily-digestible information like fact sheets or web pages.

The group had mixed experiences of methods used by titleholders to communicate with local communities (e.g. public notices during a seismic survey, community reference groups for production activities), and were not generally familiar with the regulatory requirement for titleholders to provide environmental performance reports to NOPSEMA.

There was also feedback that more information during the activity would assist, in particular where it related to the actual environmental outcomes of the petroleum activity.

#### *Agenda Item 5 – Review and Close Out*

The proposed date for the next meeting is Tuesday 12 March 2019, in the afternoon.

## Attachment 1

### Attendees list

NOPSEMA representatives:	Attendance
Stuart Smith, Chief Executive Officer (Chair)	In person
Cameron Grebe, Head of Environment Division	In person
Carrie McIntosh, Executive Officer to the Transparency Taskforce	In person
Community members:	
Mr Brett McCallum	In person
Mr Daniel Marsh	Teleconference
Ms Jacqueline Hine	Teleconference
Ms Kirsten Rough	Teleconference
Ms Marilyn Shea	In person
Ms Pauline Nolle	Teleconference
Ms Robyn Glindemann	In person
Ms Ruby Hamilton	In person
Mr Stuart Field	In person