



Community & Environmental Reference Group – Meeting 6

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 Skype teleconference at 09:30am – 11:30am AWST on 29 April 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.

The Chair advised that Brett McCallum had resigned from the group and welcomed Dr Andrew Levings to the meeting. Dr Levings is an independent consultant to the energy and other sectors working on fishing matters, is a Master Mariner with decades of experience as a commercial fisherman.

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

In response to a query raised prior to the meeting, NOPSEMA advised the discussion topics proposed at Meeting 5 had been deferred to allow the completion of additional information that would enable more informed discussion. It was anticipated this would be available for the next meeting.

Agenda Item 2 – Register of interests and recent community interactions

Members discussed possible conflict of interests due to recent work in areas such as providing advice on offshore project proposals and in connection with seismic surveys. The Chair clarified that members of the group do not participate as representatives of employers or organisations, and the agenda topics reflect general policy and process matters. In this vein it was determined that potential conflicts could be managed and would not prevent members from participating in the meeting discussions.

Several members noted that engagement with APPEA remained challenging, with observations that there are little or no positive outcomes eventuating, despite the efforts of stakeholder groups. As the Transparency Taskforce concluded as a formal established body, the CERG forum was seen as the only avenue for stakeholder groups to express their views and be heard by the Regulator. It was agreed it was disappointing no further action had been taken by APPEA following the petroleum industry and fisheries roundtable in November 2018. It was acknowledged that it was not NOPSEMA's responsibility to facilitate consultation. The Chair confirmed NOPSEMA will continue to raise these issues with APPEA and with the Department of Industry, Science, Energy and Resources (DISER) and that initial discussions involving DISER appeared to offer further avenues to obtain support for resolving issues.



Members provided an outline of their recent work and community interactions relevant to offshore petroleum environmental management. Several CERG members had been involved in providing submissions to the Environment Protection and Biodiversity Conservation Act Review. The Chair stated that NOPSEMA's submission to the review was not available for distribution by NOPSEMA as once it had been submitted, it was not able to be shared until published by the Review Committee.

NOPSEMA advised that its recent work had focussed on responding to the COVID-19 pandemic. In addition to releasing a COVID-19 compliance strategy, a range of measures had been implemented to ensure that health, safety and environment matters were appropriately regulated and managed during the pandemic.

Agenda Item 3 – CERG business

Agenda Item 3.1 – Agree Terms of Reference

It was agreed that no amendments were required to the Terms of Reference for a further 12 months.

ACTION: The Executive Officer will update the ToR to reflect that it has been reviewed and agreed.

Agenda Item 3.2 – Review of membership

Members discussed the composition of the group and whether members needed to have current and formal experience working with the oil and gas industry. The Chair noted that a range of views was preferred and felt the group was adequately represented by those with current experience with fishing groups, industry and environment.

It was suggested that views from cultural and heritage perspectives would be beneficial, as would a member who resided in the north-west of Western Australia.

The Chair requested members to provide suggestions for suitable persons and noted that an Expression of Interest would also be advertised.

ACTION: NOPSEMA to prepare and advertise an Expression of Interest for potential new members.

Agenda Item 4 – Topics for discussion / information

Agenda Item 4.1 – NOPSEMA's compliance and enforcement approach

Following increased stakeholder interest in seismic surveys and an expectation of real-time 'in water' compliance/monitoring activities, NOPSEMA provided an overview of its approach to compliance and enforcement. While similar to the fishery model in some aspects, NOPSEMA's objective-based approach differs in that titleholders are deemed to hold the principal duty of care (not government) and NOPSEMA's role is focussed on assessing and challenging titleholders' environment plans to ensure that environmental impacts and risks are properly managed.

NOPSEMA advised that titleholders were required to comply with an accepted environment plan and NOPSEMA's role was to ensure that compliance, which, depending on the activity, may include a compliance officer being on board a vessel, monitoring logs, in-field monitoring and other control measures. Should a breach be suspected and reported to NOPSEMA, an investigation will take place.



NOPSEMA confirmed a notification hotline was available (1300 674 472) and advice can be anonymous. It was suggested that to be seen as transparent and accountable, proponents of activities could also publish the number on their website.

Members suggested video monitoring, geo sensors or a ‘black box’ could be used to capture the operations of seismic air guns. NOPSEMA explained that spatial and temporal data on seismic operations were an integral part to any survey and part of NOPSEMA’s inspection scope. NOPSEMA noted suggestions to explore geofencing, VMS alarm systems and sound source verification (received sound levels) to monitor realtime and within survey compliance.

Information on NOPSEMA’s adjustments to its compliance strategy to regulate the offshore industry during the Covid-19 pandemic was provided to the CERG.

Agenda Item 4.2 – Draft policy on maintenance and removal of property (s572)

CERG members were provided with an overview of NOPSEMA’s draft policy on maintenance and removal of property that is open for public comment. Members were asked if there were any aspects of NOPSEMA’s guidance that could benefit from further detail and what level of community expectation was expected in relation to decommissioning options being explored by titleholders. The following observations were made:

- Some recreational fishing groups were feeling pressured to agree to leave equipment in-situ, regardless of their preference.
- Titleholders were not sharing information with fishing groups until very late or not providing suitable alternatives.
- It was noted that in some instances decommissioning can be a beneficial outcome, however it was agreed that any alternative to removal that was adopted must demonstrate a better environmental outcome.
- It was suggested a common resource that identified locations where equipment could provide a beneficial outcome would be useful to industry and fishing groups. This could be undertaken as joint research projects between oil and gas companies and the fishing industry to reduce uncertainty and the need for project by project consultation.
- NOPSEMA advised that it expected early engagement from titleholders and that approval would only be granted where appropriate consultation had been undertaken and the most appropriate environmental outcome had been identified in the environment plan. Although this is a requirement, NOPSEMA cannot control the planning stages directly and environment plans may continue to be submitted that have not met these expectations. In these instances NOPSEMA reassured that they are not approved.
- NOPSEMA confirmed any activities related to removal of equipment obligations needs to be justified with an assessment of impacts and risks. NOPSEMA’s jurisdiction extend to impacts anywhere in the environment in the Australian jurisdiction.
- NOPSEMA noted it was liaising with State counterparts to share approaches and promote consistency of practice.



Agenda Item 4.3 – Update on NOPSEMA activities

The information provided on the offshore clean energy framework and response to the Chief Scientist's report were taken as read. There were no questions raised.

Agenda Item 4.4 – Topics for future meetings

The Chair asked members for topics for consideration. The following were suggested:

- Expectations of good practice on consultations – what does 'good' look like?
- Assessment of cumulative impacts.
- How NOPSEMA considers information relating to climate change.
- Interpretation of ALARP and how it is applied.

Supporting papers and reference material would be circulated to members to assist discussion.

Agenda Item 5 – Review and close out

The action item regarding requirements for relevant persons' consultation remains in progress.

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

- The Chair was asked whether recommendations from the recent Productivity Commission review as they applied to best practice in consultation and community engagement would be investigated further by NOPSEMA. The Chair advised that once the final report was published it could be referenced as part of the consultation discussion at the next meeting.

The proposed date for the next meeting is the morning of **Wednesday 4 November 2020**. 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)	Teleconference
Cameron Grebe, Head of Environment Division	Teleconference
Stephen D’Souza, Manager, Drilling and Developments (item 4.2)	Teleconference
Georgia Derham, Environment Specialist (item 4.2)	Teleconference
David Christensen, Manager, Seismic and Production Operations (item 4.1 and 4.3)	Teleconference
Sarah Miller, Regulatory Affairs Advisor (item 4.3)	Teleconference
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	Teleconference
Dr Andrew Levings	Teleconference
Apologies	
Mr Stuart Field	