

Assessment for the purposes of meeting Regulation 11A
Reg 11A(1): The titleholder has consulted with a wide range of relevant persons. Some of these have been identified through initial consultation activities with others, but all those considered to be relevant persons have been consulted with through the combination of the OPGGSA and EPBC processes (information on EPBC-related consultation is included in the EP submission and so has been considered in the assessment). [Complies]
Reg 11A(2): In assessing against this regulation, it is considered that information provided through both the EPBC and OPGGSA processes constitute 'information provided', as all relevant persons have been provided with access to the information, either actively or through public availability. The assessment against this regulation has considered the changes that have occurred in the description of the activity throughout these processes, including the timeframe, parameters, location, and potential impacts. (See basic activity description history below for details). Through the combination of these processes, it is considered that all relevant persons have been provided sufficient information to make an informed assessment of the possible consequences of the activity on their functions, interests or activities; as the provision of additional detail (such as that contained in the EP) would not materially influence the outcome of assessment of potential consequence. [Complies]
Reg 11A(3): Consultation was initiated 25 October 2011, and has included initial letters, responses from relevant persons, and two EPBC Referral Public Comment Periods. The basic activity description history, representing time available for comment on the activity as described, is contained below. The EP was submitted 25 March 2014. It is considered that relevant persons have been provided a reasonable period to respond through the OPGGSAP and EPBC processes. [Complies]
<u>Basic activity description history:</u>
<ol style="list-style-type: none"> 1. Initial letter (25 October 2011) – 21-30 day 1300km² (unspecified array size or source pressure) seismic in EPP-41 and EPP-42 in Q2 2012, with contingency for 1 Nov 2012-30 April 2013. 2. Second letter (8 May 2012) – 60 day 2600-3000km² 4130cui (unspecified source pressure) seismic in EPP-41 and EPP-42 for Jan-April 2013. 3. Referral 1 (15 October 2012) – 70 day 3000km² 3090cui/2000psi seismic in EPP-41 and EPP-42 for 1 Jan-17 May 2013. 4. Referral 2 (4 March 2013) – 70 day 3000km² 3250cui/2000psi seismic in EPP-41 and EPP-42 for 1 March-17th May 2013. 5. EP (25 March 2014) – 70 day 3000km² 3250cui/2000psi seismic in EPP-41 and EPP-42 for 1 March-30th May 2015 (or 2016).

	Stakeholder	Objective ref	READ?	Summary	Assessment
Bight Petroleum - Lightning 3D MSS	Kangaroo Island Council	A223868	Yes	Copy of KI Council submission on first EPBC referral. A copy of this submission has been included in the EP by the operator.	Information included in assessment process.
	Kangaroo Island Council	A254629	Yes	Concerns raised about consultation process undertaken by Bight. <ol style="list-style-type: none"> 1. KI Council have stated that they have not been provided sufficient information to make an informed 	<ol style="list-style-type: none"> 1. KI Council have been provided with information through the initial consultation, exchange of letters, meetings, and EPBC referral submission responses. See 11A(2)

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				<p>assessment.</p> <p>2. In addition, concerns are raised regarding attitude and authenticity of Bight's consultation.</p> <p>KI Council's submissions have been included in the EP by the operator.</p>	<p>assessment above.</p> <p>2. The OPGGSA Regulations require that consultation be undertaken subject to 11A, but do not specify the manner in which that consultation must be undertaken.</p> <p>Information included in assessment process.</p>
	Kangaroo Island Council	A342754	Yes	<p>Concerns raised about consultation process undertaken by Bight.</p> <p>1. KI Council have not seen the EP, and so have stated that they have not been provided sufficient information to make an informed assessment;</p> <p>2. nor been provided a reasonable period for the consultation.</p> <p>3. In addition, concerns are raised regarding attitude and authenticity of Bight's consultation.</p> <p>KI Council's submissions have been included in the EP by the operator.</p>	<p>1. KI Council have been provided with information through the initial consultation, exchange of letters, meetings, and EPBC referral submission responses. See 11A(2) assessment above.</p> <p>2. The KI Council were initially notified of the survey plans in October 2011. See 11A(3) assessment above.</p> <p>3. The OPGGSA Regulations require that consultation be undertaken subject to 11A, but do not specify the manner in which that consultation must be undertaken.</p> <p>Information included in assessment process.</p>
	Migratory Wildlife Network	A226440	Yes	<p>Copy of MWN's submission on the EPBC referral (same as A337358 below). MWN's submissions have been included in EP by the operator.</p>	<p>Information included in assessment process.</p>
	Migratory Wildlife Network	A337358	Yes	<p>Concerns raised about consultation process undertaken.</p> <p>1. MWN has not seen the EP, and so have stated that they have not been provided sufficient information to make an informed assessment;</p> <p>2. nor been provided a reasonable period for the consultation.</p>	<p>1. MWN have been provided with information through the initial consultation, exchange of letters, and EPBC referral submission responses. See 11A(2) assessment above.</p> <p>2. MWN were initially notified of the survey plans in October 2011. See 11A(3) assessment above.</p>

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				<p>3. Also concerned as EP submitted same date as EPBC referral comments closed, therefore those comments not being included in the EP.</p> <p>Copy of MWN's EPBC referral submission attached to letter. MWN's submissions have been included in EP by the operator.</p>	<p>3. Second EPBC comments period closed 24 December 2013; EP submitted 25 March 2014. Previous EP withdrawn 21 March 2014 – entry on website referred to was previous EP. Both MWN's submissions have been included in the new EP.</p> <p>Information included in assessment process.</p>
	Kangaroo Island Dolphin Watch	A226613	Yes	<p>Copy of KI Dolphin Watch's submission on the EPBC referral. This submission was included in the EP by the operator.</p>	Information included in assessment process.
	PEW Environment Trust	A234769	Yes	<p>Email containing same submission as A234770 below. This submission was included in the EP by the operator.</p>	Information included in assessment process.
	PEW Environment Trust	A234770	Yes	<p>Copy of the PEW Environment Group/Wilderness Society/CCSA submission on the initial EPBC referral. This submission was included in the EP by the operator.</p>	Information included in assessment process.
	IFAW	A350949	Yes	<ol style="list-style-type: none"> 1. Concerns raised about IFAW not having been consulted on the new EP; 2. and not having confidence that concerns raised in EPBC consultation have been addressed or included. 3. IFAW also consider that they have not been provided sufficient information to make an informed assessment. <p>IFAW's submissions have been provided in</p>	<ol style="list-style-type: none"> 1. IFAW have been consulted on the activity, and the requirements of Reg 11A met. 2. IFAW's concerns and submissions have been included in the EP by the operator. 3. IFAW have been provided with information through the initial consultation, exchange of letters, meetings, and EPBC referral submission responses. See 11A(2) assessment above.

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				the EP by the operator.	Information included in assessment process.
	IFAW	A350876	Yes	Copy of IFAW's submissions on the EPBC referrals. These submissions have been provided in the EP by the operator.	Information included in assessment process.
	IFAW	A350875	Yes	Letter to Bight from IFAW re desire to be consulted in development of the new EP. Includes response to points from Bight's "Response to comments on EPBC referral". 1. Reiterates request for pre-survey baseline visual and acoustic surveys of the area; request for consideration of alternative technologies (e.g. marine vibroseis) and alternative controls (e.g. night vision, thermal imaging). 2. Concludes with statement that IFAW have not received sufficient information to make an informed assessment.	Letter sent to Bight day before EP submission. 1. IFAW's concerns and submissions have been included in the EP by the operator. 2. IFAW have been provided with information through the initial consultation, exchange of letters, meetings, and EPBC referral submission responses. See 11A(2) assessment above.
	Kangaroo Island Dolphin Watch	A351617	Yes	Concerns raised about having not been consulted since initial engagement in 2012 (other than a notification in March 2014 regarding the location of the response to public comments on the EPBC referral); and so having not been provided sufficient information. This aligns with operator's timeline of consultation in EP.	KI Dolphin Watch provided a submission on the EPBC referral, so it is considered that they were provided the information referred to in Reg 11A(2) assessment above. Submissions from KI Dolphin Watch were provided in the EP by the operator, and were included in the EP assessment process.
	Kangaroo Island Residents	A351619	Yes	Email from two residents of KI nominating themselves as relevant persons who have not been consulted with.	No information is provided on their functions, interests or activities; and so their status as 'relevant persons' cannot be confirmed. It is noted that the KI Council (as the local government body representing residents of KI) have been extensively consulted with.
	Wilderness Society	A351620	Yes	Concerns raised about not having been consulted on the new EP; and not having confidence that concerns raised in EPBC consultation have been addressed or	1. The Wilderness Society have been consulted on the activity, and the requirements of Reg 11A met. 2. The Wilderness Society's concerns

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				included. Wilderness Society's (as joint signatory with PEW Environment) submission was provided in the EP by the operator.	and submissions have been included in the EP by the operator. Information included in assessment process.
	Humane Society	A351867	Yes	Concerns raised about not having been consulted on the new EP; and not having confidence that concerns raised in EPBC consultation have been addressed or included. Humane Society's (as a joint signatory of a submission on the EPBC referrals) submissions have been provided in the EP by the operator.	Information included in assessment process.
	KIMAG	A353157	Yes	Concerns raised about having not been consulted since initial engagement in 2012 (other than a notification in March 2014 regarding the location of the response to public comments on the EPBC referral); and so having not been provided sufficient information. This aligns with operator's timeline of consultation in EP.	KIMAG met with the operator in June 2012, and selected information was provided by Bight after the meeting by email in response to specific questions raised. KIMAG were also provided with the exchange of information between KI Council and Bight (Record 13 in EP). KIMAG did not provide a submission on the EPBC referrals, and were notified of the location of response to public comments after this period, prior to submission of the EP. However, as per the assessment against 11A(2) above, the public availability of the EPBC referrals is taken to constitute 'information provided' for the purposes of this regulation.
	CCSA	A353837	Yes	Concerns raised about not having been consulted on the new EP; and not having confidence that concerns raised in EPBC consultation have been addressed or included.	<ol style="list-style-type: none"> 1. CCSA have been consulted on the activity, and the requirements of Reg 11A met. 2. CCSA's concerns and submissions have been included in the EP by the

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				CCSA's (as part of PEW and Wilderness Society) submission has been provided in the EP by the operator.	operator. Information included in assessment process.
	Senator Penny Wright	A355458	Yes	Concerns raised about the consultation process engaged in regarding the EP. Specifically: <ol style="list-style-type: none"> 1. Having not been consulted on the EP. 2. The attitude and responses of Bight to public comment and concern. 3. A lack of confidence that meaningful consultation has been undertaken for the EP. 	<ol style="list-style-type: none"> 1. The EP states that Senator Wright was written to 9 May 2012 with the stakeholder letter #2 contained in Appendix C of the EP. It states no response was received from the Senator. 2. The OPGGSA Regulations require that consultation be undertaken subject to 11A, but do not specify the manner in which that consultation must be undertaken. 3. All consultation that has been undertaken by Bight has been included in the EP, including that conducted for the EPBC process.
	Eco-Action Kangaroo Island	A358986	Yes	Concerns raised about not having been consulted on the new EP; and not having confidence that concerns previously raised in have been addressed. Eco-Action's consultation records have been included in the EP by the operator.	<ol style="list-style-type: none"> 1. Eco-Action has been consulted on the activity, and the requirements of Reg 11A met. 2. Eco-Action's concerns and submissions have been included in the EP by the operator. Information included in assessment process.