

Managing gender-restricted information

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1. Purpose

This policy outlines the principles that govern NOPSEMA's management of gender-restricted information that may be relevant to NOPSEMA's decision-making under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* and associated regulations.

2. Scope

This policy applies to all gender-restricted information received by NOPSEMA that may be relevant to NOPSEMA's work, including assessment of environment plans and offshore project proposals (submissions) under the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023 (Environment Regulations).

Gender-restricted information is defined as:

information regarding law, ceremony, spirituality, or ritual given by a person of one gender that by reason of traditional laws and customs prevents women or men from disclosing the information in the presence of persons of the opposite gender.¹

3. Background

NOPSEMA receives information from a variety of sources relevant to its statutory functions. For example, a titleholder when submitting an environment plan to NOPSEMA under the Environment Regulations must include in that submission a comprehensive description of the environment of which their project or activities are proposed to occur, including the social, economic, and cultural features of that environment.

NOPSEMA recognises that this description of the environment may be informed by the provision of gender-restricted information given to the proponent during the course of consultation in respect of the environment plan. In such cases, the information will be required to be securely stored by the titleholder (and NOPSEMA), with associated restrictions on subsequent sharing, communication, or dissemination.

¹ See *State of Western Australia v Ward & Ors* [1997] FCA 585; (1997) 76 FCR 492

4. Policy principles

The following principles apply in instances where gender-restricted, and other culturally sensitive or restricted information, is provided to NOPSEMA to support decision-making:

1. NOPSEMA recognises First Nations people have knowledge that is relevant to understanding the values and sensitivities of the cultural features of the environment and the potential impacts on those values and sensitivities from projects and activities regulated under the Environment Regulations.
2. NOPSEMA acknowledges information about the cultural heritage values of the environment is owned by First Nations people who have a connection to that environment, including the land and sea, and have the authority to hold and share that information.
3. NOPSEMA will endeavour to provide opportunities for information to be provided in a culturally sensitive way where that information is sensitive or restricted, required to be provided orally or on Country, or through alternative channels.
4. NOPSEMA will consult with the custodians of information on how records of that information will be received, stored, shared, and used in a culturally appropriate way.
5. NOPSEMA will endeavour to ensure its personnel, including the delegate(s) and assessors who receive or require access to gender-restricted information, identify as that specific gender.
6. Where NOPSEMA personnel require access to gender-restricted information and do not identify as that specific gender, NOPSEMA will consult with the custodians of the information before providing access to those personnel.
7. Where NOPSEMA is required by court order or other legal process to manage information in a way that is not consistent with the principles above, NOPSEMA will comply with its legal obligations and inform the custodians of the information.
8. Where sensitive information is provided to NOPSEMA that may be relevant to NOPSEMA's decision-making and must be made available to affected persons in accordance with the principles of procedural fairness, NOPSEMA will consult where possible with the custodians of the information and the proponent to determine a suitable way for the information to be made available.