



25 June 2024

NOPSEMA
PO Box 552
Collins Street West VIC 8007

By email only: [redacted]@nopsema.gov.au
cc: feedback@nopsema.gov.au; [redacted]

Dear [redacted]

Consultation on Otway Basin offshore petroleum environment plans

1. [redacted] continues to act for [redacted] in matters concerning consultation on offshore petroleum activities and projects on or with potential to impact upon Gunditjmara Sea Country.
2. [redacted] is the corporate representative of the [redacted].
3. We write to NOPSEMA on behalf of our client in relation to the following environment plans (EPs) that are currently under assessment by the regulator:
 - (a) Offshore Gas Victoria Drilling Program EP – [redacted] (currently assessment and with the titleholder as at 25 June 2024);
 - (b) Regia Marine Seismic Survey EP – [redacted] (currently under assessment with NOPSEMA as at 25 June 2024);
 - (c) Otway Exploration Drilling Program EP – [redacted] (currently under assessment and with the titleholder as at 25 June 2024);
 - (d) Otway Offshore Operations – Casino, Netherby & Henry Revision EP – [redacted] (currently under assessment with NOPSEMA as at 25 June 2024);
 - (e) Otway Basin 3D Multi-client Marine Seismic Survey EP – TGS (currently under assessment and with NOPSEMA as at 25 June 2024);
 - (f) Minerva Plug and Abandonment and Field Maintenance EP – [redacted] (currently under assessment and with the titleholder as at 25 June 2024); and



(g) Minerva Decommissioning and Field Management EP – [REDACTED] (currently under assessment with NOPSEMA as at 25 June 2024).

4. We confirm our client's instructions that [REDACTED], [REDACTED], [REDACTED], TGS, and [REDACTED] have contacted [REDACTED] requesting consultation on the submitted EPs as referred to at paragraph [3].
5. At Annexure 1 of this letter, we provide a summary of the correspondence between [REDACTED] and the above proponents in relation to EPs that are currently under assessment with NOPSEMA.
6. [REDACTED] continues to assert the interactions that have taken place to date between [REDACTED] members and Proponents do not constitute, in accordance with law, consultation on the abovenamed EPs.
7. [REDACTED] has advised each Proponent named in paragraph [4] that consultation has not occurred. [REDACTED] has repeatedly sought from Proponents a consultation process that is conducted in accordance with law.
8. [REDACTED] has conveyed its views regarding lack of consultation on EPs in common correspondence sent to all six proponents dated 21 March 2024.
9. [REDACTED] has sent additional correspondence to Proponents reiterating this position.
10. NOPSEMA has been copied into all correspondence sent by [REDACTED] on behalf of [REDACTED] to Proponents following the common correspondence sent out by [REDACTED] on behalf of [REDACTED] dated 21 March 2024.
11. [REDACTED] and its members are developing a consultation protocol ([REDACTED] Consultation Plan) which will inform [REDACTED] position on consultation between Proponents and [REDACTED] members. Our present instructions are that the [REDACTED] Consultation Plan will be provided to Proponents no earlier than [REDACTED] next Board meeting which has been rescheduled from 28 June 2024 to 5 July 2024, due to Sorry Business in the [REDACTED] community.
12. We note that timelines for consultation between Proponents and [REDACTED] members must accommodate the reality that consultation with Traditional Owners cannot be undertaken without a carefully co-designed consultation process, an opportunity for all members to provide input about the consultation process and an opportunity for all members to participate in that process itself.
13. We note further that timelines for consultation must factor in adequate time for technical, legal or other preliminary advice and/or information to be obtained by [REDACTED] and its members to assist in their understanding of the activities and projects being proposed.

14. We advise that the above has not been reflected in any engagement between Proponents and [REDACTED] and its members to date. [REDACTED] does not consider that consultation has occurred where there has been no engagement, on the above terms, with its members.
15. [REDACTED] has sought and continues to seek independent technical advice from various experts to assist members to participate in consultation. Some of that advice has been received and further advice is expected.
16. On the basis that abovenamed EPs have been submitted to NOPSEMA for assessment without consultation with our client and its members *in the course of* preparation, our client seeks from NOPSEMA information and clarity on the manner and timing of its assessment of submitted EPs. We note that none of these EPs will contain information, knowledge or insights by which the Proponents know, perceive or relevantly mitigate impacts and risks raised by [REDACTED] and its members as they are associated with proposed activities. That information, knowledge and insight is distinctive. It is to be obtained through consultation, that being a process for which (as noted) our client continues to make preparations.
17. [REDACTED] also requests that NOPSEMA provide the [REDACTED] with copies of all EPs listed at paragraph [3] that are before NOPSEMA and that have had substantive amendments made to them but which are not available in the public domain.
18. In order to assist with the above queries, we kindly request a meeting with NOPSEMA, [REDACTED] and [REDACTED]. We are available to meet either in person (in Victoria) or online.
19. Our client is presently making all reasonable efforts and steps to prepare its members to engage in consultation on the abovenamed EPs in the Otway Basin.
20. Please reply to the matters raised above at your earliest convenience and no later than COB 2 July 2024.

Yours faithfully,

[REDACTED]

[REDACTED]

[REDACTED]

Annexure 1 – Summary of engagement between [redacted] and Proponents

[redacted]

[redacted]

[redacted]

[redacted]

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[REDACTED]

TGS – Otway Basin 3D Multi-client Marine Seismic Survey EP

20. We confirm [REDACTED] instructions that TGS has met with program staff at [REDACTED] on 6 June 2023 via an online meeting, in relation to the Otway Basin 3D Multi-client Marine Seismic Survey EP.
21. TGS has met with [REDACTED] members once regarding its Otway Basin 3D Multi-client Marine Seismic Survey EP. This in-person meeting was in the course of TGS' presentation at the Information Day organised by [REDACTED] for its members.
22. TGS' presentation at the Information Day represented only a limited and partial introduction to the nature, risks and impacts of relevant activities on the interests of [REDACTED] and its members. The Information Day as a whole was explicitly an information session only to enable [REDACTED] and its members to consider whether they wish to be consulted further about the various proposals that were presented. These instructions have been provided to TGS by [REDACTED] in correspondence to the Proponent dated 21 March 2024 and 3 May 2024.
23. Apart from the engagements outlined above, TGS has not met with [REDACTED] or its members in relation to the Otway Basin 3D Multi-client Marine Seismic Survey EP after 17 February 2024.
24. The remainder of TGS' engagement with [REDACTED] in relation to the Otway Basin 3D Multi-client Marine Seismic Survey EP has been done via emails exchanged with [REDACTED] staff members. These emails have been administrative in nature and do not constitute consultation.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]