

Community & Environmental Reference Group – Meeting 8

Meeting Date: Wednesday 20 April 2021

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 Microsoft Teams and in person at 1pm – 3pm AWST on Tuesday 20 April 2021.

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 Chair advised of the resignations of Marilyn Shea and Pauline Nolle.

The Chair provided a safety overview for the participants.

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

Agenda Item 2 – Register of interests

Stuart Field advised of an additional interest as part of his ongoing employment and the Chair concluded the declarations could be managed within the scope of the agenda, purpose and perspectives approach of the CERG, noting that most members have employment in some capacity directly or indirectly related to the resources sector.

There were no other declarations to add.

Agenda Item 3 – Confirmation of record of Meeting 7 and review of actions

The record of the meeting of 4 November 2020 was accepted without change.

Agenda Item 4 – Recent community interactions

Agenda Item 4.1 – Update from CERG members

Recent community involvement by members included: concluding claims for fishermen following seismic survey activities in South Australia; commencement of consultation associated with the Star of the South offshore wind project off Gippsland; continuation of involvement and submissions in relation to the *Environment Protection and Biodiversity Conservation Act 1999* amendment bills; the expansion of Indigenous engagement programs to provide information on how communities can assist in the event of oil spills and to learn and share knowledge in relation to Country; reviews of the cumulative impact assessment in the Exmouth Gulf by the WA EPA, and a proposed seismic survey off King Island.

NOPSEMA was asked whether community engagement workshops could be held in areas such as King Island to assist communities to understand the process of oil and gas exploration (similar to those held in South Australia in 2018). NOPSEMA advised that the community forums had been organised in the past by the Department of Industry, Science, Energy and Resources (DISER) and NOPSEMA would be happy to participate when they are scheduled in future. Members commented that community standards and expectations had changed considerably, the expectations on NOPSEMA had increased and that continuing community engagement programs would be beneficial.

The CERG discussed the need to improve understanding in the community on the stages of approvals; the difference between offshore project proposals and environment plans and the relationship between the *Offshore Petroleum and Greenhouse Gas Storage Act* and the *Environmental Protection and Biodiversity Conservation Act*.

Agenda Item 4.2 – Update from NOPSEMA

NOPSEMA provided an overview of the content of the two most recent Regulator magazines ([Regulator – Issue 4, 2020](#); [Regulator – Issue 1, 2021](#)), noting in particular the articles on the public comment process and NOPSEMA's participation in the Global Offshore Wind Regulator's forum.

The CERG were also advised of NOPSEMA's aim to establish a new forum to facilitate liaison with environment and conservation advocacy. It is anticipated this additional forum will allow direct engagement by NOPSEMA with eNGO groups and assist in shared understanding of NOPSEMA's environmental protection/conservation goals, and what NOPSEMA is actively doing through its regulatory and strategic work to support broader environmental protection goals. The group would not have a formal Terms of Reference or Charter and subject to agreement, information could be shared between the eNGO forum and the CERG.

Agenda Item 5 – Topics for discussion/information

Agenda Item 5.1 – Cumulative Impacts

CERG members were provided with an overview of the challenges and opportunities in relation to NOPSEMA's current approach to cumulative environmental impact assessment under the current legislative framework. These included:

- there is no single, broadly accepted definition or scope of cumulative environmental impact and it is not specifically defined in the Regulations although is incorporated in the definition of impact.
- while the environment regulations require evaluation of all impacts and risks arising directly or indirectly from all operations of the activity (Regulation 13(6)), there is no guidance on what this includes and how far indirect impacts should extend.
- while NOPSEMA requires cumulative impact assessment and the consideration of the environment is much broader under the OPGGS regime, some of the challenges identified during the EPBC Act review also apply to the consideration of cumulative impacts under the OPGGS Environment Regulations. These include assessment of cumulative impacts to environmental receptors from multiple industry and other pressures and the ability (and appropriateness) of proponents to be able to predict future impacts to those receptors. There is also no existing legal mechanism for regional landscape assessments under the OPGGS Act.

The CERG discussed the challenges and commented that there is an apparent lack of cohesion, communication and consistency between government agencies (both State and Federal). It was also noted that a lack of willingness by proponents and agencies to share data means information is lost or is poorly

managed so it can't be easily shared or used to help support decision-making. The United Kingdom's Marine Management Organisation was cited by a CERG member as a good example of how scientific data can be shared and used.

Agenda Item 5.2 – Decommissioning and removal of property and equipment

NOPSEMA provided members with an update on the current status of NOPSEMA's approach to decommissioning and removal of property and equipment under the current legislative framework. The development of policies and guidance has progressed, including the following documents which were published on the NOPSEMA website in April 2021. (Ref: [NOPSEMA publishes decommissioning compliance strategy and plan » NOPSEMA](#))

- The Decommissioning Compliance Strategy 2021-2025: Provides the overarching strategy to ensure decommissioning of offshore petroleum wells, structures, equipment and property is completed in a timely, safe and environmentally responsible manner
- Decommissioning Compliance Plan: Details the compliance actions that will be taken to ensure that titleholders have appropriate plans for decommissioning all wells, structures, equipment and property.

NOPSEMA's initial compliance efforts under the compliance plan will be on cases that fall into 'tier 1 – higher level of regulatory oversight and may result in the serving of Remedial or General Direction (depending on the specific circumstances of each case). Compliance actions have been taken on an as needs basis since 2020 and in line with the principles published in the compliance plan. Examples include Nghanhurra Riser Turret Mooring Decommissioning and the Eni General and Remedial Directions.

In parallel to application of the existing legislative framework, NOPSEMA noted that DISER have been progressing a [decommissioning policy review](#) which identifies proposed changes to the legislative framework.

The CERG discussed the apparent lack of willingness by industry to be proactive in this area and commented that there appeared to be opportunities for the creation of jobs in a new and specialised industry to address decommissioning matters. It was noted that more focus should be applied at the commencement of projects and companies held to account for their commitments. Further, that there had been a significant change in attitude by onshore mining companies following the requirement for mine closure plans. NOPSEMA advised that Offshore Project Proposals did require this information and that NOPSEMA will be addressing the requirement when undertaking the statutory five-year reviews of environment plans for operational activities. The CERG queried whether it was possible to bring industry together to share practical learnings between onshore and offshore mining.

Agenda Item 5.3 – Outcomes from the seismic inquiry

NOPSEMA advised the report from the seismic inquiry had not yet been released and would circulate to the group once it was available.

Agenda Item 5.4 – Future meeting topics

The Chair sought input for future meeting topics. These include:

- Outcomes from the five yearly Operational Review (dependent upon being released by the Minister)
- Outcomes from public comment on the decision-making guidelines: NOPSEMA will provide members with a link to the summary of issues raised and how they were addressed, when it is published.
- NOPSEMA's role in relation to offshore renewable energy and how social impacts may be managed

- Further discussion on cumulative impacts, including how it is being progressed, development of a common definition, focus on the vulnerability of species associated with oil and gas activities, the impact of the use of dispersants and long-term effects of marine pollution (e.g. bilge discharges)
- Potential involvement by a representative from DISER (as the policy agency) to hear the views of CERG members
- Understanding underwater acoustics and the zone of effect

Agenda Item 6 – Review and close out

The Chair asked if there were any further comments or items for feedback and whether additional members should be identified.

No further comments were raised and it was suggested a member with knowledge of cultural heritage matters would be beneficial.

The proposed date for the next meeting is the morning of **Tuesday 12 October 2021**. The agenda will be confirmed closer to the time.

The Chair thanked everyone for their participation and the meeting closed at 3pm.

Attachment 1

Attendees list

NOPSEMA representatives	
Stuart Smith, Chief Executive Officer (Chair)	In person
Cameron Grebe, Head of Environment Division	In person
Christine Lamont, Chief Environmental Scientist (Agenda Item 5 only)	In person
David Christensen, Manager Decommissioning (Agenda Item 5 only)	In person
Community representatives	
Mr Daniel Marsh	Teleconference
Ms Jacqueline Hine	Teleconference
Ms Kirsten Rough	Teleconference
Ms Ruby Hamilton	Teleconference
Ms Robyn Glindemann	Teleconference
Dr Andrew Levings	Teleconference
Ms Jess Lerch	Teleconference
Mr Liam O'Connor	Teleconference
Apologies	
Nil	