

Friday, 24 March 2023

National Offshore Petroleum Safety and Environmental Management Authority
GPO Box 2568
PERTH WA 6001
Sent via email: feedback@nopsema.gov.au

Dear Sir/Madam,

Additional feedback on draft consultation guideline

NOPSEMA's draft guideline on "Consultation in the course of preparing an Environment Plan" was recently open for public comment. Greenpeace Australia Pacific contributed to a joint submission about this draft guideline which was lodged on 15/3/22.

However, we have just become aware of new information pertinent to the topic of 'relevant person' consultation and wish to bring the issue to your attention. We hope you will consider this information when finalising the draft guideline.

Previously, we would usually have had access to a version of an Environment Plan via the NOPSEMA website when engaging in 'relevant person' consultation with a proponent. However, under the revised guidelines, proponents must complete consultation before lodging the Environment Plan with NOPSEMA. Thus, the Environment Plan is now not publicly available until consultation has completed.

This approach is counter productive in that the draft guidelines encourage more robust consultation processes, but these are based on less information being provided to 'relevant persons'. Additionally, this approach is inefficient because it forces 'relevant persons' to reopen consultation with a proponent once the Environment Plan becomes publicly available during NOPSEMA's assessment.

We note that the basic information sheets generally prepared by proponents in the early stages of consultation only provide a bare bones overview of the proposed activities. This may be enough information to determine if a person or organisation should start to engage with the consultation process. However, it is certainly not enough information for a 'relevant person' to interrogate the proposed activities and mitigation measures to the degree required to determine the consequence of the activities on our functions, activities and interests.

Additionally, proponents are generally highly averse to sharing any additional information with 'relevant persons' such as ourselves and requests for copies of draft Environment Plans during the consultation process are usually refused.

We recommend that the draft guideline be amended to **place a greater emphasis on transparent sharing of information with 'relevant persons'**.

Additionally, it could be made clearer in the guideline that **the requirement to “give each relevant person sufficient information to allow the relevant person to make an informed assessment of the possible consequences of the activity on the functions, interests or activities of the relevant person”¹ be interpreted broadly.**

One way NOPSEMA could encourage greater sharing of information is to amend the draft guideline to stipulate that proponents should commence consultation with 'relevant persons' early in the development of an Environment Plan, **but once a draft Environment Plan has been prepared, it must be shared with 'relevant persons' for further consultation before being submitted to NOPSEMA for assessment.**

Thank you for your consideration. If you require any further information, please do not hesitate to contact me at [REDACTED] or Greenpeace's [REDACTED]. Thank you for your assistance.

Your faithfully,

[REDACTED]

[REDACTED]

Greenpeace Australia Pacific

¹ As per reg 11A (2) of the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations* 2009.