Department of Industry, Science & Resources (DISR)
6 March 2024

By email: EnvironmentalReview@industry.gov.au

Dear DISR,

Submission in response to Clarifying consultation requirements for offshore petroleum and greenhouse gas storage regulatory approvals.

The Business Council for Sustainable Development Australia (**BCSD Australia**) welcomes the opportunity to make this submission to the Department of Industry, Science and Resources consultation paper on the consultation process for offshore resources activities in Commonwealth waters, seeking feedback on how the consultation process can be clarified and streamlined to improve outcomes.

BCSD Australia is a CEO-led organization comprising over 70 Australian businesses and non-governmental entities dedicated to fostering a sustainable world. As the Australian partner of the World Business Council for Sustainable Development (WBCSD), with over 240 leading international companies and over 6000 companies in the Member Networks, as well as the designated focal point for the Natural Capital Coalition since 2018, BCSD Australia represents leading Australian business, government agency, NGO and philanthropic constituency committed to integrating sustainability into their core practices, demonstrating a history of impactful actions towards system transformation in sustainable development.

We appreciate the time and effort that will be taken to review our submission on this important matter. We look forward to working with the Australian Government on these reforms and look forward to continued engagement in subsequent stages of the policy development process. If appropriate we would also welcome the opportunity to speak directly on these points at the appropriate time.

Strategic Considerations for BCSD Australia

- **Engagement Strategy**: Develop a comprehensive response that aligns with sustainable development principles and the interests of BCSD Australia members.
- **Stakeholder Collaboration**: Collaborate with relevant stakeholders, including environmental groups and industry bodies, to present a unified perspective.
- **Cultural Sensitivity**: Ensure that the response respects and incorporates the perspectives of Traditional Owners and First Nations communities.
- **Data-Driven Approach**: Utilize relevant data and case studies to support the submission, emphasizing the benefits of sustainable practices in offshore activities.
- **Long-Term Perspective**: Consider the implications of these regulations on sustainable development goals and the offshore industry's future.

Yours faithfully,

Andrew Petersen
CEO I **Business Council for Sustainable Development Australia**
World Business Council for Sustainable Development Australian Partner
0412 545 994 I andrew.petersen@bcsda.org.au

Summary of BCSD Australia Feedback

The primary objective of this submission is to offer comprehensive feedback on the current regulations, processes, and procedures related to stakeholder **engagement, consultation, and communication**. This feedback encompasses a multi-tiered analysis at the strategic, regulatory, and procedural levels, aiming to identify potential **ambiguities**, assess the **quality and accessibility of the information provided**, and evaluate the **effectiveness of the existing processes and procedures**.
The document includes:

1. Implications for the 2030 Agenda for Sustainable Development
2. WBCSD actions on related issues
3. Some important considerations for relevant regulations in *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023*
4. Responses to broad and specific consultation questions along with global best practices and case studies on (environment related) public consultation processes and procedures.

Implications for the 2030 Agenda for Sustainable Development

The topic of offshore petroleum and greenhouse gas storage, particularly in the context of environmental consultation and regulation, intersects with several Sustainable Development Goals (SDGs). The most relevant SDGs and their associated targets are given below:

SDG 7: Affordable and Clean Energy
- **Target 7.2**: Increase substantially the share of renewable energy in the global energy mix.
- **Target 7.3**: Double the global rate of improvement in energy efficiency.
- **Relevance**: The regulation of offshore petroleum activities impacts the transition to cleaner energy sources and the efficiency of energy use.

SDG 8: Decent Work and Economic Growth
- **Target 8.4**: Improve global resource efficiency in consumption and production.
- **Relevance**: Sustainable management of natural resources, including offshore petroleum, is crucial for economic growth that is both inclusive and environmentally sustainable.

SDG 9: Industry, Innovation, and Infrastructure
- **Target 9.4**: Upgrade infrastructure and retrofit industries to make them sustainable.
- **Relevance**: This involves developing sustainable and resilient infrastructure for offshore petroleum and greenhouse gas storage.

SDG 12: Responsible Consumption and Production
- **Target 12.2**: Achieve the sustainable management and efficient use of natural resources.
- **Target 12.4**: Achieve the environmentally sound management of chemicals and all wastes.
- **Relevance**: Ensuring that offshore petroleum activities are conducted responsibly and sustainably aligns with these goals.

SDG 13: Climate Action
- **Target 13.1**: Strengthen resilience and adaptive capacity to climate-related hazards and natural disasters.
- **Target 13.2**: Integrate climate change measures into national policies, strategies, and planning.

- **Relevance**: Offshore petroleum and greenhouse gas storage activities have direct implications for climate change mitigation and adaptation.

SDG 14: Life Below Water
- **Target 14.1**: Prevent and significantly reduce marine pollution of all kinds.
- **Target 14.2**: Sustainably manage and protect marine and coastal ecosystems.
- Relevance: The environmental impact of offshore activities on marine ecosystems is a critical consideration.

SDG 15: Life on Land
- **Target 15.1**: Ensure the conservation, restoration, and sustainable use of terrestrial and inland freshwater ecosystems.
- **Relevance**: While focused on offshore activities, the impacts can extend to coastal and land ecosystems.

SDG 16: Peace, Justice, and Strong Institutions
- **Target 16.6**: Develop effective, accountable, and transparent institutions.
- **Relevance**: Effective regulation of offshore activities requires strong and transparent institutions.

SDG 17: Partnerships for the Goals
- **Target 17.16**: Enhance the Global Partnership for Sustainable Development.
- **Relevance**: Collaboration between governments, NGOs, and businesses is essential for sustainable management of offshore resources.

WBCSD actions on related issues

WBCSD's Accelerating action: An SDG Roadmap for the oil and gas sector (The Roadmap)

A significant initiative spearheaded by IPIECA, the global oil and gas industry association for environmental and social performance, in partnership with the World Business Council for Sustainable Development (WBCSD). The Roadmap has been developed to align the oil and gas industry with the United Nations Sustainable Development Goals (SDGs), particularly as the world approaches the 2030 deadline for these goals.

The Roadmap recognizes the critical need for concerted action and coordinated solutions, especially in light of challenges such as the COVID-19 pandemic, which has reversed progress on many of the SDGs. It presents a shared vision for transformational action in the oil and gas industry, aiming to foster cross-sector partnerships and alliances to achieve the SDGs.

Key aspects of the Roadmap include over 90 actions, mapped against SDG targets, that go beyond typical business practices. These actions aim to catalyse the realization of the SDGs. The document highlights the oil and gas industry's potential to contribute to all 17 SDGs, with a particular focus on 10 SDGs where the industry can have the most significant impact. This is done through driving innovations in operations and across the supply chain.

The Roadmap also emphasizes the importance of collaborative efforts within and beyond the oil and gas sector to achieve the SDGs. This includes building strong partnerships and facilitating relationships with inter-governmental organizations, non-governmental organizations, academia, and other stakeholders.

Major oil and gas companies have expressed their support for the Roadmap, acknowledging the necessity of sustainability actions and the role of collaboration in achieving the SDGs. These companies include bp, ExxonMobil, Repsol, Shell, TotalEnergies, and Wintershall Dea, each emphasizing their commitment to sustainability and the alignment of their operations and strategies with the SDGs.

Overall, the Roadmap serves as a strategic guide for the oil and gas sector, outlining actions and partnerships needed to contribute effectively to the Sustainable Development Goals by 2030.

Some important considerations for relevant regulations in Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023

Given the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023* underpin the existing consultation requirements for offshore petroleum and greenhouse gas storage regulatory approvals, a detailed analysis of the regulations specifically relevant to stakeholder engagement, consultation and communication is crucial to identify strengths and opportunities for improvement for currently establishes processes and procedures.

Regulation 23 - Consultation with relevant persons before preparing an environment plan

Strengths:
- **Inclusivity**: By mandating consultation with a broad range of stakeholders, including government agencies, Indigenous communities, and other interested parties, the regulation ensures a diverse range of perspectives are considered. This inclusivity is crucial for identifying and addressing potential environmental and social impacts comprehensively.
- **Iterative Feedback Loop**: The requirement for titleholders to respond in writing to submissions or information received from stakeholders establishes an iterative feedback loop. This process ensures that stakeholder concerns are not just heard but actively considered and addressed, fostering greater accountability.
- **Documentation and Record-Keeping**: The emphasis on documenting the consultation process and keeping records of all submissions and responses enhances transparency and accountability. It allows for a traceable record of how stakeholder input has influenced the environment plan.

Considerations:
- **Definition and Identification of 'Relevant Persons'**: While the regulation mandates consultation with "relevant persons," the criteria for identifying these stakeholders could be more explicit. Ambiguities in defining who qualifies as a "relevant person" may lead to inconsistencies in stakeholder engagement.
- **Quality and Accessibility of Information Provided**: The regulation could be more explicit about the standards for the information provided to stakeholders during the consultation process. Ensuring that information is accessible and understandable to non-experts is crucial for meaningful engagement.
- **Evaluation of Consultation Effectiveness**: While the regulation requires documentation of the consultation process, there is an opportunity to introduce mechanisms for evaluating the effectiveness of stakeholder consultations. This could include criteria or benchmarks to assess whether stakeholder feedback has been adequately considered and integrated.

Opportunities for enhancement
- **Clarify Criteria for Stakeholder Identification**: Introduce clear guidelines or criteria for identifying "relevant persons" to ensure a comprehensive and consistent approach to stakeholder engagement across different projects.
- **Standardize Information Disclosure**: Establish standardized guidelines for the type, format, and accessibility of information to be shared with stakeholders during the consultation process. This could include requirements for plain language summaries and the use of visual aids.
- **Introduce Consultation Effectiveness Evaluation**: Implement a framework for evaluating the effectiveness of consultations, including feedback mechanisms for stakeholders to assess how their input has been considered and integrated into the environment plan.
- **Leverage Digital Engagement Tools**: Encourage the use of digital platforms for consultation to enhance accessibility and engagement, especially for stakeholders who may not be able to participate in traditional in-person meetings.
- **Enhance Engagement with Indigenous Communities**: Adopt specific protocols for engaging with Indigenous communities that recognize and respect their unique rights, interests, and connection to land and sea. This could involve tailored consultation processes that align with Indigenous cultural practices and protocols.

Regulation 26 - Public notification of environment plans

Strengths:
- **Public Engagement**: The regulation facilitates public engagement in environmental decision-making, allowing stakeholders to provide input on environment plans. This engagement is vital for incorporating diverse perspectives and enhancing the legitimacy of decisions made.
- **Transparency**: By requiring the publication of environment plans and decisions on NOPSEMA's website, the regulation promotes transparency. This openness helps build trust between the industry, regulatory bodies, and the public.
- **Structured Process**: The regulation provides a structured process for public notification, comment, and regulatory decision-making. This structure ensures that there are clear steps for both titleholders and the public to follow, contributing to the efficiency of the process.

Considerations:
- **Accessibility and Awareness**: While the regulation mandates public notification, it may not sufficiently ensure that all interested or affected parties are aware of or can easily access the environment plans. The effectiveness of public engagement depends on stakeholders being well-informed and able to participate.
- **Length of Public Comment Period**: The 30-day public comment period may not be adequate for all stakeholders to review, understand, and respond to complex environment plans, especially for those with significant potential impacts or for projects requiring detailed technical understanding.

- **Consideration of Public Comments**: The regulation requires NOPSEMA to consider public comments, but it could provide more detail on how these comments influence decision-making. There's an opportunity to enhance the transparency and accountability of how public input is integrated into the approval process.

Opportunities for enhancement
- **Enhance Accessibility and Awareness**: Implement broader outreach strategies to ensure stakeholders are aware of environment plans open for comment. This could include notifications through social media, local news outlets, and community meetings, especially in regions potentially affected by the offshore activities.
- **Extend the Public Comment Period**: Consider extending the public comment period for complex projects or those with significant potential environmental impacts. This extension would allow more time for thorough review and meaningful stakeholder input.
- **Detailed Feedback Loop**: Introduce requirements for NOPSEMA and titleholders to provide detailed responses to public comments, explaining how the input has influenced the decision-making process or the final environment plan. This feedback loop should be transparent and accessible to all stakeholders.
- **Public Workshops and Information Sessions**: Encourage or require titleholders to conduct public workshops or information sessions as part of the public comment process. These sessions can help clarify the contents of environment plans and address stakeholder questions directly, fostering a more informed public discourse.
- **Digital Engagement Platforms**: Leverage digital platforms to facilitate easier access to environment plans and submission of public comments. These platforms can offer interactive features, such as Q&A sections, forums for discussion, and the ability to upload multimedia comments, making the consultation process more engaging and accessible.
- **Monitoring and Reporting on Public Engagement**: Require NOPSEMA to monitor and report on the effectiveness of public engagement processes, including metrics on the number of comments received, the nature of stakeholder concerns, and how these concerns have been addressed in the regulatory process.

Regulation 27 - Public comment period on environment plans

Strengths:
- **Public Participation**: By mandating a public comment period, the regulation ensures that stakeholders, including local communities, environmental groups, and other interested parties, have an opportunity to participate in the decision-making process. This inclusivity is essential for democratic governance and environmental stewardship.
- **Transparency in Regulatory Process**: The requirement for NOPSEMA to publish environment plans and decisions enhances the transparency of the regulatory process. Making this information publicly accessible allows stakeholders to understand the basis of regulatory decisions and the environmental considerations of proposed activities.
- **Consideration of Public Input**: The obligation for NOPSEMA to consider public submissions in its decision-making process acknowledges the value of stakeholder insights and concerns, potentially leading to more informed and robust environmental management decisions.

Considerations:
- **Accessibility and Engagement**: While the regulation provides for public comments, it may not sufficiently address the accessibility of the information for all stakeholders, particularly those with limited internet access or those who are not proficient in technical language.
- **Effectiveness of Public Input**: The regulation could be more explicit about how public submissions influence NOPSEMA's decisions. There is an opportunity to enhance the accountability of the process by detailing how stakeholder concerns are integrated into the final approval or rejection of environment plans.
- **Timing and Adequacy of Public Comment Period**: The fixed 30-day comment period may not be adequate for comprehensive review and meaningful engagement by all stakeholders, especially for complex projects with significant environmental implications.

Opportunities for enhancement
- **Enhanced Accessibility and Outreach**: Improve the accessibility of environment plans by offering summaries in plain language and providing translations for Indigenous and non-English speaking communities. Increase outreach through public meetings, informational sessions, and use of local media to ensure wider awareness and engagement.
- **Transparent Feedback Mechanism**: Implement a transparent feedback mechanism detailing how public comments are considered in the decision-making process. This could include publishing responses to common concerns and explaining how significant issues raised by stakeholders have influenced the approval or modification of environment plans.
- **Extended Comment Period for Complex Projects**: Allow for the extension of the public comment period based on the complexity of the project or the level of public interest. This flexibility ensures that stakeholders have sufficient time to review and provide meaningful input on environment plans.

- **Proactive Stakeholder Consultation**: Encourage or require titleholders to engage in proactive stakeholder consultation before submitting environment plans to NOPSEMA. This early engagement can help address potential concerns and improve the quality of environment plans prior to the formal public comment period.
- **Regular Updates and Communication**: NOPSEMA should provide regular updates on the status of environment plans under review, including interim decisions, requests for additional information, and final decisions. This ongoing communication can help maintain stakeholder interest and involvement throughout the regulatory process.
- **Stakeholder Workshops and Feedback Sessions**: Organize stakeholder workshops and feedback sessions after the public comment period to discuss common concerns and how they have been addressed. This approach fosters a deeper understanding of regulatory decisions and promotes trust in the regulatory process.

Regulation 28 - Consideration of public comments on environment plans

Strengths:
- **Inclusivity and Responsiveness**: Regulation 28 institutionalizes a process where public input is not only sought but required to be considered, ensuring that environmental decision-making is responsive to community concerns and insights.
- **Transparency**: By mandating written notice to titleholders about the decision-making process and the publication of decisions, this regulation promotes transparency in how environmental plans are evaluated and approved.

Considerations:
- **Public Comment Influence**: While the regulation mandates the consideration of public comments, it lacks explicit guidelines on how these comments should influence the decision-making process. This can lead to a lack of clarity about the weight and impact of public input on regulatory outcomes.
- **Accessibility of Information**: The provision to protect sensitive information is crucial; however, ensuring that the public has access to enough information to make meaningful comments is equally important. The balance between protecting sensitive information and providing transparency can be challenging to achieve.
- **Timeliness and Efficiency**: The requirement for NOPSEMA to request modified plans and await resubmission can potentially introduce delays in the approval process, affecting the timeliness of environmental management actions.

Opportunities for enhancement:
- **Clarify the Impact of Public Comments**: Develop clear guidelines that outline how public comments should be integrated into the decision-making process. This could include criteria or a scoring system to assess the relevance and impact of comments on environmental plans.
- **Enhance Information Accessibility**: Implement standards for the non-sensitive summary of environmental plans that can be easily understood by the general public, ensuring stakeholders can provide informed comments.
- **Streamline the Modification Request Process**: Introduce a more streamlined process for requesting and reviewing modified plans, possibly through preliminary consultations with titleholders before formal resubmission. This could reduce the time required to address concerns raised during the public comment period.
- **Protecting Sensitive Information While Ensuring Transparency**: Adopt a dual approach where sensitive information is protected, but comprehensive non-sensitive summaries are made available to the public. This could involve workshops or information sessions to explain the environmental implications of projects without disclosing sensitive details.
- **Regular Review and Adaptation of the Regulation**: Establish a regular review mechanism for Regulation 28 to adapt to evolving environmental management practices and stakeholder engagement technologies. This ensures the regulation remains effective and reflective of current best practices.

Regulation 29 - Amendment of environment plans following public comment

Strengths:
- **Stakeholder Engagement**: By incorporating a secondary public comment period specifically for proposed amendments, the regulation ensures continued stakeholder engagement throughout the lifecycle of an environment plan. This iterative consultation process is crucial for maintaining transparency and public trust.
- **Responsiveness to Public Input**: The requirement for titleholders to justify amendments and demonstrate how they address public comments emphasizes the importance of stakeholder feedback in shaping environmental management strategies. This responsiveness is fundamental to adaptive environmental governance.

- **Public Accountability**: The obligation for NOPSEMA to publish decisions, along with rationales considering public comments, enhances the accountability of both NOPSEMA and titleholders to the broader community and interested parties.

Considerations:
- **Clarity and Accessibility of Information**: The effectiveness of public consultation can be hindered by the accessibility and understandability of information provided about proposed amendments. Technical jargon and complex documentation may limit the ability of the general public to engage meaningfully.
- **Timeliness of the Amendment Process**: The timeframes involved in submitting, consulting on, and approving amendments can potentially delay the implementation of necessary changes, affecting the environmental performance of offshore activities.
- **Scope of Public Comments Considered**: While the regulation mandates consideration of public comments, there could be more explicit guidance on how these inputs are weighted against technical and commercial considerations in the decision-making process.

Opportunities for enhancement:
- **Enhance Accessibility of Information**: Implement standards for simplifying and summarizing information related to environment plan amendments for public consultation. Utilize visual aids, infographics, and plain language summaries to make technical information more accessible.
- **Streamline the Amendment Process**: Review and potentially streamline the amendment process to ensure that necessary environmental protections can be implemented more swiftly without compromising the thoroughness of stakeholder consultation.
- **Expand Public Education Efforts**: Engage in public education initiatives to enhance understanding of the offshore petroleum regulatory process, including the significance of environment plan amendments and how the public can effectively contribute to the process.
- **Digital Engagement Platforms**: Utilize digital platforms for disseminating information about proposed amendments and collecting public comments. These platforms can offer broader accessibility and facilitate easier participation from a wider audience.
- **Detailed Feedback Loop**: Provide detailed feedback on how public comments have influenced the decision-making process regarding amendments. This could include publishing responses to common themes or concerns raised during the consultation period.
- **Monitoring and Reporting**: Introduce requirements for monitoring and reporting on the environmental outcomes of implemented amendments. This can help assess the effectiveness of the amendment process and the responsiveness of environment plans to stakeholder concerns.
- **Stakeholder Workshops**: Conduct workshops or public meetings to discuss significant amendments, offering a more interactive forum for stakeholder engagement and clarification of complex issues.

Regulation 30 - Review of environment plans

Strengths:
- Encourages continuous improvement of environment plans by allowing for their review and necessary revision.
- Enhances regulatory oversight by requiring compliance with the regulator's feedback, ensuring environment plans remain aligned with current environmental standards and public concerns.

Considerations:
- The process could benefit from explicit provisions for broader stakeholder engagement in the review process, ensuring that a wider array of concerns is considered.
- Clarity on the timeframe for the review process and the submission of revised plans could be improved to ensure timely compliance and environmental protection.

Regulation 31 - Suspension or cancellation of environment plans

Strengths:
- Provides a mechanism to address non-compliance or significant changes in activities, safeguarding environmental integrity.
- The requirement for written notice and public publication of suspension or cancellation decisions ensures transparency.

Considerations:
- Could include provisions for stakeholder notification beyond website publication, especially for communities directly impacted by offshore activities.

- Mechanisms for stakeholder input or appeals in the suspension or cancellation process could enhance fairness and transparency.

Regulation 32 - Review of decisions on environment plans

Strengths:
- Offers a pathway for reconsideration of regulatory decisions, allowing for the incorporation of new information or addressing oversights.
- Ensures that the review process is inclusive by considering inputs from titleholders, third parties, and the regulator.

Considerations:
- The regulation could benefit from clear guidelines on the scope and process of stakeholder involvement in decision reviews.
- Transparency around the criteria and process for considering new information during reviews could be enhanced.

Regulation 33 - Publication of decisions on environment plans

Strengths:
- Promotes accountability and transparency by mandating the publication of decisions and the consideration of public comments.
- Facilitates public access to decision-making outcomes, enhancing trust in the regulatory process.

Considerations:
- The publication could include more detailed explanations of how specific public comments influenced decision-making.
- Accessibility and visibility of published decisions could be improved, ensuring they reach a broader audience.

Opportunities for enhancement for Regulations 30-33

- **Stakeholder Engagement in Review Processes**: Introduce explicit requirements for stakeholder consultation during the review, suspension, or cancellation of environment plans. This could include public meetings, workshops, or digital platforms for broader participation.
- **Clear Communication Channels**: Establish dedicated channels for stakeholders to submit feedback or appeals against decisions on environment plans, ensuring their voices are considered in regulatory processes.
- **Enhanced Publication Practices**: Beyond website publication, utilize social media, local news outlets, and community bulletin boards to announce decisions and ensure they reach affected communities and interested parties.
- **Transparency in Decision-Making**: Provide detailed rationales for decisions, especially how public comments and new information have influenced regulatory outcomes. This could include publishing summaries of stakeholder feedback and regulatory responses.
- **Accessibility of Information**: Ensure that all published materials are accessible, including through the use of plain language, translations into relevant languages, and accessible digital formats to accommodate diverse stakeholders.

Responses to Consultation Questions

Introduction
BCSDA Response
The introduction highlights the critical role of consultation in the environmental management of offshore resources activities under the Offshore Petroleum and Greenhouse Gas Storage Act 2006 and the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023. The emphasis on consultation reflects a commitment to inclusive decision-making and acknowledges the diverse stakeholders impacted by offshore activities, including local communities, Traditional Owners, and First Nations communities. Recent court decisions have indeed brought to light the need for clearer guidelines on consultation processes. The variability in consultation practices among titleholders indicates a gap between the regulatory expectations and the industry's execution of these requirements. This gap can lead to inconsistencies in how impacted communities and stakeholders are engaged, potentially undermining the effectiveness of the consultation process. The Australian Government's initiative to seek feedback for improving the clarity of these requirements is a positive step towards ensuring that all parties involved in offshore resources activities are adequately consulted. This approach aligns with global best practices in stakeholder engagement and environmental governance.

BCSDA Recommendation

1. **Develop Standardized Consultation Framework**: BCSD Australia recommends the development of a standardized consultation framework that outlines clear, actionable steps for titleholders. This framework should include specific guidelines on how to engage with different stakeholder groups, particularly with First Nations people and communities, ensuring cultural sensitivity and inclusivity.
2. **Incorporate Best Practices from Other Jurisdictions**: Drawing on successful consultation models from other countries with robust offshore resource management, such as Norway or Canada, could provide valuable insights. For instance, Norway's approach to stakeholder engagement in offshore activities is often cited for its effectiveness and inclusivity (Norwegian Petroleum Directorate).
3. **Enhance Transparency and Accountability**: Implementing mechanisms for transparency and accountability in the consultation process is crucial. This could involve public reporting on consultation activities and outcomes, allowing for greater scrutiny and community trust.
4. **Facilitate Stakeholder Capacity Building**: Support initiatives that enhance the capacity of local communities and stakeholders to participate meaningfully in consultations. This could include educational programs, workshops, and resources to help stakeholders understand the implications of offshore activities and articulate their concerns effectively.
5. **Leverage Digital Platforms for Broader Engagement**: Utilize digital platforms to facilitate broader and more inclusive consultation processes. This approach can reach a wider audience and offer more flexible engagement opportunities, especially important during times of restricted physical gatherings.

Offshore Environment Management Review

BCSDA Response

The Offshore Environment Management Review, as part of the broader review of Australia's offshore environmental management framework, is a timely and necessary initiative. The last comprehensive review in 2013, and the evolving context of a decarbonizing economy, necessitates this re-evaluation. The focus on ensuring that the framework is fit for a decarbonizing economy, aligns with best practices, and is consistent with national and international obligations, including emissions reduction and marine pollution prevention, is commendable.

The integration of the Offshore Environment Regulations with the Nature Positive Plan and the emphasis on First Nations engagement and community consultation are particularly noteworthy. These steps are crucial in ensuring that the offshore environmental management framework not only addresses environmental concerns but also respects cultural heritage and community rights.

The staged approach over three years, with an early focus on clarifying consultation requirements, is a strategic way to address immediate ambiguities while allowing for comprehensive reforms aligned with upcoming national environmental laws.

BCSDA Recommendation

1. Incorporate International Best Practices: As the review progresses, it would be beneficial to incorporate international best practices in offshore environmental management. For example, the European Union's approach under the Marine Strategy Framework Directive (EU MSFD) offers insights into sustainable marine management.
2. Strengthen Emissions Reduction Targets: Align the offshore environmental management framework with ambitious emissions reduction targets. This alignment should be in accordance with the Paris Agreement and Australia's commitments to reduce greenhouse gas emissions.
3. Enhance Stakeholder Engagement: Develop a comprehensive stakeholder engagement strategy that includes not only consultation but also active participation of communities, especially First Nations, in decision-making processes. The IFC's Performance Standards on Environmental and Social Sustainability (IFC Performance Standards) provide a framework for effective stakeholder engagement.
4. Integrate Technology and Innovation: Encourage the integration of technological innovations in environmental monitoring and management of offshore activities. This could include the use of remote sensing, AI, and blockchain for real-time monitoring and compliance verification.
5. Promote Transparency and Accountability: Establish clear mechanisms for transparency and accountability in the implementation of the offshore environmental management framework. This could involve public reporting, independent audits, and the establishment of an oversight body.
6. Align with Sustainable Development Goals (SDGs): Ensure that the review and subsequent reforms align with relevant SDGs, particularly SDG 14 (Life Below Water) and SDG 13 (Climate Action), to promote sustainable and responsible offshore resource management.

Consultation on offshore petroleum and greenhouse gas storage activities

BCSDA Response

The consultation process for offshore resources activities, as outlined in the current framework, plays a crucial role in balancing the interests of the offshore resources industry and the communities potentially affected by these activities. The process is designed to build relationships, ensure transparency, and consider the environmental, social, and cultural impacts of proposed activities. The requirement for an Offshore Project Proposal (OPP) and an environment plan, which includes a

public comment period and detailed evaluation of environmental impacts and risks, is a robust approach to ensure responsible environmental management.

However, there is room for improvement, particularly in clarifying the consultation requirements and ensuring that the consultation process is effectively targeted and culturally sensitive, especially concerning Traditional Owners and First Nations communities. The current framework, while comprehensive, may benefit from more explicit guidelines that ensure all stakeholders, including those most vulnerable and impacted, have a meaningful voice in the process.

BCSDA Recommendation
1. Enhance Clarity in Consultation Requirements: Develop clear, detailed guidelines on the consultation process, outlining specific steps and methodologies to be followed by titleholders. This could include templates or checklists to ensure consistency and comprehensiveness in consultations.
2. Targeted and Culturally Sensitive Consultation: Implement strategies to ensure consultations are culturally sensitive and appropriately targeted. This could involve training programs for titleholders on cultural competence, particularly in engaging with First Nations communities. The use of local liaison officers or community representatives could facilitate more effective communication and understanding.
3. Leverage Digital Tools for Broader Engagement: Utilize digital platforms to extend the reach of the consultation process, allowing for broader community participation. This approach can be particularly effective in reaching remote or marginalized communities.
4. Regular Review and Feedback Mechanisms: Establish regular review processes and feedback mechanisms to continually assess and improve the consultation process. This could involve annual surveys or forums with stakeholders to gather insights and suggestions for improvement.
5. Case Studies and Best Practices: Draw on successful case studies from other jurisdictions or industries where consultation processes have been effective. For instance, the approach used in the Norwegian offshore sector, known for its stakeholder engagement and environmental stewardship, could offer valuable insights (Norwegian Environment Agency) (also: https://www.sciencedirect.com/science/article/pii/S2214629623003948).
6. Strengthening Community Engagement: Encourage proactive engagement strategies where communities are not just consulted but are active participants in the decision-making process. This could involve community advisory panels or joint management committees.

Overarching Question 1	*How can Australia's Offshore Environment Regulations ensure targeted, effective, meaningful, and genuine consultation occurs, including culturally appropriate consultation with Traditional Owners and First Nations communities?*

BCSDA Response
To ensure targeted, effective, meaningful, and genuine consultation, including culturally appropriate engagement with Traditional Owners and First Nations communities, Australia's Offshore Environment Regulations need to incorporate specific, actionable guidelines. These guidelines should detail the processes for identifying stakeholders, conducting consultations, and integrating feedback into environmental management plans. Emphasizing cultural sensitivity and inclusivity is crucial, especially in engagements with Indigenous communities.

Ensuring targeted, effective, meaningful, and genuine consultation within Australia's Offshore Environment Regulations, especially in a manner that includes culturally appropriate consultation with Traditional Owners and First Nations communities, requires a holistic approach. This approach should integrate regulatory mandates with best practices in stakeholder engagement and Indigenous consultation. This can be achieved by considering following points.

Recommendations	Regulatory Considerations	Best Practices/Case Studies
Clear Definition and Identification of Stakeholders Stakeholder Mapping Tools: Utilize stakeholder mapping tools to identify relevant persons or organizations, considering the social, economic, and environmental impacts of the proposed activities.	Amend regulations to provide a clear definition of "relevant persons", specifically including Traditional Owners and First Nations communities as key stakeholders. This should be accompanied by guidelines for systematically identifying stakeholders affected by offshore activities.	Adopt a stakeholder mapping strategy similar to *Canada's duty to consult framework*, which clearly identifies Indigenous communities as essential stakeholders in environmental assessments and resource development projects.
Inclusive and Accessible Consultation Processes Develop Comprehensive Consultation Guidelines: Create	Regulations should mandate the use of diverse consultation methods to accommodate different preferences and needs, including in-person meetings,	Look to New Zealand's consultation processes under the *Resource Management Act*, which incorporate Māori perspectives through hui (meetings) and the use of Māori language, ensuring consultations are culturally resonant.

detailed guidelines that outline the steps for conducting effective consultations. These should include methodologies for stakeholder identification, engagement strategies, and feedback integration.	digital platforms, and culturally specific gatherings.	
Incorporation of Traditional Ecological Knowledge Incorporate Indigenous Knowledge: Recognize and integrate Indigenous knowledge and perspectives in environmental planning and decision-making.	Require that environment plans explicitly consider and integrate Traditional Ecological Knowledge (TEK) in the assessment of environmental impacts and mitigation strategies.	The co-management approach in **Australia's Indigenous Protected Areas (IPAs)** demonstrates how Indigenous knowledge can guide environmental management practices effectively.
Transparent and Iterative Feedback Mechanisms	Implement mechanisms within the regulations for ongoing feedback throughout the project lifecycle, ensuring that stakeholder input, especially from Traditional Owners and First Nations communities, is continuously sought and integrated.	The **United States' NEPA process** includes public comment periods and requires federal agencies to respond to comments, ensuring transparency and ongoing dialogue.
Capacity Building and Support Cultural Competence Training: Provide cultural competence training for titleholders to ensure respectful and meaningful engagement with Traditional Owners and First Nations communities.	Provide resources and support for stakeholders, particularly Traditional Owners and First Nations communities, to participate meaningfully in consultations. This could include funding for independent environmental assessments or consultation facilitation.	The **Environmental Stewardship Program in Canada** offers financial and technical support to Indigenous communities for participation in environmental assessment processes, enhancing their capacity to engage effectively.
Cultural Sensitivity and Respect	Mandate culturally sensitive consultation practices, such as acknowledging the cultural significance of land and sea, respecting cultural protocols, and ensuring consultations are held in a manner and timing that respects Indigenous customs.	The use of **Indigenous Land Use Agreements (ILUAs) in Australia** provides a model for negotiating between developers and Traditional Owners, respecting cultural values and ensuring mutual benefits.
Monitoring, Evaluation, and Adaptive Management Regular Review and Adaptation: Establish a mechanism for the regular review and adaptation of consultation processes to ensure they remain effective and relevant.	Include provisions for the regular monitoring and evaluation of consultation processes, with adjustments made as needed to ensure they remain effective and responsive to stakeholder needs.	Adaptive management principles, as applied in the **Great Barrier Reef Marine Park Authority's approach**, emphasize the importance of learning and adapting based on environmental monitoring and stakeholder feedback.
Overarching Question 2	***How should titleholders best identify who is a relevant person or organisation for the purposes of consulting on a proposed offshore resources activity?***	
BCSDA Response Identifying who qualifies as a 'relevant person or organization' for consultation purposes is a critical aspect of the regulatory process. This identification should be comprehensive, considering all potential stakeholders who might be impacted by the offshore resources' activity, including environmental, social, and economic aspects.		

The process outlined by NOPSEMA for identifying relevant stakeholders for consultation on offshore petroleum activities underscores the importance of inclusive, comprehensive, and transparent stakeholder engagement. Some important considerations for the current processes and suggestions for improvement, including case-study references are given below.

Current Processes	Recommendations	Best Practices/Case Studies
Broad Definition of 'Relevant Persons': While inclusive, the broad definition may lead to ambiguity in identifying stakeholders, potentially overlooking groups indirectly impacted by offshore activities.	**Systematic Stakeholder Mapping**: Implement a systematic stakeholder mapping process at the start of each project to identify relevant persons or organizations comprehensively. This should include direct and indirect stakeholders, with special attention to marginalized groups and Traditional Owners. **Continuous and Adaptive Engagement Process**: Establish an ongoing engagement process that allows for continuous feedback and adaptation of the stakeholder engagement strategy based on emerging issues and stakeholder feedback. Broad Stakeholder Identification: Adopt a broad approach to stakeholder identification, considering direct and indirect impacts. This should include local communities, environmental groups, industry bodies, and other marine users.	The stakeholder mapping methodology used in the development of the *Great Barrier Reef Long-Term Sustainability Plan* involved extensive stakeholder identification across multiple sectors, ensuring a broad range of interests were considered. The adaptive management approach in the management of the **Murray-Darling Basin** emphasizes continuous stakeholder engagement and responsiveness to feedback.
Reliance on Titleholder Discretion: The process heavily relies on titleholders' judgment to identify relevant stakeholders, which could result in inconsistencies and biases, potentially excluding important voices, particularly those of marginalized communities or smaller interest groups.	**Independent Verification of Stakeholder Identification**: Introduce a requirement for independent verification of the stakeholder identification process to minimize biases and ensure no relevant group is overlooked. Leverage Local Networks and Organizations: Engage with local community networks and organizations to help identify relevant stakeholders, especially in regions with diverse or dispersed populations. Transparent Criteria for Stakeholder Identification: Establish and publish clear criteria for determining who qualifies as a relevant person or organization, ensuring transparency in the consultation process.	In the **United States**, the **Environmental Protection Agency (EPA)** sometimes employs independent panels to review stakeholder engagement processes for significant environmental impact assessments.
Reactive Engagement with Missed Stakeholders: The mechanism for stakeholders to self-identify if they believe they have been missed places the burden of inclusion on	**Proactive and Culturally Sensitive Engagement Strategies**: Develop guidelines for proactive engagement strategies that are culturally sensitive and tailored to different stakeholder groups,	The *Sami Parliament in Norway* plays an active role in consultations regarding activities in the Sami territories, ensuring culturally appropriate engagement.

potentially marginalized or less resourceful parties, which could lead to their underrepresentation in the consultation process. Feedback Mechanism for Stakeholder Identification: Implement a feedback mechanism where stakeholders can self-identify or suggest other relevant parties for consultation	especially Traditional Owners and First Nations communities. This should include the use of appropriate languages, formats, and communication channels.	
Public Availability of Documents: While the publication of environment plans and associated documents is positive for transparency, there may be challenges in ensuring these documents are accessible and understandable to all stakeholders, including those with limited technical background Public Notices and Outreach: Use public notices and outreach programs to inform and invite potential stakeholders to participate in the consultation process.	**Enhanced Accessibility and Understandability of Information**: Require that all public documents related to environment plans be accompanied by summaries in plain language and, where applicable, in languages relevant to the affected communities. Employ visual aids and other accessible formats to cater to diverse audiences.	The *Canadian Environmental Assessment Agency* provides project summaries and key documents in both English and French, and when necessary, in Indigenous languages, to ensure broader accessibility.

Theme 1: Ensuring targeted and effective consultation

BCSDA Response

The current Offshore Environment Regulations' lack of specificity regarding the timing, location, and methods of consultation presents challenges in ensuring effective stakeholder engagement. Best practice consultation, as outlined, emphasizes clarity in intent, early engagement, comprehensive information sharing, and adequate time for stakeholders to contribute meaningfully. The need for targeted, culturally appropriate consultation methods is crucial, especially when engaging with diverse groups, including Traditional Owners and First Nations communities.

The government's consideration to add more detail to the existing requirements is a positive step towards enhancing the effectiveness of consultations. Clearer guidelines would aid both the industry and the community in understanding and fulfilling their roles in the consultation process, leading to more informed and sustainable environmental management decisions.

BCSDA Recommendation
1. Specify Consultation Parameters: Introduce specific parameters in the regulations regarding the timing, methods, and duration of consultations. This could include minimum timeframes for consultations and recommended communication channels.
2. Guidelines for Culturally Appropriate Consultation: Develop guidelines for culturally appropriate consultation, particularly with Indigenous communities. This should include protocols for engaging with Elders and respecting traditional knowledge.
3. Clear Information Dissemination Strategy: Establish a standardized approach for disseminating information about proposed activities, ensuring it is accessible and understandable to all stakeholders. This could involve using plain language summaries and visual aids.
4. Feedback and Iterative Process: Implement a feedback mechanism within the consultation process, allowing stakeholders to provide input on the consultation methods and the information provided. This should be an iterative process where feedback is used to improve ongoing and future consultations.
5. Case Studies and Training: Provide case studies and training modules to industry stakeholders on effective consultation practices. These resources could include examples of successful consultations from other jurisdictions or sectors.

6. Digital Engagement Platforms: Leverage digital platforms to facilitate broader stakeholder engagement, especially for remote or marginalized communities. This could include online forums, webinars, and interactive platforms for submitting feedback.
7. Monitoring and Evaluation: Introduce monitoring and evaluation mechanisms to assess the effectiveness of consultation processes. This could involve post-consultation surveys and independent audits.

How much information is enough?

BCSDA Response

The current Offshore Environment Regulations' use of terms like 'sufficient information' and 'a reasonable period' for consultation, while intended to offer flexibility, have led to variability in the quality and adequacy of information provided. This lack of specificity can hinder the ability of relevant persons to make informed assessments and participate meaningfully in the consultation process. Additionally, the uncertainty faced by titleholders in interpreting these terms can lead to inconsistencies in consultation practices, impacting the overall effectiveness of stakeholder engagement.

BCSDA Recommendation
1. Define 'Sufficient Information' and 'Reasonable Period': Introduce clear definitions or guidelines in the regulations for what constitutes 'sufficient information' and 'a reasonable period' for consultation. This could include minimum standards for the type and extent of information to be provided and a set timeframe for consultation periods.
2. Standardized Information Packages: Develop standardized information packages for consultations, ensuring that all relevant persons receive comprehensive, understandable, and consistent information. These packages should include summaries of the proposed activities, potential impacts, environmental management plans, and ways stakeholders can provide input.
3. Tailored Communication Strategies: Implement tailored communication strategies to address the diverse needs of different stakeholder groups. This could involve using various formats (e.g., written documents, visual presentations, community meetings) to ensure accessibility and comprehension.
4. Feedback Mechanism on Information Adequacy: Establish a feedback mechanism allowing stakeholders to request additional information or clarification during the consultation process. This ensures that the information provided truly enables stakeholders to make informed assessments.
5. Training for Titleholders: Provide training and resources to titleholders on effective communication and information dissemination. This training should cover how to present complex information in an accessible manner and how to engage with diverse stakeholder groups effectively.
6. Independent Review of Information Quality: Introduce an independent review process to assess the quality and adequacy of information provided by titleholders. This could help ensure that the information meets the required standards and truly supports meaningful consultation.
7. Clear Guidelines for Cultural Sensitivity: Offer specific guidelines for culturally sensitive information provision, especially when consulting with Traditional Owners and First Nations communities. This should include respecting cultural protocols and incorporating traditional knowledge where relevant.

How are different types of consultation recorded?

BCSDA Response

The requirement for a consultation report and a copy of responses in the environment plan is crucial for transparency and accountability. However, the prevalent use of verbal information sharing in consultations presents challenges in ensuring accurate and comprehensive documentation. The current text-based reporting requirement may not fully capture the nuances of verbal consultations, especially in culturally sensitive contexts or where sensitive information is shared. Additionally, the preference for verbal consultations by some stakeholders and the difficulty in obtaining consent to share certain information can complicate the process for titleholders.

BCSDA Recommendation
1. Verbal Consultation Documentation Protocol: Develop a clear protocol for documenting verbal consultations. This should include guidelines for creating written records of verbal exchanges, which should be verified and agreed upon by both parties to ensure accuracy and mutual understanding.
2. Flexibility in Reporting Formats: Introduce flexibility in the format of consultation reports to accommodate different preferences and needs. This could include options for audio or video recordings of consultations, with appropriate consent mechanisms in place.
3. Consent and Confidentiality Procedures: Establish clear procedures for obtaining consent to share information, particularly sensitive information, and for maintaining confidentiality where required. This should include guidelines on how to handle information that cannot be shared publicly.
4. Cultural Sensitivity Training: Provide cultural sensitivity training for titleholders to ensure respectful and effective communication during verbal consultations, particularly with Indigenous communities.

5. Independent Facilitators or Mediators: Consider the use of independent facilitators or mediators in consultations, especially in situations involving sensitive topics or cultural complexities. These facilitators can help ensure that the consultation process is fair, respectful, and accurately documented.
6. Feedback Mechanism for Consultation Process: Implement a feedback mechanism where relevant persons can provide input on the consultation process and the accuracy of the consultation records. This can help address any discrepancies or misunderstandings.
7. Guidelines for Handling Sensitive Information: Develop specific guidelines for handling sensitive information obtained during consultations, including protocols for anonymizing or aggregating data to protect individual or community confidentiality.

When is a consultation process considered 'complete'?

BCSDA Response

The requirement for titleholders to consult with relevant persons in the course of preparing an environment plan, and potentially during NOPSEMA's assessment process, underscores the dynamic nature of environmental planning. However, this ongoing consultation requirement can create uncertainty about when the consultation process is considered complete. The possibility of new information arising during NOPSEMA's assessment that necessitates resubmission of the environment plan adds complexity to the process, potentially leading to delays and challenges in finalizing plans.

BCSDA Recommendation
1. Clear Timeline and Milestones: Establish a clear timeline with defined milestones for the consultation process, including stages before submission to NOPSEMA and potential additional stages during NOPSEMA's assessment. This timeline should provide specific cut-off points for incorporating new information.
2. Guidelines for Additional Consultations: Develop guidelines for managing additional consultations that may arise during NOPSEMA's assessment. These guidelines should detail how to efficiently integrate new information into the environment plan without causing significant delays.
3. Communication Strategy with Stakeholders: Implement a communication strategy that keeps stakeholders informed about the status of the environment plan and any additional consultation needs. This strategy should ensure that stakeholders are aware of key dates and milestones.
4. Mechanism for Rapid Response: Create a mechanism for rapid response to new information received during the assessment process. This could involve a dedicated team or resources to assess and integrate new information promptly.
5. Feedback Loop with NOPSEMA: Establish a feedback loop with NOPSEMA to clarify expectations and requirements for additional consultations. This loop can help titleholders understand the implications of new information and the expected response.
6. Provision for Exceptional Circumstances: Include provisions in the regulations for exceptional circumstances where significant new information is received after the usual cut-off point. These provisions should outline the process for handling such situations to ensure that critical information is not overlooked.
7. Stakeholder Engagement Training: Provide training for titleholders on effective stakeholder engagement and management of consultation processes. This training should cover strategies for dealing with evolving information and dynamic consultation requirements.

Consultation Question 1	*What do you think works for offshore consultation processes and should be kept?*

BCSDA Response

Several aspects of the current offshore consultation processes are effective and should be retained:
1. Public Comment Periods: The inclusion of public comment periods in the consultation process is a key strength. It allows a broad range of stakeholders, including the general public, to provide input on offshore projects, enhancing transparency and community engagement.
2. Requirement for Environment Plans: The obligation for titleholders to prepare and submit comprehensive environment plans ensures that environmental impacts and risks are thoroughly assessed and addressed. This requirement fosters accountability and encourages thorough environmental stewardship.
3. Engagement with Traditional Owners and First Nations Communities: The specific focus on consulting with Traditional Owners and First Nations communities is crucial. It ensures that the rights and interests of Indigenous peoples are respected, and their knowledge and perspectives are integrated into environmental planning.
4. NOPSEMA's Role in Assessment and Oversight: NOPSEMA's role in assessing environment plans and overseeing the consultation process adds an essential layer of regulatory oversight, ensuring that industry practices align with environmental standards and regulations.

BCSDA Recommendation

- Enhance Existing Strengths: Continue to strengthen these aspects of the consultation process. This could involve extending public comment periods where necessary, providing additional resources and support for the development of environment plans, and deepening engagement with Indigenous communities.
- Regular Review and Updates: Regularly review and update these processes to ensure they remain effective and responsive to evolving environmental and social contexts. This could involve periodic stakeholder feedback surveys and environmental impact assessments.
- Increased Transparency and Reporting: Enhance transparency in the consultation process through regular public reporting on the outcomes of consultations and the status of environment plans. This could include publishing summaries of public comments and responses.
- Strengthen Stakeholder Engagement: Continue to build robust stakeholder engagement strategies, particularly with marginalized or hard-to-reach communities, to ensure diverse perspectives are captured in the consultation process.

Several key aspects of NOPSEMA's approach to offshore consultation processes are effectively contributing to sustainable environmental management and stakeholder engagement. These elements work well and should be retained or even enhanced:

NOPSEMA's existing frameworks and processes for offshore consultation have several strengths, notably in ensuring inclusivity, transparency, and continuous improvement. These practices facilitate meaningful engagement with all stakeholders, including communities, environmental groups, and industry participants, ensuring their voices are considered in regulatory decisions. Maintaining and enhancing these aspects of the consultation process will continue to support the sustainable management of Australia's offshore petroleum resources while fostering trust and collaboration between NOPSEMA, titleholders, and the broader community.

Current Process	Context	Reference
Consultation with Relevant Persons	The requirement for titleholders to consult with relevant persons before submitting an Environment Plan is crucial. This ensures that a broad spectrum of stakeholders, including those potentially affected by or interested in offshore petroleum activities, can provide input.	This approach is embedded in NOPSEMA's regulatory framework, specifically highlighted in the guidelines for effective consultation provided by NOPSEMA, ensuring that consultations are comprehensive and inclusive.
Public Comment Periods	Public comment periods for proposed Environment Plans and regulatory decisions offer a transparent platform for stakeholder engagement. Allowing the public to submit comments ensures that NOPSEMA's decision-making process is informed by a wider range of perspectives.	This practice is aligned with regulations like **Regulation 27**, which outlines the public comment period for environment plans, demonstrating NOPSEMA's commitment to considering stakeholder feedback in its regulatory decisions.
Stakeholder Engagement Strategies	NOPSEMA's multifaceted approach to stakeholder engagement, including face-to-face meetings, workshops, and information sessions, facilitates direct dialogue and exchange of information between the regulator, titleholders, and stakeholders.	These strategies are not tied to a single regulation but are part of NOPSEMA's broader engagement framework, ensuring diverse stakeholder perspectives are heard and integrated into the regulatory process.
Collaborative Decision-Making	Encouraging collaborative decision-making with stakeholders fosters a cooperative environment where issues can be openly discussed, and mutually beneficial solutions can be developed. This approach is crucial for building trust and ensuring that regulatory decisions are balanced and well-informed.	Collaborative decision-making is a principle that underpins NOPSEMA's regulatory philosophy, reflecting in its transparency, fairness, and accountability measures.
Continuous Improvement and Feedback Loop	NOPSEMA's commitment to continuous improvement, including regular reviews of its policies and	This aspect is intrinsic to NOPSEMA's operational ethos rather than a single regulation, highlighting an

	procedures and the incorporation of stakeholder feedback, ensures that its regulatory processes remain effective, responsive, and up to date.	organizational culture that values adaptability and responsiveness to stakeholder needs.
Consultation Question 2	***What doesn't work for offshore consultation processes and how could it be changed?***	

BCSDA Response

Certain aspects of the current offshore consultation processes have room for improvement. Identifying and addressing these areas can enhance the effectiveness and inclusivity of stakeholder engagement.

1. Lack of Specificity in Guidelines: The current regulations often lack specificity regarding the consultation process, leading to inconsistencies in how consultations are conducted, and the quality of information provided.
2. Challenges in Documenting Verbal Consultations: While verbal consultations are important, especially in engaging with Indigenous communities, there are challenges in accurately documenting these interactions.
3. Limited Stakeholder Identification: The process for identifying relevant stakeholders can be unclear or limited, potentially excluding important voices from the consultation process.
4. Inadequate Time for Meaningful Engagement: Often, the time allocated for consultations is insufficient for stakeholders to fully understand the implications of the proposed activities and provide informed feedback.

BCSDA Recommendation

1. **Develop Detailed Consultation Guidelines**: Introduce more detailed guidelines or standards for the consultation process. These should outline clear steps for conducting consultations, including timelines, methods of engagement, and documentation requirements.
2. **Enhance Documentation of Verbal Consultations**: Implement a protocol for documenting verbal consultations, such as audio recordings or written summaries agreed upon by all parties. This ensures accurate representation of discussions.
3. **Broaden Stakeholder Identification Methods**: Adopt more inclusive and comprehensive methods for stakeholder identification. This could involve community mapping, public notices, and leveraging local networks to ensure a wider range of stakeholders is reached.
4. **Extend Consultation Periods**: Allow longer periods for consultations, especially for complex projects with significant environmental and social impacts. This gives stakeholders adequate time to review, understand, and respond to the information provided.
5. **Feedback Mechanism for Continuous Improvement**: Establish a feedback mechanism where stakeholders can provide input on the consultation process itself. This feedback can be used to continually improve the consultation practices.
6. **Training and Capacity Building**: Provide training for titleholders in effective stakeholder engagement, cultural competence, and conflict resolution. Additionally, support capacity-building initiatives for stakeholders to effectively participate in consultations.
7. **Digital Platforms for Engagement**: Utilize digital platforms to facilitate broader and more inclusive stakeholder engagement, especially for remote or marginalized communities.

Improving offshore consultation processes requires a multifaceted approach that addresses the challenges of stakeholder identification, effective communication, interest management, timeliness, meaningful engagement, and compliance. By learning from successful case studies and adopting practices that ensure inclusivity, transparency, and responsiveness, NOPSEMA can enhance the effectiveness of consultations, ultimately leading to better environmental and community outcomes in offshore petroleum and greenhouse gas storage activities.

Some potential issues with current offshore consultation processes include:

Issues	Recommendations	Best Practices/Case Studies
Identifying All Relevant Persons: The reliance on titleholders to identify relevant stakeholders can lead to oversight of certain groups, particularly those less visible or vocal, including marginalized communities or small interest groups.	Implement a more structured and inclusive stakeholder identification process, possibly supported by independent third parties to ensure no relevant group is overlooked.	In the planning of the **Nord Stream 2 pipeline**, an extensive stakeholder mapping exercise was conducted, involving environmental groups, local communities, and other NGOs across multiple countries to ensure a comprehensive consultation process.
Ensuring Effective Communication: Communication barriers due to language, cultural differences,	Adopt multi-lingual communication strategies and cultural competency training for those conducting consultations. The use of local	As seen in the **Gorgon Gas Project**, where Chevron worked closely with Indigenous communities to ensure culturally sensitive and effective communication.

and technical jargon can prevent meaningful engagement.	liaisons or cultural brokers can improve engagement.	
Managing Conflicting Interests: Balancing diverse and sometimes conflicting stakeholder interests can lead to dissatisfaction and mistrust.	Establish neutral platforms for dialogue and conflict resolution, such as advisory committees that include representation from all stakeholder groups.	The **Renewable Energy Development in Denmark** serves as a model, where community wind farm projects have successfully balanced stakeholder interests through cooperative ownership models and local engagement.
Ensuring Timely Consultation: Delays in the consultation process can lead to frustration and can impact the timeliness of project development.	Set clear timelines for each consultation phase, with built-in flexibility to accommodate unforeseen delays.	The **Canadian Environmental Assessment Agency** employs a timeline approach, with specific periods for public comment and response to ensure timely consultations.
Ensuring Meaningful Consultation: Consultations that do not actively incorporate stakeholder feedback into decision-making can feel tokenistic.	Adopt a feedback loop where stakeholders are informed about how their input has influenced project decisions.	The **Scottish Government's National Marine Plan** engagement process is an exemplar, with transparent mechanisms for incorporating public feedback into policy decisions.
Ensuring Compliance and Understanding of Consultation Requirements: Inadequate understanding of consultation requirements by both titleholders and relevant persons can lead to ineffective participation.	Develop comprehensive training programs and accessible guidelines on consultation requirements and processes.	The **United States' Bureau of Ocean Energy Management (BOEM)** offers educational resources and workshops to both industry players and the public to facilitate understanding and compliance with regulatory requirements.
Consultation Question 3	*If you have participated in consultation processes for proposed offshore resources activities: do you feel like you were given enough information? was the information provided helpful to understand the activity being proposed and the implications? was information given relevant to the consultation and your functions, activities or interests?*	

BCSDA Response

BCSDA does not have personal experiences or participate in activities, including consultation processes for offshore resources. However, we can provide a general perspective based on common feedback and best practices observed in such processes:

1. **Sufficiency of Information**: In many cases, stakeholders report that while some information is provided, it may not always be sufficient for a comprehensive understanding of the proposed activities and their implications. The depth and accessibility of information can vary significantly, impacting stakeholders' ability to make informed assessments.
2. **Helpfulness and Clarity of Information**: The helpfulness of the information provided often depends on how it's presented. Technical jargon, complex data, and lack of context can make it difficult for non-experts to understand the full scope and potential impact of the proposed activities. Clear, concise, and jargon-free information is more effective.
3. **Relevance of Information**: The relevance of the information to stakeholders' specific functions, activities, or interests is crucial. In some instances, information provided may be too generic or not sufficiently tailored to the unique concerns or interests of different stakeholder groups, including local communities, environmental organizations, and industry bodies.

BCSDA Recommendation

1. **Comprehensive Information Packages**: Develop and distribute comprehensive information packages that cover all aspects of the proposed activities, including environmental, social, and economic impacts. These should be easily understandable to non-experts.
2. **Tailored Communication**: Customize information to address the specific concerns and interests of different stakeholder groups. This could involve creating different versions of the information package tailored to various audiences.
3. **Interactive Information Sessions**: Conduct interactive sessions, such as community meetings or webinars, where stakeholders can ask questions and receive clarifications in real-time. This approach can help in demystifying complex information.
4. **Feedback Mechanism**: Implement a feedback mechanism where stakeholders can request additional information or clarification, ensuring that their needs for understanding are met.
5. **Use of Visual Aids**: Employ visual aids like infographics, maps, and diagrams to convey complex information more effectively. Visual representations can be particularly helpful in explaining technical aspects of the proposed activities.

6. **Ongoing Communication**: Establish a system for ongoing communication throughout the consultation process, ensuring that stakeholders receive updates and additional information as the project evolves.	

Consultation Question 4	*What information should titleholders provide to relevant persons so they: are aware of the purpose of consultation? can make an informed assessment of the possible consequences of the activities on their functions, interests, or activities?*

BCSDA Response

For stakeholders to effectively engage in the consultation process, titleholders must provide comprehensive and clear information. This information should not only clarify the purpose of the consultation but also enable stakeholders to assess the potential impacts of the proposed offshore activities on their functions, interests, or activities.

BCSDA Recommendation

1. Clear Explanation of Consultation Purpose: Titleholders should provide a straightforward explanation of why the consultation is being conducted. This includes outlining the objectives of the proposed offshore activities, the role of stakeholders in the consultation process, and how their input will be used.
2. Detailed Description of Proposed Activities: Offer a detailed description of the proposed offshore activities, including the nature of the work, the technologies and methods to be used, the timeline, and the geographical areas affected.
3. Assessment of Environmental, Social, and Economic Impacts: Present a comprehensive assessment of the potential environmental, social, and economic impacts of the proposed activities. This should include both the positive and negative consequences, and how these impacts were determined.
4. Risk Analysis and Management Plans: Provide a thorough analysis of potential risks associated with the activities, along with detailed plans for how these risks will be managed and mitigated.
5. Information on Regulatory Compliance: Explain how the proposed activities will comply with relevant environmental laws and regulations. This should include any permits or approvals that have been or will need to be obtained.
6. Opportunities for Stakeholder Input: Clearly outline how stakeholders can provide input, the types of feedback sought, and the mechanisms in place for considering and integrating this feedback into the final plans.
7. Contact Information for Further Queries: Include contact information for a designated liaison or team within the titleholder's organization who can answer questions and provide additional information as needed.
8. Cultural Impact Assessment: For consultations involving Indigenous communities, include a cultural impact assessment that addresses potential impacts on cultural heritage, practices, and values.
9. Use of Non-Technical Language: Ensure that all provided information is in non-technical language, or provide a glossary for technical terms, to make the material accessible to non-experts.
10. Visual Aids and Accessible Formats: Utilize visual aids like maps, diagrams, and infographics to illustrate complex information. Also, ensure that information is available in various formats to cater to different needs, including digital, print, and accessible formats for people with disabilities.

To ensure that relevant persons are fully aware of the purpose of consultation and can make an informed assessment of the possible consequences of offshore petroleum activities on their functions, interests, or activities, titleholders must adopt a comprehensive and transparent approach in providing information. Drawing from the specified context and regulatory frameworks, the information provided by titleholders should encompass several key areas.

Information	Specific Context	Reference
Detailed Project Information	Titleholders should provide a comprehensive overview of the proposed activity, including the type of operation (e.g., drilling, production), its exact location, project timelines, and any associated infrastructure.	This aligns with the general duty under **regulation 11A(2)** of the **Environment Protection and Biodiversity Conservation Regulations 1999**, which requires titleholders to give information to allow relevant persons to make an informed assessment.
Environmental Impact Assessments (EIA)	An EIA report that details the potential environmental impacts and risks associated with the proposed activity, including impacts on marine life, seabed, water quality, and any cumulative impacts from existing or planned activities in the area.	As per **paragraph 11A(1)(c)**, the Environment Plan must demonstrate that consultations provided sufficient information about the environment and impacts on the environment.
Mitigation and Management Measures	Information on measures and strategies to mitigate identified environmental risks and impacts, including any monitoring, management, and response	This is essential for demonstrating how titleholders intend to address the impacts and risks affecting relevant persons' functions, interests, or activities, as required by **paragraph 11A(1)(b).**

	strategies to deal with potential accidents or spills.	
Consultation Process Detail	Clear details on the timeline for the consultation process, how feedback can be submitted, and how it will be considered in the decision-making process. This should include specific dates for public comment periods, details on how to submit comments, and opportunities for public meetings or information sessions.	Ensuring that relevant persons understand the importance of the consultation process aligns with the expectations set by NOPSEMA for promoting understanding and transparency.
Opportunities for Ongoing Engagement	Information on how relevant persons can stay engaged throughout the project lifecycle, including any platforms or channels for regular updates, progress reports, and mechanisms for raising concerns or obtaining further information.	This approach supports continuous improvement and stakeholder engagement, as advocated by NOPSEMA's guidelines and regulatory practices.
Cultural and Social Impact Assessments	For consultations with First Nations People and Communities, include assessments of cultural and social impacts, detailing how the project may affect cultural heritage sites, traditional practices, or access to marine resources.	Engaging with First Nations People and Communities on Assessments and Approvals under the **Environment Protection and Biodiversity Conservation Act 1999** necessitates a focus on culturally appropriate consultations and assessments.
Access to Technical Reports and Data	Provide non-technical summaries and full access to technical reports, environmental impact assessments, and other relevant studies in accessible formats.	This fulfills the duty to provide sufficient and clear information as outlined in **paragraph 11A(1)(d)**, considering the degree to which a relevant person is affected.
Consultation Question 5	***What examples are there of consultation processes under other regulatory frameworks that you have participated in that have worked more effectively? What aspects of consultation processes have you experienced that you would want to encourage?***	

BCSDA Response

BCSDA does not have personal experiences or participate in activities, including consultation processes under regulatory frameworks. However, we can provide insights into effective consultation processes observed in various regulatory frameworks globally, which can offer valuable lessons for enhancing offshore consultation processes:

1. **European Union's Public Consultations**: The EU regularly conducts public consultations on a wide range of topics, often using digital platforms that allow for broad participation. These consultations are characterized by clear objectives, transparent processes, and feedback mechanisms. They often include impact assessments and follow-up reports showing how input was integrated into final decisions.
2. **Canada's Indigenous Consultations**: Canada's approach to consulting with Indigenous communities, particularly in environmental and resource management, is often highlighted for its emphasis on early, ongoing, and meaningful engagement. These consultations are guided by principles of respect, inclusivity, and recognition of Indigenous rights and knowledge.
3. **New Zealand's Resource Management Act**: New Zealand's approach under this Act involves extensive community consultation in managing natural resources. The process is noted for its inclusivity, transparency, and the integration of Māori perspectives and knowledge.

BCSDA Recommendations
Aspects to Encourage from These Examples:
1. **Early and Ongoing Engagement**: Start consultations early in the planning process and maintain them throughout, allowing stakeholders to shape the project from the outset.
2. **Digital Engagement Platforms**: Use digital platforms to facilitate broader participation, making it easier for a diverse range of stakeholders to provide input.
3. **Inclusivity and Cultural Sensitivity**: Ensure consultations are inclusive and culturally sensitive, particularly when engaging with Indigenous communities or other marginalized groups.

4. **Transparent Processes and Feedback Mechanisms**: Implement transparent processes where stakeholders can see how their input is being used and provide feedback on the consultation process itself.
5. **Integration of Local Knowledge**: Actively seek and integrate local and Indigenous knowledge into decision-making processes.
6. **Accessibility of Information**: Provide information in clear, non-technical language and in various formats to ensure it is accessible to all stakeholders.
7. **Independent Facilitation**: Consider using independent facilitators to manage consultations, particularly in situations involving complex or contentious issues.

Given the context of NOPSEMA's approach to stakeholder engagement and the exploration of various consultation frameworks, we can draw upon general examples from other regulatory frameworks that have demonstrated effective consultation processes. Several research and case studies reveal best practices that could enhance NOPSEMA's consultation efforts.

The examples provided demonstrate the effectiveness of adaptive management, community-based approaches, participatory research, stakeholder analysis, two-way communication, and digital engagement in various regulatory frameworks. By incorporating these approaches, NOPSEMA can enhance its consultation processes to be more inclusive, responsive, and transparent, ensuring that all stakeholders, especially Traditional Owners and First Nations communities, have meaningful opportunities to influence environmental management and regulatory decisions in Australia's offshore areas.

Case	Specific Context	Aspects to Encourage
Adaptive Management in the U.S. Forest Service	The U.S. Forest Service employs Adaptive Management strategies for land and resource management projects, involving stakeholders in ongoing monitoring and decision-making processes.	This approach's flexibility and iterative learning from stakeholder feedback ensure that management practices evolve based on real-world impacts and community insights, a practice that could be beneficial for NOPSEMA to adopt in managing dynamic offshore environments.
Community-Based Social Marketing in Water Conservation	Water conservation programs in regions like California have successfully used Community-Based Social Marketing to engage communities in water-saving behaviours.	The emphasis on building trust and utilizing culturally appropriate communication strategies can significantly improve NOPSEMA's engagement with diverse communities, including First Nations people, by tailoring outreach and consultation to respect cultural sensitivities and local knowledge.
Participatory Action Research for Environmental Health	Projects addressing environmental health issues in Indigenous communities in Canada have utilized Participatory Action Research to collaboratively investigate and address health impacts related to environmental changes.	Empowering communities to take an active role in research and decision-making ensures that actions and policies are grounded in the lived experiences and priorities of those most affected, a principle that could enhance the depth and relevance of NOPSEMA's stakeholder consultations.
Stakeholder Analysis in EU's Marine Strategy Framework Directive	The European Union's Marine Strategy Framework Directive employs detailed stakeholder analyses to understand and engage with a diverse range of interests affected by marine and coastal policies.	Tailoring communication and engagement strategies based on a thorough analysis of stakeholder interests and power dynamics can help NOPSEMA more effectively address and balance the complex web of interests involved in offshore petroleum activities.
Two-Way Communication in New Zealand's Resource Management Act (RMA)	The RMA emphasizes two-way communication between regulatory bodies and stakeholders, particularly Māori communities, through all stages of resource consent processes.	Active listening and ongoing dialogue, as practiced in the RMA consultations, foster mutual understanding and trust, elements that are crucial for NOPSEMA's stakeholder engagement efforts.
Social Media and Digital Engagement in Australia's Great Barrier Reef Management	The Great Barrier Reef Marine Park Authority leverages social media and digital platforms to engage the public in conservation efforts and regulatory decisions.	The use of digital platforms for engagement offers an opportunity for NOPSEMA to reach wider audiences, facilitate real-time feedback, and enhance the accessibility and transparency of the consultation process.
Consultation Question 6	***Titleholders should respond to relevant persons on how they have considered the information provided. How is this best done?***	

BCSDA Response

For titleholders to effectively communicate how they have considered the information provided by relevant persons, a structured, transparent, and respectful approach is essential. This not only demonstrates that stakeholder input has been valued and taken seriously but also helps build trust and credibility in the consultation process.

BCSDA Recommendations

1. **Written Responses with Specific References**: Provide written responses to stakeholders that specifically reference the information or feedback they provided. This shows that their input was carefully reviewed and considered.
2. **Clear Explanation of Integration or Rejection**: If stakeholder feedback is integrated into the project, explain how and why it was used. If feedback is not incorporated, provide a clear and respectful explanation as to why it was not feasible or relevant in this context.
3. **Accessible and Understandable Language**: Ensure that responses are written in clear, non-technical language to be easily understood by all stakeholders, regardless of their background.
4. **Feedback Summary Reports**: For larger projects with numerous stakeholders, consider preparing a summary report that outlines the main themes of feedback received and how they were addressed in the project planning or environment plan.
5. **Public Posting of Responses**: Where appropriate, make responses publicly available, such as on the project website or through public notices, to ensure transparency and broader community awareness.
6. **Personalized Communication for Key Stakeholders**: For stakeholders significantly impacted by the project or those who provided substantial input, consider more personalized communication, such as direct meetings or phone calls, to discuss how their feedback was considered.
7. **Regular Updates**: Keep stakeholders informed throughout the project lifecycle, especially if their feedback leads to changes in the project plan or if new information arises that relates to their concerns.
8. **Use of Digital Platforms**: Leverage digital platforms for broader dissemination of responses, especially useful for reaching a wider audience and ensuring transparency.
9. **Opportunity for Follow-Up**: Provide stakeholders with an opportunity to follow up or ask further questions about the responses they receive, fostering ongoing dialogue and engagement.
10. **Independent Review or Audit**: In cases of complex or contentious projects, consider having an independent review or audit of how stakeholder feedback was considered, adding an additional layer of credibility to the process.

Titleholders can best respond to relevant persons by ensuring that the information provided during consultations is thoroughly considered and reflected in their Environment Plan updates. This involves a multifaceted approach to communication, documentation, and transparency, aligned with regulatory requirements and best practices in stakeholder engagement. Here's how this can be effectively done, referencing specific processes, frameworks, and regulations:

Issue	Specific Context	Reference
Comprehensive Documentation of Stakeholder Feedback	Titleholders should meticulously document all feedback received during the consultation process, including concerns, suggestions, and objections from relevant persons.	As per **paragraph 11A(1)(c)** of the **Environment Protection and Biodiversity Conservation Regulations 1999**, the Environment Plan must demonstrate that the duty to consult has been discharged, necessitating detailed documentation of how stakeholder feedback has been considered.
Transparent Integration of Feedback into Environment Plans	Incorporate and address stakeholder feedback directly in the Environment Plan, outlining specific measures taken to mitigate concerns or adjust project plans based on the input received.	The requirement under regulation **11A(2)** mandates titleholders to make a "decisional choice" in how information is provided, underscoring the need to show how stakeholder feedback influenced the final Environment Plan.
Clear Communication of Responses and Adjustments	Communicate with relevant persons explicitly about how their feedback has been incorporated into the Environment Plan. This could be through direct communications, updates on the NOPSEMA website, and public reports summarizing stakeholder input and titleholder responses.	Leveraging NOPSEMA's publication practices, titleholders should ensure that responses to public comments and adjustments to Environment Plans are accessible and transparent.
Engagement with Regulatory Agencies and First Nations Communities	Special attention should be given to consultations with agencies responsible for the Commonwealth marine area and First Nations People and Communities. Tailored	Engaging with First Nations People and Communities under the **Environment Protection and Biodiversity Conservation Act 1999** emphasizes the importance of culturally appropriate consultations and responses.

	responses to these stakeholders should demonstrate an understanding of their unique concerns and interests.	
Use of Effective Communication Channels	Establish and utilize effective communication channels, including digital platforms, community meetings, and written reports, to ensure stakeholders can easily access information on how their input was considered.	While not specified in a single regulation, this practice aligns with NOPSEMA's commitment to transparency and stakeholder engagement as outlined in their decision-making principles.
Provision of Regular Updates and Progress Reports	Provide stakeholders with regular updates and progress reports throughout the regulatory and project lifecycle, keeping them informed of any changes, developments, or additional opportunities for feedback.	This approach supports the continuous improvement principle and stakeholder engagement ethos upheld by NOPSEMA.
Consultation Question 7	***How should titleholders manage sensitive information given to them during consultation?***	

BCSDA Response

Titleholders often receive sensitive information during consultations, which can include confidential data, proprietary knowledge, or culturally sensitive details. Managing this information appropriately is crucial to maintain trust, comply with legal obligations, and ensure the integrity of the consultation process.

BCSDA Recommendation

1. Establish Clear Data Handling Protocols: Develop and implement clear protocols for handling sensitive information. This includes guidelines on storage, access, sharing, and disposal of such information.
2. Consent and Confidentiality Agreements: Obtain explicit consent from stakeholders for the use of their sensitive information. Use confidentiality agreements where necessary, especially when handling proprietary or business-sensitive data.
3. Limit Access to Sensitive Information: Restrict access to sensitive information to only those individuals within the organization who need it for the consultation process. This minimizes the risk of unauthorized disclosure.
4. Secure Storage and Transmission: Ensure that sensitive information is stored and transmitted securely. Use encrypted digital storage solutions and secure communication channels for sharing such information.
5. Anonymization and Aggregation: Where possible, anonymize or aggregate sensitive information, especially when reporting consultation outcomes publicly or in documents that will be widely distributed.
6. Training for Staff: Provide training for all staff involved in the consultation process on how to handle sensitive information, emphasizing legal responsibilities and ethical considerations.
7. Transparent Communication with Stakeholders: Communicate with stakeholders about how their information will be used and protected. This transparency helps to build trust and confidence in the consultation process.
8. Regular Review of Data Protection Practices: Regularly review and update data protection practices to ensure they comply with current laws and regulations, such as the General Data Protection Regulation (GDPR) in the EU or the Privacy Act in Australia.
9. Cultural Sensitivity in Handling Information: Be particularly sensitive to cultural aspects of information, especially when dealing with Indigenous communities or other groups with unique cultural considerations.
10. Feedback Mechanism for Data Concerns: Provide a mechanism for stakeholders to raise concerns or queries about how their information is being handled and used.

Managing sensitive information during consultation is a critical aspect of the regulatory process for titleholders under NOPSEMA's framework. It requires balancing transparency with confidentiality to protect the privacy and interests of stakeholders while ensuring the integrity and trustworthiness of the consultation process. The details are provided by referencing specific regulatory contexts and best approaches and practices:

Best Practices	Regulatory Context	Management Approach
Adhering to Regulatory Requirements for Confidential Information	Regulation 11A of the Environment Protection and Biodiversity Conservation Regulations 1999 implies a duty on titleholders to handle sensitive information carefully, especially when	Titleholders should establish clear protocols for identifying, handling, and storing sensitive information received during consultations. This includes categorizing information based on its sensitivity level and applying appropriate confidentiality measures.

	considering the functions, interests, or activities of relevant persons and the impacts and risks that affect them.	
Implementing Data Protection Measures	While specific regulations may not detail data protection protocols, titleholders must comply with the Australian Privacy Principles under the Privacy Act 1988, which govern the handling of personal information.	Utilize secure data management systems to store sensitive information. Access should be restricted to personnel directly involved in the environmental assessment process, ensuring that data privacy and protection standards are upheld.
Clear Communication on the Use of Sensitive Information	The obligation to consult with relevant persons includes ensuring they are informed about how their information will be used, as per the guiding principles of transparency and fairness in NOPSEMA's decision-making process.	Before collecting sensitive information during consultations, titleholders should inform stakeholders about the purpose of data collection, how it will be used, stored, and protected, and their rights regarding their own information. Consent forms or agreements may be used to document this understanding explicitly.
Providing Options for Anonymity	The consultation process, as outlined in NOPSEMA's guidelines, should allow stakeholders to provide feedback without compromising their privacy or exposing sensitive information unnecessarily.	Offer options for stakeholders to submit comments or information anonymously, especially for online consultations or public comment periods. This encourages participation by ensuring privacy and protecting sensitive personal or community information.
Seeking Consent for Disclosure	In cases where sharing sensitive information could enhance the understanding of environmental impacts or contribute to broader regulatory or public interest discussions, titleholders should seek explicit consent from stakeholders for disclosure.	Develop consent procedures that clearly explain the benefits and potential risks of disclosing sensitive information, ensuring stakeholders make informed decisions about sharing their data.
Regular Review and Compliance Checks	Continuous improvement and compliance with legislation, as encouraged by NOPSEMA, necessitate regular reviews of how sensitive information is managed.	Conduct periodic audits of data management practices to ensure compliance with regulatory requirements and best practices for data protection. Feedback from stakeholders about the handling of sensitive information should be sought and used to improve processes.
Consultation Question 8	*How could the consultation process account for verbal consultations?*	

BCSDA Response
Verbal consultations are a vital component of the stakeholder engagement process, especially in contexts where written communication may not be the preferred or most effective method. However, accurately capturing and integrating the insights from verbal consultations into the decision-making process can be challenging. It's essential to have a structured approach to ensure that these consultations are as effective and accountable as written ones.

BCSDA Recommendations
1. Documenting Verbal Consultations: Create a clear protocol for documenting verbal consultations. This could involve taking detailed notes during meetings or discussions, and where appropriate and with consent, making audio or video recordings.
2. Verification and Approval of Records: After documenting the verbal consultation, share the record with the participants for verification. Allow them to make corrections or add additional comments to ensure the record accurately reflects the discussion.
3. Summarization for Key Points: Summarize the key points of the verbal consultation and how they will be considered in the decision-making process. This summary should be shared with the participants and included in the consultation report.
4. Inclusion of Verbal Feedback in Reports: Integrate the insights from verbal consultations into consultation reports and environment plans, ensuring they are given equal weight as written feedback.

5. Cultural Sensitivity and Competence: Ensure that staff conducting verbal consultations are trained in cultural sensitivity and effective communication, particularly when engaging with Indigenous communities or non-English speaking stakeholders.
6. Use of Independent Facilitators: Consider using independent facilitators or mediators for verbal consultations, especially in complex or sensitive situations. They can help ensure that the process is impartial and that all voices are heard.
7. Feedback Mechanism: Implement a feedback mechanism for participants to evaluate the effectiveness of the verbal consultation process and suggest improvements.
8. Accessible Formats for Sharing Information: Provide information in accessible formats before verbal consultations to ensure that all participants have a fair opportunity to prepare and engage effectively.
9. Regular Updates and Follow-ups: After the consultation, keep participants updated on how their input is being used and any subsequent decisions or actions taken.
10. Training in Non-Verbal Communication: Train staff in non-verbal communication cues to better understand and respond to participants' concerns and feedback during verbal consultations.

To effectively account for verbal consultations within NOPSEMA's regulatory process, several key steps should be implemented to ensure that these consultations are as effective, transparent, and accountable as written ones:

1) **Documentation**: All verbal consultations, whether they occur in face-to-face meetings, telephone calls, public hearings, or community engagement sessions, should be meticulously documented. This documentation should capture the essence of discussions, stakeholder concerns, suggestions, and any commitments or responses made by NOPSEMA or titleholders.
2) **Follow-Up**: After verbal consultations, stakeholders should receive a written summary of the discussion, including how their input will be considered or has influenced decision-making processes. This provides an opportunity for stakeholders to confirm the accuracy of the record or to provide further clarifications.
3) **Integration into Regulatory Decisions**: Documented outcomes of verbal consultations should be integrated into the decision-making process in a manner that is transparent and visible to all stakeholders. This could involve referencing verbal consultation findings in environment plans, assessment reports, or decision notices.
4) **Accessibility and Inclusivity**: Ensure that opportunities for verbal consultations are accessible to all relevant stakeholders, including arranging for interpreters or cultural facilitators where necessary, especially for consultations with Indigenous communities.
5) **Public Availability**: Summaries of verbal consultations, with due consideration for privacy and confidentiality, should be made publicly available, like written submissions. This could be through NOPSEMA's website or other accessible platforms, enhancing the transparency of the process.

By following these steps, NOPSEMA can ensure that verbal consultations are given due weight in the regulatory process, fostering a more inclusive, transparent, and accountable consultation framework.

Consultation Question 9	*How much time should a titleholder reasonably give relevant persons to engage and provide information as part of a consultation process?*

BCSDA Response
The amount of time a titleholder should allocate for stakeholders to engage and provide information in a consultation process varies depending on several factors. These include the complexity and scale of the offshore project, the nature of the information sought, and the specific needs of the stakeholders involved. A one-size-fits-all approach is not effective; instead, timeframes should be tailored to each consultation's unique context.

BCSDA Recommendation
1. Project Complexity and Scale: For large or complex projects, a longer consultation period is typically necessary. A timeframe of several weeks to a few months might be reasonable, allowing stakeholders to thoroughly understand the project and its potential impacts.
2. Stakeholder Needs and Capacities: Consider the specific needs and capacities of different stakeholder groups. Communities or groups with limited resources, or those requiring translations or additional assistance, may need more time to respond effectively.
3. Nature of Information Sought: If the information required for the consultation is highly technical or detailed, provide additional time for stakeholders to review and understand the material before responding.
4. Pre-consultation Notice: Offer a pre-consultation notice period, allowing stakeholders to prepare for the consultation. This period could range from a few weeks to a month, depending on the project's complexity.
5. Feedback and Iteration: Allow time for multiple rounds of feedback, especially for projects with significant environmental or social impacts. This iterative process ensures that stakeholder input is thoroughly considered and integrated.
6. Regulatory and Legal Requirements: Align the consultation timeframe with any relevant regulatory or legal requirements, ensuring compliance while also considering the practical needs of stakeholders.

7. Historical Precedents and Best Practices: Review historical precedents and best practices in similar consultations to guide the determination of reasonable timeframes.
8. Flexibility for Extension: Maintain flexibility to extend the consultation period if it becomes clear that more time is needed, based on stakeholder feedback or emerging issues.
9. Clear Communication of Timelines: Communicate the consultation timelines clearly and prominently from the outset, including any key milestones or deadlines.
10. Post-consultation Evaluation: After the consultation, evaluate the effectiveness of the timeframe provided. Gather feedback from stakeholders on whether the time allotted was sufficient and use this information to inform future consultations.

The time a titleholder should reasonably give to relevant persons to engage and provide information as part of a consultation process can vary depending on several factors, including the complexity of the project, the potential environmental impacts, and the specific needs and capacities of the communities involved. However, best practices in public consultation, informed by frameworks like the IAP2 Public Participation Spectrum, suggest a few key principles to guide the timing of consultations:

1) Sufficient Time for Understanding and Response: The consultation period should provide enough time for stakeholders to fully understand the proposed activities and their potential impacts, consult within their communities or organizations, and formulate a detailed response. This often means going beyond the minimum legal requirements to ensure meaningful engagement.
2) Flexibility and Adaptability: The timeframe should be flexible enough to adapt to stakeholders' needs, especially when dealing with Indigenous communities or non-English speaking populations that might require additional time for translation services, community discussions, and cultural considerations.
3) Precedent and Best Practices: Looking at international best practices, a consultation period of 30 to 90 days is often recommended for projects with significant environmental impacts. This range allows stakeholders adequate time to engage with the material, seek clarification, and provide informed feedback.

The case of Alaskan National Interest Lands Conservation Act (ANILCA) Process
In the United States, the ANILCA process for federal land management in Alaska provides a noteworthy example of an extended consultation timeframe. The process involves extensive consultations with Indigenous communities, local stakeholders, and the public on land use and conservation measures.
The ANILCA process often extends beyond 90 days for significant projects or decisions, recognizing the importance of thorough stakeholder engagement in areas with complex environmental and cultural considerations. This extended period allows for in-depth community meetings, cultural heritage assessments, and iterative feedback loops between the titleholders (in this case, federal agencies) and relevant persons, including Native Alaskan communities and environmental groups.

Relevance
The ANILCA process underscores the importance of providing sufficient time for consultation, particularly in contexts involving Indigenous rights and significant environmental impacts. It demonstrates that effective consultation processes benefit from being adaptive to the context and needs of the stakeholders, rather than adhering strictly to minimum legal requirements.

Recommendation
Informed by the ANILCA case study and the principles outlined above, titleholders should aim for a consultation period of at least 30 days for straightforward projects, extending to 60 or 90 days (or more) for projects with significant environmental impacts or where consultations with Indigenous communities are involved. This timeframe should be adjusted based on initial feedback and the need for additional engagement activities, ensuring that all relevant persons have a genuine opportunity to participate in the consultation process meaningfully.

Consultation Question 10	*If titleholders and NOPSEMA get information after the consultation is over, how should they consider it during the assessment process?*

BCSDA Response
Receiving new information after the formal consultation period has ended poses a challenge for titleholders and the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA). It's crucial to balance the need for a timely and efficient assessment process with the importance of considering all relevant information that could impact the project's environmental and social outcomes.

BCSDA Recommendation
1. Establish Clear Protocols for Late Submissions: Develop and communicate clear guidelines on how information received after the consultation period is handled. This should include criteria for determining the relevance and significance of the late information.

2. Assess the Relevance and Impact of New Information: Evaluate the new information to determine its potential impact on the project's assessment. If the information significantly alters the understanding of the project's impacts or risks, it should be given due consideration.
3. Transparent Communication with Stakeholders: Inform stakeholders if significant new information has been received and how it will be considered. This maintains transparency in the assessment process.
4. Provision for Supplementary Consultation: If the new information is substantial and could significantly affect the project's outcomes, consider conducting a supplementary consultation specifically focused on the new aspects.
5. Amendments to the Environment Plan: If the new information necessitates changes to the environment plan, require the titleholder to amend and resubmit the plan for reassessment.
6. Feedback Loop with Original Consultation Participants: If relevant, provide feedback to participants of the original consultation about the new information and any resulting changes to the project or environment plan.
7. Documentation and Record-Keeping: Keep thorough records of all late submissions and the decision-making process regarding their consideration. This documentation is crucial for accountability and transparency.
8. Regular Review of Assessment Timelines: Regularly review the assessment timelines to ensure they are realistic and allow for the consideration of late submissions without causing undue delays in the assessment process.
9. Training for NOPSEMA Assessors: Ensure NOPSEMA assessors are trained to handle late submissions effectively, including understanding when to integrate new information into their assessments.
10. Stakeholder Notification of Process for Late Submissions: Clearly communicate to all stakeholders the process for submitting information after the consultation period and how such submissions will be handled.

When titleholders and NOPSEMA receive new information after the consultation period is over, the manner in which this information is considered during the assessment process is crucial for ensuring the integrity and effectiveness of regulatory oversight. Based on the provided context, here are specific steps and innovative solutions on how this should be managed:

Steps for Considering New Information:

1) **Immediate Review**: Titleholders should immediately review any new information to assess its potential impact on the environmental effects of the proposed offshore petroleum activity. This review should consider whether the new information alters the understanding of environmental risks or introduces new concerns.
2) **Notification to NOPSEMA**: If the new information significantly affects the proposed activity's environmental impacts, titleholders should promptly notify NOPSEMA, providing a detailed analysis of the information and its implications.
3) **Public Disclosure**: Subject to confidentiality and commercial sensitivity considerations, NOPSEMA and titleholders should make the new information publicly available, ensuring transparency in the regulatory process. This could involve updates on NOPSEMA's website or through other communication channels used to engage with stakeholders.
4) **Reassessment or Additional Consultation**: Depending on the significance of the new information, NOPSEMA may require a reassessment of the Environment Plan or mandate additional consultations with relevant stakeholders, particularly those potentially affected by the new findings.
5) **Documentation and Integration**: Titleholders should document how the new information has been considered and integrated into the Environment Plan. This documentation should be submitted to NOPSEMA as part of the ongoing assessment process and made available to stakeholders for review.

Some out-of-the-box solutions could be:

- **Digital Stakeholder Engagement Platform**: Develop a digital platform that allows for continuous stakeholder engagement throughout the lifecycle of an offshore petroleum project. This platform can facilitate the submission of new information by stakeholders, allow titleholders to respond in real-time, and enable NOPSEMA to monitor engagement and information exchange.
- **Crowdsourcing Environmental Monitoring**: Implement a crowdsourced environmental monitoring program that involves local communities, Indigenous groups, and citizen scientists in gathering and submitting environmental data related to the project area. This approach can provide a continuous stream of data, ensuring that the assessment process considers the most current information.
- **Adaptive Management Framework**: Integrate an adaptive management framework into the regulatory process, allowing for more dynamic and responsive adjustments to Environment Plans based on new information. This framework would include predefined triggers for reassessment and additional consultation, ensuring environmental management practices are current and effective.
- **Stakeholder Advisory Panels**: Establish stakeholder advisory panels comprising representatives from affected communities, environmental experts, and industry representatives. These panels can review new information as it emerges and provide recommendations to NOPSEMA and titleholders on necessary adjustments or additional consultations.

Consultation Question 11	*What is the best way for titleholders to engage with Traditional Owners who are able to speak for sea country?*

BCSDA Response

Engaging with Traditional Owners, particularly those who speak for sea country, is a critical aspect of the consultation process for offshore projects. This engagement must be respectful, culturally sensitive, and recognize the unique connection that Indigenous communities have with sea country. The approach should be grounded in mutual respect, open dialogue, and a genuine willingness to integrate Indigenous knowledge and perspectives.

BCSDA Recommendations

1. Early and Ongoing Engagement: Initiate engagement with Traditional Owners early in the project planning process and maintain this engagement throughout the project lifecycle. Early engagement helps build trust and ensures that Indigenous perspectives are integrated from the outset.
2. Cultural Competence and Sensitivity: Ensure that those engaging with Traditional Owners are trained in cultural competence. Understanding cultural protocols, history, and the significance of sea country to Indigenous communities is essential.
3. Use of Indigenous Liaison Officers or Representatives: Consider employing or consulting with Indigenous liaison officers or representatives who can facilitate communication and understanding between titleholders and Traditional Owners.
4. Respect for Traditional Knowledge: Acknowledge and respect the traditional knowledge of the Traditional Owners. This knowledge can provide valuable insights into environmental stewardship and sustainable practices.
5. Inclusive Decision-Making Processes: Involve Traditional Owners in decision-making processes, ensuring that their input is genuinely considered and integrated into project planning and execution.
6. Flexible and Tailored Communication Approaches: Recognize that different communities may have different preferences for communication. Be flexible and tailor your approach to suit the specific needs and preferences of each community.
7. Consent and Agreement Processes: Where appropriate, establish formal agreements or consent processes that recognize the rights and interests of Traditional Owners in sea country. This could include benefit-sharing agreements or co-management arrangements.
8. Transparent and Open Communication: Maintain transparency in all interactions. Provide clear, accessible information about the project and its potential impacts, and be open to receiving and acting on feedback from Traditional Owners.
9. Long-term Relationships and Partnerships: Aim to build long-term relationships and partnerships with Traditional Owners, rather than approaching consultation as a one-off requirement. This fosters ongoing collaboration and mutual benefit.
10. Documenting and Honouring Agreements: Ensure that any agreements or commitments made with Traditional Owners are clearly documented and honoured. This includes following through on promises and commitments made during the consultation process.

Engaging with Traditional Owners who are able to speak for sea country is a critical aspect of environmental consultation processes, especially in the context of offshore petroleum activities. The best practices for engaging with Traditional Owners draw from principles of respect, recognition of Indigenous rights and knowledge, and meaningful participation. Here's how titleholders can effectively engage with Traditional Owners, complemented by exemplary cases from around the world:

Best Practices for Engaging with Traditional Owners:

1) **Early and Ongoing Engagement**: Initiate consultation at the earliest stages of project planning and maintain ongoing dialogue throughout the project lifecycle. This allows Traditional Owners to influence project planning meaningfully and ensures their concerns are integrated into decision-making processes.
2) **Culturally Appropriate Methods**: Engage in a manner that respects the cultural practices, languages, and protocols of the Traditional Owners. Utilizing culturally appropriate consultation methods, such as on-country meetings, is essential.
3) **Use of IAP2 Spectrum**: As already being done, adhere to the IAP2 Public Participation Spectrum, especially focusing on the "Involve" and "Collaborate" levels for projects impacting sea country. This involves not just informing or consulting but actively involving Traditional Owners in decision-making and, where possible, collaborating to find mutually acceptable solutions.
4) **Recognition of Indigenous Knowledge**: Recognize and integrate Traditional Ecological Knowledge (TEK) into environmental assessments and project planning. TEK can provide valuable insights into the environmental management and sustainability of sea country.
5) **Transparent and Accountable Communication**: Ensure that all communication is transparent, providing clear, accessible information about project impacts, mitigation measures, and the benefits and risks associated with the project. Accountability mechanisms should be in place to address any grievances or disputes.

Exemplary cases from around the world:

Case	Engagement Practice	Outcome

San Juan Islands National Monument (United States): Located in Washington State, the San Juan Islands National Monument is an area where the U.S. government has worked closely with Native American tribes to manage and protect marine and coastal environments.	The management plan was developed through extensive consultations with local tribes, such as the Lummi Nation and the Swinomish Indian Tribal Community, to ensure that tribal rights, traditions, and knowledge were incorporated into the conservation efforts. This included recognizing traditional fishing rights and protecting sacred sites.	The collaborative approach resulted in a management plan that balances conservation goals with the cultural and economic needs of the Indigenous communities, showcasing a model of co-management of natural resources.
Māori Fisheries Management in New Zealand: New Zealand has a unique approach to fisheries management, integrating Māori rights and traditional knowledge into the governance framework. This is rooted in the Treaty of Waitangi settlements, which have recognized Māori as key stakeholders in fisheries management.	The use of "Iwi Management Plans" allows Māori tribes (Iwi) to outline their customary rights and interests in fisheries. The government and commercial stakeholders engage with these plans in the management of fisheries resources, ensuring Māori participation in decision-making processes.	This approach has led to sustainable fisheries practices that respect Māori customary rights and contribute to the preservation of marine biodiversity, exemplifying effective Indigenous involvement in resource management.
Guna Yala Autonomous Territory (Panama): The Guna Yala region, an autonomous territory along Panama's Caribbean coast, is managed by the Indigenous Guna people. This area includes significant marine and coastal ecosystems, which the Guna people have traditionally protected.	The Guna General Congress, the governing body of the Guna people, implements traditional laws and modern conservation practices to manage the territory's natural resources. This includes the establishment of marine protected areas (MPAs) and sustainable tourism practices.	The Guna Yala's approach has been successful in conserving marine biodiversity while supporting the local economy and maintaining cultural heritage. Their model of self-governance and environmental stewardship offers valuable lessons in Indigenous-led conservation.
Consultation Question 12	*How can titleholders ensure they consult appropriately and effectively with First Nations people to adequately communicate project information?*	

BCSDA Response

Consulting effectively with First Nations people requires a respectful, culturally sensitive approach that acknowledges their unique perspectives, rights, and connection to the land and sea. Titleholders must ensure that consultations are not just procedural but genuinely inclusive and responsive to the needs and concerns of First Nations communities.

BCSDA Recommendation

1. Understand Cultural Contexts: Before initiating consultations, titleholders should invest time in understanding the cultural, historical, and social contexts of the First Nations communities they will be engaging with. This understanding is crucial for respectful and meaningful engagement.
2. Engage Early and Consistently: Start consultations early in the project planning process and maintain consistent engagement. Early engagement allows for the incorporation of First Nations perspectives from the outset.
3. Use Culturally Appropriate Communication Methods: Tailor communication methods to suit the preferences of First Nations communities. This might include face-to-face meetings, community gatherings, or using local Indigenous languages where possible.
4. Involve Cultural Liaisons or Intermediaries: Engage cultural liaisons or intermediaries who are respected within the First Nations communities and can facilitate effective communication and understanding.
5. Provide Clear, Accessible Information: Ensure that project information is clear, concise, and accessible. Avoid technical jargon and provide translations if needed. Use visual aids like maps and diagrams to help explain complex information.
6. Acknowledge and Respect Traditional Knowledge: Recognize and integrate traditional knowledge into the consultation process. This can provide valuable insights and demonstrate respect for Indigenous perspectives.
7. Feedback and Iterative Process: Implement a feedback mechanism to ensure that First Nations people can express their views on the project and the consultation process. Use this feedback to refine and improve ongoing engagement.

8. Consent and Agreement Processes: Where applicable, establish formal consent processes that respect the rights and interests of First Nations people. This could include agreements that outline how their input will be used and any benefits they will receive.
9. Training for Staff: Provide cultural competence training for staff involved in the consultation process. This training should cover Indigenous histories, cultures, and contemporary issues, as well as effective communication strategies.
10. Documenting Consultations: Keep thorough records of all consultations, including who was consulted, the information shared, feedback received, and how this feedback was incorporated into project planning.
11. Long-term Relationships and Partnerships: Aim to build long-term relationships with First Nations communities, going beyond the life of the project. This approach fosters trust and mutual respect.

To ensure appropriate and effective consultation with First Nations people, titleholders can adopt a series of strategic measures that go beyond the existing guidelines provided by NOPSEMA. These measures should be designed to respect the unique rights, interests, and cultural sensitivities of First Nations communities. Some suggestions, aligned with relevant laws and regulations are given to enhance the consultation process:

Mechanism	Specific Context	Reference
Develop Culturally Tailored Consultation Frameworks	Collaborate with First Nations representatives to create consultation frameworks that are culturally tailored and respectful. These frameworks should accommodate traditional decision-making processes, languages, and communication preferences.	This approach aligns with the principles outlined in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which Australia supports, emphasizing the need for free, prior, and informed consent of Indigenous peoples.
Incorporate Traditional Ecological Knowledge (TEK) in Environmental Assessments	Actively seek and incorporate TEK into environmental plans and impact assessments. This involves recognizing First Nations people as experts in the stewardship of their traditional lands and waters.	The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), particularly in relation to its requirements for environmental impact assessments, provides a framework within which TEK can be integrated to better understand and mitigate environmental impacts.
Utilize Indigenous Consultation Liaisons	Employ or partner with Indigenous consultation liaisons who have deep understanding and trust within the First Nations communities. These individuals can facilitate dialogue, mediate cultural misunderstandings, and ensure that consultations are conducted respectfully and effectively.	While not explicitly mandated, this practice supports the spirit of Regulation 11A, which emphasizes meaningful consultation with all relevant persons affected by offshore petroleum activities.
Offer Capacity-Building Initiatives	Provide capacity-building initiatives to First Nations communities to empower them to engage effectively in the consultation process. This could include training on environmental management, legal rights, and negotiation skills.	Supporting community capacity aligns with broader Australian government commitments to Indigenous empowerment and may complement requirements under the Native Title Act 1993, which deals with the rights of Indigenous Australians to their land.
Establish Continuous Dialogue Mechanisms	Set up mechanisms for ongoing dialogue with First Nations communities beyond formal consultation periods. This could include regular community meetings, newsletters, and dedicated online platforms for project updates and feedback.	Continuous dialogue supports the IAP2 Public Participation Spectrum's principles of involving and collaborating with stakeholders, which NOPSEMA endorses.
Implement Independent Monitoring and Review	Engage independent third parties to monitor and review the consultation process with First Nations people. This ensures accountability and provides an unbiased evaluation of the consultation's effectiveness.	Independent monitoring can help ensure compliance with both NOPSEMA's guidelines and broader legal obligations, reinforcing the credibility of the consultation process.

Consultation Question 13	*How can titleholders make sure First Nations people are able to express their views on a proposed offshore resources activity in line with their preferences?*

BCSDA Response

Ensuring that First Nations people can express their views on proposed offshore resources activities in a manner aligned with their preferences requires a deep understanding of their communication styles, cultural protocols, and social structures. Titleholders must create an environment where First Nations people feel respected, heard, and comfortable in sharing their perspectives.

BCSDA Recommendation

1. Understand Communication Preferences: Engage with First Nations communities to understand their preferred methods of communication. This could vary from community meetings, one-on-one discussions, to more formal written submissions.
2. Cultural Competence and Sensitivity: Ensure that those engaging with First Nations communities are trained in cultural competence. Understanding and respecting cultural norms and protocols is crucial for effective communication.
3. Use of Indigenous Liaison Officers or Cultural Intermediaries: Employ or consult with Indigenous liaison officers or cultural intermediaries who are familiar with the community and can facilitate communication, ensuring that cultural nuances are respected.
4. Flexible and Inclusive Engagement Strategies: Adopt flexible engagement strategies that accommodate different forms of expression, whether verbal, written, artistic, or through storytelling. Recognize that different individuals and groups within the community may have different ways of expressing their views.
5. Accessible and Understandable Information: Provide information about the proposed activities in clear, non-technical language. Consider translating materials into local Indigenous languages if appropriate.
6. Creating Safe and Respectful Spaces for Dialogue: Organize consultations in settings where First Nations people feel comfortable and safe to express their views. This could involve holding meetings in community spaces and ensuring a respectful and inclusive atmosphere.
7. Acknowledging and Integrating Traditional Knowledge: Show openness to and respect for traditional knowledge and perspectives. This not only enriches the consultation process but also demonstrates respect for Indigenous cultural heritage.
8. Feedback Mechanism: Implement a mechanism where First Nations people can provide feedback on the consultation process itself, ensuring that their preferences are being met and adjustments can be made if necessary.
9. Regular and Ongoing Engagement: Maintain regular and ongoing engagement with First Nations communities, not just during specific consultation periods. This helps build trust and a more open dialogue.
10. Documenting and Reflecting Input: Carefully document the input received from First Nations people and clearly demonstrate how this input is reflected in decision-making and project planning.

Training in Non-Verbal Communication: Train staff in understanding and interpreting non-verbal communication cues, which can be an important aspect of understanding the views and concerns of First Nations people.

To ensure First Nations people can express their views on proposed offshore resource activities in line with their preferences, titleholders should:

1) **Engage Early and Respectfully**: Initiate consultations at the earliest stages of project planning, allowing ample time for First Nations communities to consider the proposals and express their views. Respect for cultural protocols and traditional decision-making processes is crucial.
2) **Use Culturally Appropriate Communication Methods**: Tailor communication methods to the preferences of First Nations communities, which may include face-to-face meetings, community gatherings, or utilizing Indigenous liaison officers. Incorporate traditional languages and culturally relevant materials.
3) **Facilitate Informed Participation**: Provide clear, accessible information about the project and its potential impacts, using formats that are easily understandable. Include visual aids, translations, and summaries in Indigenous languages as necessary.
4) **Ensure Flexible Engagement Options**: Offer multiple avenues for feedback, including written submissions, oral presentations, digital platforms, and informal discussions, to accommodate diverse preferences for communication.
5) **Incorporate Traditional Ecological Knowledge**: Recognize and value Traditional Ecological Knowledge (TEK) by inviting First Nations people to share their insights on the environmental aspects of the project, showing respect for their expertise in managing their traditional lands and waters.
6) **Support Capacity Building**: Assist First Nations communities in building their capacity to engage effectively by providing resources for legal advice, environmental assessment expertise, and consultation facilitation, ensuring they can fully participate in the consultation process on equal footing.

Consultation Question 14	*What is the best way to manage accessibility of information in the consultation process? For example, should relevant persons be supported by the use of qualified, neutral interpreters during consultations, if required?*

BCSDA Response

Ensuring the accessibility of information during the consultation process is crucial for effective stakeholder engagement. This involves not only making information understandable and reachable to all relevant persons but also accommodating diverse needs, including language barriers, cultural differences, and varying levels of technical expertise.

BCSDA Recommendation

1. Use of Qualified, Neutral Interpreters: If language barriers exist, employing qualified, neutral interpreters can be essential. These interpreters should be fluent in the local languages or dialects of the stakeholders and trained in technical terminology related to the project.
2. Clear, Non-Technical Language: Present information in clear, non-technical language. Avoid jargon and use plain language to ensure that all stakeholders, regardless of their background, can understand the material.
3. Multiple Formats of Information: Provide information in multiple formats to cater to different preferences and needs. This could include printed materials, digital formats, visual aids like infographics and videos, and oral presentations.
4. Accessible Digital Platforms: Utilize accessible digital platforms for sharing information and receiving feedback. Ensure that these platforms are user-friendly and compatible with various devices and internet speeds.
5. Cultural Sensitivity in Information Presentation: Tailor the presentation of information to be culturally sensitive and relevant. This might involve using storytelling or other culturally resonant methods to convey information in communities where these approaches are preferred.
6. Community Meetings and Workshops: Organize community meetings and workshops where information can be shared and discussed in a group setting. This allows for a more interactive and participatory approach to information dissemination.
7. Feedback Mechanism for Information Clarity: Implement a feedback mechanism where stakeholders can ask questions or request further clarification on the information provided.
8. Training Sessions for Complex Topics: For more complex or technical aspects of the project, offer training sessions or informational workshops to build stakeholders' understanding and capacity to engage effectively.
9. Provision for Special Needs: Ensure that the consultation process is inclusive of persons with special needs, such as those with disabilities. This could involve providing sign language interpreters, Braille materials, or other necessary accommodations.
10. Regular Updates and Reminders: Provide regular updates and reminders about the consultation process, key dates, and where to access information, ensuring that stakeholders remain informed and engaged throughout the process.

To manage accessibility of information in the consultation process, NOPSEMA or titleholders could take several steps:

1) **Provide information in multiple formats**: Provide information in various formats such as written documents, audio recordings, videos, and in-person presentations to accommodate different learning styles and accessibility needs.
2) **Use plain language**: Use clear and concise language to ensure that all stakeholders can easily understand the information being presented.
3) **Provide translation services**: Offer translation services for non-English speaking communities to ensure equal access to information and consultation processes.
4) **Use qualified, neutral interpreters**: Provide qualified, neutral interpreters during consultations for individuals who require interpretation services to ensure effective communication.
5) **Provide accessible locations**: Hold consultations in accessible locations to ensure that individuals with mobility issues can attend and participate in the process.
6) **Use technology**: Utilize technology such as video conferencing or online platforms to make consultations more accessible to individuals who may have difficulty attending in person.
7) **Provide reasonable accommodations**: Offer reasonable accommodations for individuals with disabilities to ensure they can fully participate in the consultation process.
8) **Provide timely and clear communication**: Provide timely and clear communication about the consultation process, including deadlines for submitting comments and providing feedback on decisions made.

Consultation Question 15	*Is there a benefit to greater coordination among multiple titleholders on certain issues that are common to many proposed offshore activities? For example, would it be useful for a group of titleholders to consult together on activities in a region that are planned to happen in a set time, or should titleholders consult on each specific offshore resources activity individually?*

BCSDA Response

Consultation fatigue occurs when stakeholders, particularly in communities frequently subjected to multiple consultations, become overwhelmed or disinterested due to the repetitive and often demanding nature of these engagements. Titleholders must recognize and address this issue to ensure effective and meaningful stakeholder participation.

BCSDA Recommendations

1. Streamline Consultation Processes: Where possible, streamline consultations to reduce redundancy. This could involve coordinating with other titleholders to consolidate meetings or share consultation resources.
2. Clear and Concise Communication: Ensure that communication is clear, concise, and focused. Avoid overwhelming stakeholders with excessive technical details or repetitive information.
3. Respect Stakeholders' Time: Schedule consultations at convenient times for stakeholders and keep meetings focused and efficient. Respect the time commitments of participants by starting and ending as scheduled.
4. Feedback and Adaptation: Regularly seek feedback from stakeholders on the consultation process and adapt based on their preferences and suggestions. This shows respect for their input and can help make consultations more engaging and relevant.
5. Use of Digital Tools for Engagement: Leverage digital tools to facilitate engagement, allowing stakeholders to participate at their convenience. This could include online surveys, virtual meetings, or interactive platforms.
6. Acknowledge and Address Previous Consultations: Acknowledge previous consultations and build upon them, rather than starting from scratch each time. This helps stakeholders see the continuity and value in their ongoing participation.
7. Provide Incentives for Participation: Consider providing incentives for participation, such as compensation for time, refreshments during meetings, or community benefits, to acknowledge the effort stakeholders put into engaging.
8. Enhance Accessibility of Information: Make information easily accessible and available in different formats to cater to various preferences, reducing the effort required for stakeholders to engage.
9. Cultural and Contextual Sensitivity: Tailor the consultation process to the cultural and social context of the stakeholders. This includes using appropriate languages, respecting cultural norms, and understanding local dynamics.
10. Effective Use of Community Liaisons: Engage community liaisons who can facilitate communication and build trust within the community, making the consultation process more relatable and less burdensome.
11. Focus on Actionable Outcomes: Ensure that consultations lead to actionable outcomes. Stakeholders are more likely to engage if they see that their input has a tangible impact.

Regular Updates and Transparent Communication: Keep stakeholders informed about the progress of the project and how their input is being used. Regular updates can help maintain interest and engagement.

Yes, there is a significant benefit to greater coordination among multiple titleholders on issues common to many proposed offshore activities, especially in regions where activities are planned to happen within a similar timeframe. This collaborative approach can enhance the efficiency, effectiveness, and overall quality of the consultation process for several reasons:

Benefits of Coordinated Consultation:
1. **Comprehensive Impact Assessment**: Collaborative consultations can provide a more holistic understanding of the cumulative environmental, social, and cultural impacts of multiple activities in a region. This is crucial for effective impact assessment and mitigation planning.
2. **Streamlined Communication**: Coordinated efforts can streamline communication with stakeholders, including First Nations communities, reducing consultation fatigue. When stakeholders are approached by multiple titleholders separately for similar consultations, it can lead to repetition and stakeholder fatigue, diminishing the quality of engagement.
3. **Consistent Messaging**: Working together allows titleholders to deliver consistent messages about the nature of activities, regulatory frameworks, and potential impacts. This consistency helps in building trust and clarity among stakeholders.
4. **Shared Best Practices**: Titleholders can share best practices and lessons learned from past consultations, improving the approach and methods used in engaging with stakeholders. This collective learning can lead to more effective and respectful consultations.
5. **Efficient Use of Resources**: Pooling resources for the consultation process can be more efficient and cost-effective for titleholders. It can enable the deployment of more comprehensive consultation methods that might be too resource-intensive for individual titleholders, such as extensive cultural heritage surveys or deep environmental impact studies.
6. **Enhanced Stakeholder Relationships**: A coordinated approach can foster better relationships with stakeholders by demonstrating an industry-wide commitment to responsible environmental management and community engagement. It shows a united front in addressing concerns and implementing mitigation measures.

Considerations for Implementation:
- **Regulatory Compliance**: Any coordinated effort must comply with existing regulations and guidelines set forth by regulatory bodies like NOPSEMA. Coordination should not compromise the rigor or thoroughness required by individual environmental plans or assessments.
- **Customization for Local Contexts**: While coordination is beneficial, it's important to tailor consultations to the specific concerns and preferences of stakeholders in each region. This may involve individual titleholders taking steps to address unique local issues within the broader coordinated effort.
- **Transparent and Open Dialogue**: Coordination should be transparent, with clear communication to stakeholders about which aspects of the consultation are being conducted jointly and how their input will be used.

While individual consultations on specific offshore resource activities are necessary and required by regulatory frameworks, there is a clear benefit to also having a level of coordination among titleholders on common issues. This approach can lead to more informed, efficient, and meaningful engagement with all stakeholders, including First Nations communities, and contribute to sustainable development outcomes.

Consultation Question 16	*What can titleholders do to address consultation fatigue?*

BCSDA Response

Consultation fatigue occurs when stakeholders, particularly in communities frequently subjected to multiple consultations, become overwhelmed or disinterested due to the repetitive and often demanding nature of these engagements. Titleholders must recognize and address this issue to ensure effective and meaningful stakeholder participation.

BCSDA Recommendations

1. Streamline Consultation Processes: Where possible, streamline consultations to reduce redundancy. This could involve coordinating with other titleholders to consolidate meetings or share consultation resources.
2. Clear and Concise Communication: Ensure that communication is clear, concise, and focused. Avoid overwhelming stakeholders with excessive technical details or repetitive information.
3. Respect Stakeholders' Time: Schedule consultations at convenient times for stakeholders and keep meetings focused and efficient. Respect the time commitments of participants by starting and ending as scheduled.
4. Feedback and Adaptation: Regularly seek feedback from stakeholders on the consultation process and adapt based on their preferences and suggestions. This shows respect for their input and can help make consultations more engaging and relevant.
5. Use of Digital Tools for Engagement: Leverage digital tools to facilitate engagement, allowing stakeholders to participate at their convenience. This could include online surveys, virtual meetings, or interactive platforms.
6. Acknowledge and Address Previous Consultations: Acknowledge previous consultations and build upon them, rather than starting from scratch each time. This helps stakeholders see the continuity and value in their ongoing participation.
7. Provide Incentives for Participation: Consider providing incentives for participation, such as compensation for time, refreshments during meetings, or community benefits, to acknowledge the effort stakeholders put into engaging.
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9. Cultural and Contextual Sensitivity: Tailor the consultation process to the cultural and social context of the stakeholders. This includes using appropriate languages, respecting cultural norms, and understanding local dynamics.
10. Effective Use of Community Liaisons: Engage community liaisons who can facilitate communication and build trust within the community, making the consultation process more relatable and less burdensome.
11. Focus on Actionable Outcomes: Ensure that consultations lead to actionable outcomes. Stakeholders are more likely to engage if they see that their input has a tangible impact.

Regular Updates and Transparent Communication: Keep stakeholders informed about the progress of the project and how their input is being used. Regular updates can help maintain interest and engagement.

Consultation fatigue can arise when stakeholders, including communities and First Nations people, are repeatedly engaged in consultations without seeing meaningful outcomes or changes. To address consultation fatigue effectively, titleholders can implement several strategies:

Strategy	Specific Context
Streamline Consultation Processes	• **Coordinate Efforts**: Where possible, titleholders should coordinate consultations to reduce the frequency of engagements required from stakeholders for different projects within the same region or timeframe. • **Consolidate Information Requests**: Combine information requests to minimize the number of times stakeholders are asked to provide input on similar issues.
Enhance the Relevance and Accessibility of Information	• **Tailor Communication**: Customize information to be directly relevant to the concerns and interests of specific stakeholder groups, avoiding generic or repetitive content. • **Simplify Information**: Provide information in clear, concise, and accessible formats, using plain language and visual aids to facilitate understanding.
Demonstrate Impact of Consultations	• **Showcase Outcomes**: Clearly communicate how stakeholder feedback has influenced project decisions, demonstrating the value and impact of their participation. • **Provide Feedback Loops**: Implement mechanisms to inform stakeholders about the outcomes of consultations and how their input was considered.
Respect Stakeholder Time and Contributions	• **Schedule Wisely**: Plan consultations at times and locations that are convenient for stakeholders, respecting their schedules and commitments.

	• **Acknowledge Contributions**: Recognize the effort and time stakeholders invest in participating in consultations, potentially through acknowledgments in reports or symbolic gestures of appreciation.
Build Trust and Long-term Relationships	• **Engage Continuously**: Maintain ongoing communication with stakeholders beyond formal consultation periods to build trust and rapport. • **Implement Community Benefits**: Where appropriate, develop programs or initiatives that provide direct benefits to communities involved in the consultation process, addressing their needs and priorities.
Use Varied Engagement Methods	• **Diversify Formats**: Employ a mix of consultation methods (e.g., face-to-face meetings, digital platforms, workshops) to cater to different preferences and reduce monotony. • **Incorporate Interactive Elements**: Use interactive tools and methods during consultations to make the process more engaging and less burdensome for participants.
Ensure Meaningful Engagement	• **Focus on Quality**: Prioritize meaningful, in-depth engagements over a high quantity of superficial consultations. • **Adjust Approaches Based on Feedback**: Regularly assess the effectiveness of consultation methods and be willing to adjust strategies based on stakeholder feedback to improve the process.

Theme 2: Identifying relevant persons to consult under the Offshore Environment Regulations

BCSDA Response

The challenge in identifying 'relevant persons' for consultation in offshore resource activities lies in the broad and varied impacts these activities can have. Both directly and indirectly affected individuals and groups need to be considered. The lack of a clear process for identifying these stakeholders can lead to either over-inclusion, causing consultation fatigue, or under-inclusion, missing key stakeholders.

BCSDA Recommendations
1. Stakeholder Mapping: Conduct comprehensive stakeholder mapping to identify individuals, groups, and organizations that may be affected by the offshore activities. This should include both direct and indirect impacts.
2. Engage with Local Communities and Leaders: Local communities and leaders often have a deep understanding of who might be affected in their area. Engaging with them can provide insights into potential relevant persons.
3. Public Notices and Announcements: Use public notices, local media, and online platforms to announce proposed activities and invite input on who might be affected. This broad approach can help identify stakeholders who might otherwise be overlooked.
4. Collaboration with Other Titleholders and Industry Bodies: Collaborate with other titleholders and industry bodies to share knowledge and insights about relevant stakeholders in a particular geographical area.
5. Use of Digital Platforms for Broader Reach: Leverage digital platforms to reach a wider audience, allowing individuals and groups to self-identify as relevant stakeholders.
6. Consultation with Environmental and Social Experts: Engage environmental and social experts who can help identify potential impacts and relevant persons, especially those who might be indirectly affected.
7. Feedback Mechanism for Stakeholder Identification: Implement a feedback mechanism where stakeholders can suggest other potentially relevant persons or groups.
8. Transparent Criteria for Stakeholder Identification: Establish and communicate clear criteria for determining who qualifies as a relevant person, ensuring transparency in the consultation process.
9. Regular Reviews and Updates: Regularly review and update the list of relevant persons as the project progresses and as more information becomes available.
10. Inclusive Approach: Adopt an inclusive approach that errs on the side of over-inclusion to ensure that no potentially impacted groups or individuals are missed.
11. Documentation and Record-Keeping: Keep thorough records of the stakeholder identification process, including the rationale for including or excluding certain groups or individuals.
12. Cultural Sensitivity in Stakeholder Engagement: Ensure that the process of identifying and engaging with relevant persons is culturally sensitive, especially when dealing with Indigenous communities or other culturally distinct groups.

Consultation Question 17	*What opportunities are there to clarify the process for identifying who a proposed offshore resources activity may affect?*

BCSDA Response

Clarifying the process of identifying who may be affected by proposed offshore resource activities is essential for effective and inclusive consultations. This clarity helps ensure that all potentially impacted parties are identified and engaged, leading to better-informed decision-making and more robust environmental management.

BCSDA Recommendations

1. Develop Clear Guidelines: Create detailed guidelines or a framework outlining the process for identifying affected parties. This should include criteria for determining direct and indirect impacts and the geographical scope of influence.
2. Stakeholder Mapping Tools: Utilize or develop stakeholder mapping tools that help in systematically identifying affected parties. These tools can consider various factors such as geographical proximity, environmental impacts, economic interests, and cultural significance.
3. Public Consultation Platforms: Establish public consultation platforms, both online and offline, where individuals and organizations can self-identify as affected parties or nominate others who may be impacted.
4. Collaboration with Local Authorities and Community Leaders: Collaborate with local authorities, community leaders, and indigenous representatives who have in-depth knowledge of the area and its inhabitants.
5. Expert Consultations: Engage with environmental, social, and cultural experts to gain insights into potential impacts and affected groups, especially for indirect and non-obvious effects.
6. Transparent Communication and Outreach: Implement transparent communication strategies and outreach programs to inform the public about proposed activities and the process for identifying affected parties.
7. Feedback and Revision Mechanism: Allow for a feedback mechanism where stakeholders can provide input on the identification process and suggest improvements or overlooked groups.
8. Workshops and Public Meetings: Organize workshops and public meetings to discuss the project and gather input on potentially affected parties.
9. Use of Geographic Information Systems (GIS): Employ GIS and other spatial analysis tools to map the project's potential impacts and identify affected areas and communities.
10. Regular Updates and Reviews: Regularly update and review the list of identified parties as the project evolves and new information emerges.
11. Incorporate Best Practices from Other Industries: Look at best practices from other industries or regions for stakeholder identification and adapt these to the offshore resources context.
12. Documentation and Transparency: Document the process of identifying affected parties and make this information publicly available to ensure transparency and build trust.

Clarifying the process for identifying who a proposed offshore resources activity may affect involves enhancing transparency, inclusivity, and communication throughout the consultation process. NOPSEMA and titleholders can adopt several strategies to improve stakeholder identification and engagement, drawing upon the principles outlined in the International Association for Public Participation (IAP2) Public Participation Spectrum. Here are key opportunities for clarification:

Opportunity	Specific Context	Action
Stakeholder Mapping at Project Inception	Implement a comprehensive stakeholder mapping exercise at the beginning of each project to identify all potentially relevant persons, including those indirectly affected.	Use a combination of geographic information systems (GIS), local knowledge, and public records to map out communities, industries, and environmental resources that could be impacted by offshore activities.
Public Awareness Campaigns	Increase awareness of proposed offshore resources activities and the consultation process through targeted public awareness campaigns.	Utilize local media, social media platforms, and community meetings to disseminate information about upcoming projects and how to participate in the consultation process.
Collaboration with Local and Indigenous Communities	Strengthen relationships with local and Indigenous communities to ensure their concerns and knowledge are incorporated from the outset.	Establish ongoing dialogue mechanisms, such as community liaison offices or advisory groups, that allow for continuous input and feedback beyond formal consultation periods.
Accessible and Inclusive Information Sessions	Make information sessions more accessible and inclusive to a broader audience.	Offer sessions at various times and in multiple locations, provide materials in different languages and formats, and use digital platforms to reach those unable to attend in person.
Use of Digital Engagement Tools	Leverage digital tools to facilitate broader participation in the consultation process.	Develop interactive websites, virtual town hall meetings, and online surveys that allow stakeholders to easily access information and submit their feedback.
Feedback Loop on Consultation Outcomes	Improve transparency on how stakeholder feedback is considered in decision-making.	Publish detailed reports summarizing stakeholder feedback, how it was considered, and the resulting actions taken. This should be easily accessible and available in multiple formats for different audiences.

Training and Capacity Building	Enhance the ability of communities, especially Indigenous and remote communities, to engage effectively in consultations.	Provide training sessions and resources on environmental assessment processes, advocacy, and legal rights related to offshore resource activities.
Review and Adaptation of Consultation Processes	Regularly review and adapt consultation processes based on stakeholder feedback and evolving best practices.	Conduct post-consultation reviews with stakeholders to gather insights on the effectiveness of the process and implement changes as necessary.
Consultation Question 18	***What type of communication methods and processes should titleholders use to make relevant persons aware of consultation for a proposed offshore resources activity? Should there be a difference in communication methods for identifying relevant persons who may be directly impacted by a proposed offshore resources activity, as opposed to being indirectly impacted by the proposed activity?***	

BCSDA Response

Effective communication methods and processes are crucial for ensuring that all relevant persons, both directly and indirectly impacted by proposed offshore resource activities, are made aware of and can participate in the consultation process. The approach should be multifaceted, taking into account the diverse needs and preferences of different stakeholder groups.

BCSDA Recommendations

1. Diverse Communication Channels: Use a combination of communication channels to reach a broad audience. This can include public notices in local media, postings on official websites, social media campaigns, direct mailings, and community bulletin boards.
2. Community Meetings and Workshops: Organize community meetings and workshops in areas directly impacted by the proposed activities. These meetings should be held in accessible locations and at times convenient for the community.
3. Targeted Outreach for Directly Impacted Persons: For those directly impacted, consider more personalized outreach methods, such as door-to-door visits, small group meetings, or direct mailings with detailed information about the potential direct impacts.
4. Broader Engagement Strategies for Indirectly Impacted Persons: For those indirectly impacted, broader engagement strategies like public forums, informational webinars, and online surveys can be effective.
5. Use of Digital Platforms: Leverage digital platforms for wider reach and engagement. This includes dedicated project websites, social media channels, and online forums where stakeholders can access information and provide feedback.
6. Clear and Accessible Information: Ensure that all communication materials are clear, concise, and accessible to people with varying levels of understanding and literacy. Use plain language and avoid technical jargon.
7. Multilingual Materials: Provide materials in multiple languages as appropriate, especially in areas with significant non-English speaking populations.
8. Feedback Mechanism: Include a feedback mechanism in all communications, allowing stakeholders to ask questions, request additional information, or express concerns.
9. Regular Updates: Keep stakeholders regularly updated on the consultation process, including any changes in timelines, upcoming meetings, or new information available.
10. Cultural Sensitivity: Tailor communication methods to be culturally sensitive, especially when engaging with Indigenous communities or other culturally distinct groups.
11. Engagement of Local Leaders and Influencers: Engage local leaders, influencers, and community groups to help disseminate information and encourage participation in the consultation process.
12. Documentation and Transparency: Document all communication efforts and make this information available for transparency and accountability purposes.

To make relevant persons aware of consultation for a proposed offshore resources activity, titleholders should adopt a multi-faceted communication strategy that encompasses a variety of methods tailored to the diverse needs of stakeholders. While NOPSEMA already employs several effective communication practices, here are additional suggestions, along with examples and references to enhance stakeholder engagement:

Communication Methods	Specific Context	Example Cases
Digital Storytelling and Multimedia	Use digital storytelling and multimedia presentations, including videos and interactive websites, to convey information about offshore activities and their potential impacts in an engaging and accessible manner.	The use of digital storytelling by the **New Zealand Department of Conservation** to share information about conservation projects with Maori communities and the general public, utilizing platforms like YouTube and social media.
Mobile Applications for Engagement	Develop mobile applications that provide updates on project	The **EPA's AirNow mobile app** provides real-time air quality information and allows users to report

	developments, allow for direct feedback, and offer educational resources about the regulatory process and environmental protection.	environmental concerns, serving as a model for proactive and interactive stakeholder engagement.
Virtual Town Hall Meetings	Host virtual town hall meetings using platforms like Zoom or WebEx to reach a broader audience, including stakeholders who cannot attend in-person meetings due to geographical or logistical constraints.	During the COVID-19 pandemic, many governmental agencies, including the **U.S. Environmental Protection Agency (EPA)**, successfully hosted virtual public meetings to engage with communities on environmental issues, demonstrating the effectiveness of this approach.
Collaboration with Local Media	Collaborate with local radio stations, newspapers, and TV channels to disseminate information about upcoming consultations, ensuring that messages reach even the most remote communities.	The Canadian Environmental Assessment Agency's practice of partnering with local media to broadcast public notices and consultation opportunities, especially in areas with limited internet access.
Cultural Liaison Officers	Employ cultural liaison officers who can bridge the communication gap between titleholders and Indigenous communities, ensuring that consultations are conducted in a culturally sensitive manner.	The **Australian Indigenous Rangers Program**, where Indigenous rangers work on land and sea management, including facilitating communication between their communities and government agencies.
Dedicated Consultation Portals	Create dedicated online consultation portals that serve as a one-stop-shop for all information related to a proposed offshore resources activity, including project details, environmental impact assessments, and mechanisms for submitting feedback.	The **European Union's "Your Voice in Europe" portal**, which facilitates public participation in EU policymaking, providing comprehensive information on ongoing consultations.
Interactive GIS Mapping	Utilize interactive GIS mapping tools that allow stakeholders to visually explore the areas affected by proposed activities and understand the potential environmental impacts.	The use of GIS mapping by the **U.S. National Park Service** to engage the public in the planning process for park management, allowing users to submit comments directly through the map interface.
Consultation Question 19	*Is it preferable for some relevant persons to be engaged via representative bodies or industry associations, instead of individually? For example, this could include fishing associations in the case of consultation with the fishing industry.*	

BCSDA Response

Engaging with representative bodies or industry associations can be a highly effective strategy in the consultation process, especially when dealing with large groups or sectors such as the fishing industry. This approach can streamline the consultation process, ensure that a broad range of perspectives within a sector are represented, and facilitate communication with stakeholders who have shared interests or concerns.

BCSDA Recommendations
1. Efficient Representation: Representative bodies and industry associations can efficiently represent the interests and concerns of their members, making the consultation process more manageable and focused.
2. Leveraging Established Networks: These organizations often have established communication networks and can disseminate information effectively among their members, ensuring wider reach and engagement.
3. Gathering Consolidated Feedback: Engaging with representative bodies allows for the collection of consolidated feedback, which can be more practical and time-efficient than gathering individual responses, especially for large groups.
4. Building on Existing Relationships: Utilizing existing relationships between these bodies and their members can facilitate trust and openness in the consultation process.
5. Balancing with Individual Consultations: While engaging with representative bodies is efficient, it's important to balance this with opportunities for individual stakeholders to provide input, ensuring that diverse perspectives are captured, and no voices are marginalized.

6. Tailored Communication Strategies: Develop communication strategies tailored to the specific needs and preferences of the representative bodies or associations, ensuring that the information provided is relevant and accessible to them.
7. Feedback Mechanism for Representation Quality: Implement a feedback mechanism to assess the quality of representation and ensure that the views expressed by these bodies accurately reflect those of their constituents.
8. Inclusivity in Stakeholder Engagement: Ensure that the engagement strategy is inclusive and does not solely rely on representative bodies, as they may not fully represent all viewpoints within a sector.
9. Regular Updates and Involvement: Keep these bodies regularly updated and involved in the consultation process, fostering a sense of partnership and collaboration.
10. Documentation and Transparency: Document all engagements with representative bodies and industry associations for transparency and accountability.

Engaging with relevant persons via representative bodies or industry associations, instead of individually, can often be preferable in certain contexts, especially when dealing with large groups or sectors such as the fishing industry. This approach has several advantages:

Advantages of Engaging through Representative Bodies:
1. **Efficiency**: Communicating through representative bodies can streamline the consultation process, making it more efficient. It allows titleholders to disseminate information to a broad audience simultaneously and receive consolidated feedback.
2. **Expertise and Insight**: Representative bodies often have specialized knowledge and insight into the concerns and interests of their members. They can provide informed, cohesive responses that reflect the collective perspective of the group they represent.
3. **Increased Engagement**: These bodies can facilitate higher engagement levels by ensuring that information is tailored and relevant to their members. They often have established communication channels and trust with their members, making them effective intermediaries.
4. **Conflict Resolution**: Representative bodies can play a crucial role in mediating between their members and project proponents, helping to address concerns and resolve conflicts more effectively.
5. **Long-term Relationships**: Engaging with representative bodies can help build long-term relationships between titleholders and the communities or sectors affected by offshore activities. These relationships can be beneficial for future projects and ongoing community relations.

Considerations for Engagement:
- **Representation Accuracy**: It's important to ensure that the representative body accurately reflects its members' views and interests. Titleholders may need to verify the body's legitimacy and the inclusiveness of its representation.
- **Complementing Individual Consultations**: While engaging through representative bodies is efficient, titleholders should also provide opportunities for individual stakeholders to engage directly, especially those who may have unique concerns not fully captured by group representation.
- **Transparency and Documentation**: Engagements with representative bodies should be transparent, with clear documentation of communications and how feedback was incorporated into project planning and decision-making.

Case Studies:
- **Norwegian Oil and Gas Association's Dialogue with Fishermen**: In Norway, the oil and gas industry regularly engages with the fishing industry through its representative organizations. This has facilitated the development of joint guidelines and agreements to coexist and operate in overlapping areas.
- **Great Barrier Reef Marine Park Authority (GBRMPA) and Traditional Owner Groups**: In Australia, the GBRMPA engages with Indigenous groups through representative bodies like the Reef Traditional Owners Network, ensuring that traditional knowledge and cultural values are integrated into the management of the marine park.

Engaging with relevant persons via representative bodies or industry associations is a strategic approach that can enhance the effectiveness and inclusiveness of the consultation process. However, it should be carefully managed to ensure that the diversity of views within the community or sector is adequately represented and considered.

Consultation Question 20	*Should people and organisations have an opportunity to self-identify as relevant persons? If so: how should offshore resources industry communicate the opportunity to self-identify? what timeframe should be in place for self-identification? should there be an appeal process for someone who is excluded or determined to not be a relevant person following self-identification?*

BCSDA Response
Allowing people and organizations to self-identify as relevant persons in the consultation process can enhance inclusivity and ensure that a broad range of perspectives is considered. This approach can be particularly effective in identifying stakeholders who might otherwise be overlooked.

BCSDA Recommendations

1. Communication of Self-Identification Opportunity:
   - Utilize multiple communication channels to announce the opportunity for self-identification, including local media, community meetings, social media, and official project websites.
   - Provide clear information on what constitutes a 'relevant person', including examples of direct and indirect impacts.
   - Engage with community leaders and local organizations to disseminate this information widely.
2. Timeframe for Self-Identification:
   - Establish a reasonable timeframe for self-identification, allowing sufficient opportunity for stakeholders to come forward. This period could range from several weeks to a few months, depending on the project's scale and complexity.
   - Publicize the start and end dates of the self-identification period prominently across all communication channels.
3. Appeal Process for Exclusion:
   - Implement an appeal process for individuals or organizations who self-identify but are initially excluded. This process should be straightforward, transparent, and timely.
   - Set up an independent review panel or a dedicated point of contact within the project team to handle appeals and reassessments.
   - Communicate the appeal process clearly at the outset of the consultation period.
4. Documentation and Transparency:
   - Keep detailed records of all self-identifications and the rationale for decisions on inclusion or exclusion.
   - Ensure transparency in the decision-making process and provide feedback to those who self-identify about the outcome of their submission.
5. Ongoing Opportunity for Engagement:
   - Consider keeping the opportunity for self-identification open beyond the initial timeframe, especially for large-scale or long-term projects, to accommodate late discoveries of potential impacts.
6. Feedback Mechanism:
   - Implement a feedback mechanism for stakeholders to comment on the self-identification process and suggest improvements.
7. Regular Reviews and Adjustments:
   - Regularly review the self-identification process and make adjustments based on stakeholder feedback and evolving project details.

Allowing people and organizations to self-identify as relevant persons in the context of offshore resources activities can enhance the inclusivity and comprehensiveness of the consultation process. This approach ensures that all potentially impacted or interested parties have the opportunity to contribute their perspectives and insights, even if they were not initially identified by the titleholders. Here's how this process can be effectively managed:

Communication of the Opportunity to Self-Identify
1. **Broad and Accessible Communication**: The offshore resources industry should utilize a wide range of communication channels to inform the public about the opportunity to self-identify. This includes local and national media, social media platforms, industry and community group newsletters, public notices in relevant localities, and the official websites of regulatory bodies like NOPSEMA.
2. **Stakeholder Networks and Partnerships**: Engage with existing networks and organizations, such as environmental NGOs, fishing associations, and Indigenous community groups, to disseminate information about the project and the self-identification process.
3. **Clear and Concise Information**: Provide clear information on what constitutes a "relevant person," the scope of the project, potential impacts, and how individuals or organizations can self-identify, including contact details and submission forms.

Timeframe for Self-Identification
1. **Defined Period**: Establish a clear timeframe for self-identification, ideally at the early stages of the consultation process. A period of 30 to 60 days from the initial announcement can provide sufficient time for interested parties to come forward, depending on the project's complexity and scale.
2. **Flexibility**: Allow for some flexibility in the timeframe to accommodate late discoveries of the project by stakeholders or emerging concerns. This may involve keeping the process of self-identification open throughout the project lifecycle but with specific checkpoints for inclusion in different stages of the consultation.

Appeal Process
1. **Establishment of an Appeal Mechanism**: Implement a straightforward and transparent appeal process for individuals or organizations who believe they have been wrongly excluded from being recognized as relevant persons. This process should be outlined in the project's communication materials.

2. **Independent Review Panel**: Consider establishing an independent review panel to assess appeals, ensuring that the appeal process is unbiased and fair. This panel could include representatives from regulatory bodies, industry experts, and community representatives.
3. **Timely Response**: Ensure that the appeal process is conducted in a timely manner, with clear deadlines for submitting an appeal and receiving a decision. This is crucial to maintain the overall project timeline and stakeholder trust.
4. **Communication of Outcomes**: Communicate the outcomes of the appeal process to the appellants clearly and provide reasoning for the decision. If an appeal is successful, integrate the individual or organization into the consultation process as soon as possible.

Consultation Question 21	*How could the Offshore Environment Regulations clarify what is meant by a person or organisation that 'may be affected' by an offshore resources activity?*

BCSDA Response

The term 'may be affected' in the context of Offshore Environment Regulations is pivotal for determining the scope of stakeholder engagement in consultation processes. However, its broad nature can lead to ambiguity. Clarifying this term would help in identifying relevant stakeholders more accurately and ensure that the consultation process is comprehensive and effective.

BCSDA Recommendations
1. Specific Criteria for 'May Be Affected': Define clear criteria in the regulations for what constitutes being 'affected' by offshore resources activities. This should include both direct impacts (e.g., environmental, economic) and indirect impacts (e.g., social, cultural).
2. Examples and Scenarios: Provide examples or scenarios in the regulations that illustrate different cases of individuals or organizations being affected. This can help in better understanding and applying the criteria.
3. Guidance on Geographical Scope: Include guidance on the geographical scope when considering who may be affected. This should consider not just the immediate area of the activity but also downstream, upstream, and cumulative impacts.
4. Consideration of Different Types of Impacts: Ensure that the definition encompasses a range of impacts, including environmental, economic, social, and cultural, and is not limited to physical or immediate impacts.
5. Inclusion of Future and Potential Impacts: Clarify that 'may be affected' includes not only current but also future and potential impacts, acknowledging the long-term and sometimes uncertain nature of environmental impacts.
6. Stakeholder Self-Identification: Allow for a process of stakeholder self-identification, where individuals or organizations can present their case for being considered as 'affected'.
7. Regular Updates and Reviews: Provide for regular updates and reviews of the definition to ensure it remains relevant and inclusive, considering evolving environmental and social contexts.
8. Consultation with Experts and Stakeholders: Develop the definition in consultation with environmental experts, legal experts, and stakeholders to ensure it is comprehensive and practical.
9. Training and Resources for Titleholders: Offer training and resources to titleholders to help them understand and apply the definition effectively in their stakeholder engagement processes.
10. Transparent Application in Consultation Processes: Ensure that the application of the definition in consultation processes is transparent, with clear documentation and justification for the inclusion or exclusion of certain parties.

Clarifying what is meant by a person or organization that "may be affected" by an offshore resources activity within Offshore Environment Regulations requires a detailed, inclusive, and transparent approach. Learning from international regulatory frameworks can offer valuable insights into refining this definition to ensure comprehensive stakeholder engagement. Here are suggestions on how to achieve clarity, supported by references to laws and regulations around the world.

Aspect	Specific Context	Reference
Specific Criteria for "Affected" Status	To clarify who "may be affected," regulations could define specific criteria or conditions under which individuals or organizations are considered affected by offshore activities. These criteria might include geographical proximity to the project area, dependency on natural resources within the impact zone, or cultural, recreational, or economic ties to the affected environment.	The **United States National Environmental Policy Act (NEPA)** provides a framework for determining affected parties through its requirement for Environmental Assessments (EA) and Environmental Impact Statements (EIS), which include considerations of direct, indirect, and cumulative impacts on the environment and communities.
Inclusive Definition of Impact	Regulations should adopt an inclusive definition of "impact" that encompasses environmental,	The **European Union's Environmental Impact Assessment Directive (Directive 2011/92/EU)** mandates the assessment of significant

	socio-economic, cultural, and health impacts. This broad perspective ensures that a wide range of potential effects is considered when identifying affected persons or organizations.	environmental effects of certain public and private projects, considering a wide range of factors including biodiversity, land, soil, water, air, climate, material assets, cultural heritage, and landscape.
Public Participation Provisions	Incorporate provisions that specifically encourage public participation in the identification of potentially affected persons or organizations. This could involve public notices, community meetings, and opportunities for self-identification, ensuring that the process is accessible and inclusive.	The **Aarhus Convention (UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters)** establishes the right of every person to participate in environmental decision-making, requiring parties to provide early public notice of environmental decision-making processes.
Mechanism for Self-Identification	Provide a clear and accessible mechanism for individuals and organizations to self-identify as potentially affected parties. This mechanism should allow for the submission of claims or evidence supporting their status as affected persons.	The **Canadian Environmental Assessment Act (CEAA 2012)** allows for public participation in the environmental assessment process, including opportunities for the public to present their concerns and how they believe the project may affect them.
Appeal and Review Process	Establish an appeal and review process for decisions regarding the status of potentially affected persons or organizations. This ensures transparency and fairness in the determination process.	The **United States' Council on Environmental Quality (CEQ) regulations** for implementing NEPA include provisions for filing appeals and requesting reconsideration of decisions, allowing stakeholders to challenge determinations about their involvement in the environmental review process.
Consultation Question 22	***When assessing whether consultation has been undertaken that is appropriate for the proposed offshore resources activity, how should NOPSEMA consider the likelihood and consequence of an impact on relevant persons?***	

BCSDA Response

When the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) assesses the appropriateness of consultation for a proposed offshore resources activity, it is crucial to evaluate both the likelihood and the consequence of potential impacts on relevant persons. This assessment ensures that the consultation process is not only comprehensive but also tailored to address the specific risks and concerns associated with the activity.

BCSDA Recommendation

1. Risk-Based Assessment Approach: NOPSEMA should adopt a risk-based approach to assess the consultation process. This involves evaluating the potential risks associated with the offshore activity and how these risks have been communicated and addressed during the consultation.
2. Evaluation of Impact Likelihood: Assess the likelihood of different impacts as presented in the consultation documentation. This includes examining the data, studies, or models used by the titleholder to predict the likelihood of impacts.
3. Assessment of Impact Consequence: Evaluate the potential consequences of the offshore activity on relevant persons. This should include considerations of environmental, economic, social, and cultural impacts.
4. Stakeholder Feedback Analysis: Review feedback from stakeholders obtained during the consultation process to gauge their perceptions of impact likelihood and consequence. This feedback can provide insights into community concerns and risk perceptions.
5. Comprehensive Impact Analysis: Ensure that the consultation process has comprehensively addressed all potential impacts, including both direct and indirect effects, and short-term as well as long-term consequences.
6. Review of Consultation Methods: Examine the methods used in the consultation process to ensure they were appropriate for the nature of the impacts. This includes assessing the clarity and accessibility of information provided, the channels used for communication, and the opportunities given for stakeholder feedback.
7. Verification of Stakeholder Inclusion: Verify that all potentially affected stakeholders were identified and included in the consultation process, with special attention to vulnerable and marginalized groups.
8. Transparency and Documentation: Check for transparency and thorough documentation in the consultation process, including how stakeholder input was incorporated into the final environment plan.
9. Alignment with Best Practices: Compare the consultation process with industry best practices and guidelines to ensure a high standard of stakeholder engagement.

10. Independent Reviews or Audits: Consider conducting independent reviews or audits of the consultation process, particularly for projects with significant potential impacts.

When assessing whether consultation has been undertaken that is appropriate for the proposed offshore resources activity, NOPSEMA should adopt a comprehensive approach that evaluates both the likelihood and consequence of an impact on relevant persons. This involves several key considerations.

Aspect	Approach	Consideration
Risk-Based Assessment	NOPSEMA should implement a risk-based assessment framework that categorizes impacts based on their likelihood and severity. This framework would help in prioritizing issues that require more intensive consultation efforts.	The assessment should consider direct, indirect, and cumulative impacts, ranging from environmental to socio-economic and health-related impacts on relevant persons.
Stakeholder Identification and Analysis	Conduct thorough stakeholder identification and analysis to understand who the relevant persons are, how they might be impacted, and their vulnerabilities and capacities to respond to potential impacts.	Special attention should be given to vulnerable groups, including Indigenous communities, who might be disproportionately affected by offshore activities.
Depth and Breadth of Consultation	Evaluate the depth (level of engagement) and breadth (range of issues covered) of consultations conducted by titleholders. This includes assessing whether consultations moved beyond merely informing stakeholders to actively involving them in discussions about potential impacts and mitigation measures.	As already utilized, the International Association for Public Participation (IAP2) Public Participation Spectrum is indeed an excellent framework to assess the adequacy of stakeholder engagement levels.
Cultural Appropriateness	Assess the cultural appropriateness of the consultation processes, especially when engaging with Indigenous communities and other culturally distinct groups. This involves considering whether cultural protocols were respected and if engagement methods were suitable.	Engagements should be flexible enough to accommodate traditional knowledge systems and cultural sensitivities.
Feedback Mechanisms and Responsiveness	Consider the effectiveness of feedback mechanisms provided to relevant persons and how their input has been integrated into project planning and decision-making.	There should be clear evidence of how stakeholder feedback influenced the project or led to the development of mitigation strategies.
Follow-Up and Ongoing Engagement	Evaluate the provisions for follow-up and ongoing engagement with relevant persons, ensuring that consultation is not a one-time event but part of an iterative process.	Plans for monitoring, reporting back to communities, and addressing concerns in the long term should be in place.

Attachment A - Current Offshore Environmental Management Framework

BCSDA Response
The Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations (OPGGS) need to clearly define and provide guidance on identifying persons or organizations that 'may be affected' by offshore resources activities. This clarity is essential for ensuring comprehensive and effective consultations.

BCSDA Recommendations

1. Detailed Definition and Criteria: The regulations should include a detailed definition of 'may be affected', with specific criteria that titleholders can use to identify relevant persons. This definition should encompass both direct and indirect impacts.
2. Guidance on Scope of Impact: Provide guidance on assessing the geographical and temporal scope of potential impacts. This should include considerations for immediate and long-term effects, as well as cumulative impacts from multiple activities.
3. Examples and Case Studies: Incorporate examples or case studies in the regulations to illustrate different scenarios of affected parties. This can help titleholders in applying the criteria to real-world situations.
4. Stakeholder Mapping Tools: Encourage the use of stakeholder mapping tools to systematically identify affected parties, considering factors like proximity, dependency on environmental resources, and socio-economic ties.
5. Public Notification and Outreach: Mandate public notification and outreach efforts to inform potential stakeholders about proposed activities and invite them to self-identify if they believe they are affected.
6. Consultation with Experts: Advise titleholders to consult with environmental, social, and cultural experts to better understand the potential impacts and identify relevant stakeholders.
7. Feedback Mechanism for Stakeholder Identification: Implement a feedback mechanism where stakeholders can suggest others who may be affected or voice concerns if they believe the impact assessment is incomplete.
8. Regular Reviews and Updates: Require regular reviews and updates of the list of affected parties throughout the project lifecycle, as new information may emerge or situations may change.
9. Transparent Documentation: Mandate transparent documentation of the process used to identify affected parties, including the rationale behind decisions on who is included or excluded.
10. Inclusion of Indirectly Affected Parties: Specifically address the identification of indirectly affected parties, acknowledging that impacts can extend beyond the immediate area of the activity.
11. Training and Resources for Titleholders: Provide training and resources to titleholders to aid in the identification of affected parties, ensuring they are well-equipped to comply with the regulations.

References

In the preparation of this submission, we have drawn from this list of resources, guides, tools, and publications relevant to offshore petroleum and greenhouse gas storage consultation and regulation. These materials provide valuable insights and data-driven information for our analysis and submission:

- **Offshore Greenhouse Gas Storage in Australia**: This page provides information on the regulation of greenhouse gas storage in Australian Commonwealth waters under the Offshore Petroleum and Greenhouse Gas Storage Act 2006.
  - URL: Offshore Greenhouse Gas Storage
- **Consultation in the Course of Preparing an Environment Plan**: A guideline supporting clarity and transparency on legal requirements, including recent case law, for consultation in preparing an Environment Plan.
  - URL: Environment Plan Consultation Guideline
- **Clarifying Consultation Requirements for Offshore Oil and Gas Storage**: This document seeks views on the consultation requirements for offshore petroleum and greenhouse gas storage activities.
  - URL: Consultation Requirements
- **Offshore Petroleum and Greenhouse Gas Storage Guidelines**: General guides developed for offshore petroleum and greenhouse gas storage, subject to and not replacing legal requirements.
  - URL: Offshore Petroleum Guidelines
- **Consultation with Commonwealth Agencies in the Commonwealth Marine Area**: This document by NOPSEMA discusses the regulatory responsibilities in the Commonwealth marine area.
  - URL: Consultation with Commonwealth Agencies
- **Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023**: The legal text of the regulations governing environmental management of petroleum and greenhouse gas activities in offshore areas.
  - URL: Environment Regulations 2023
- **Regulatory Framework for Oil and Gas Exploration and Production**: A chapter describing the regulatory arrangements for offshore oil and gas exploration and production.
  - URL: Regulatory Framework