

Inquiry into the Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment (Safety and Other Measures) Bill 2024

Australian Energy Producers, Response to Questions on Notice

- 1) **Senator COX:** Ms McCulloch, in relation to the question from Senator Bragg that you answered before, can you please table a list of the organisations and individuals that you consulted with who talk about consultation fatigue. I would like to receive that on notice if possible. It seems like a throwaway comment without evidence or substantiation. Every First Nations group I talk to says that it is not even being consulted about these issues, so I am interested to know who you, as the peak body, are actually talking to.

RESPONSE

Australian Energy Producers and its members meet regularly with Traditional Owners and their representative bodies.

The issue of “consultation fatigue” has been raised directly with NOPSEMA by the Community and Environment Reference Group (CERG) convened by NOPSEMA. According to the CERG’s Terms of Reference, its “members are broadly reflective of the community to capture a range of different perspectives including: commercial and recreational fishing, conservation advocacy, public policy and government functioning, small business and tourism, cultural heritage and Indigenous communities; as well as regional perspectives from the north-west, south-west, north, south east and east coastal areas of Australia.”¹

NOPSEMA’s [record of the CERG’s meeting](#)² on 8 November 2023 notes a common theme raised by CERG members was “the strain on resources for consultation being experienced by some in the community suffering consultation fatigue”.

NOPSEMA officials have also given evidence at recent Senate Estimates hearings on the issue of ‘consultation fatigue’ being experienced by First Nations groups following the Federal Court decision in *Tipakalippa v Santos Barossa NA*.

For example, at Senate Estimates on 26 October 2023, NOPSEMA’s Head of Division, Environment, Renewables and Decommissioning Cameron Grebe told this committee, “We are also providing advice in some of the action plan we have to ensure they (First Nations Representative Bodies) feel comfortable to be able to identify when they do and don’t want to be consulted on environment plans to avoid that excess burden resulting in fatigue.”³

In his evidence to this inquiry, Dr Jack Pascoe from Saltwater People told the Committee, “We Indigenous Australians are exhausted by the sheer number of consultations that we are expected to engage in in order to fulfil our cultural obligations these brothers have just talked about.”⁴

¹ https://www.nopsema.gov.au/sites/default/files/documents/2023-04/Terms%20of%20Reference%20for%20the%20Community%20and%20Environment%20Reference%20Group%20-%202023%20%28A918380%29_0.pdf

² <https://www.nopsema.gov.au/sites/default/files/documents/Meeting%20record%20-%20Community%20and%20Environment%20Reference%20Group%20-%20Meeting%2012.pdf>

³ https://www.aph.gov.au/Parliamentary_Business/Hansard/Hansard_Display?bid=committees/estimate/27447/&sid=0007#:~:text=Senator%20McDONALD%3A%20That%27s,burden%20resulting%20in%20fatigue.

⁴ Proof Hansard, p19

2) **Senator DAVID POCOCK:** I've got plenty of questions, Chair. It's frustrating because this bill goes to some of the major concerns when it comes to consultation and influence of the gas industry. It's frustrating when you ask a simple question like, 'Who sponsored your sponsored pass which gives you access to Parliament House?' and the witness can't answer. Anyway, I'd love you to take on notice, Mrs Winters, who sponsors the passes that Santos has to access Parliament House. Ms **McCulloch, on how many occasions has your organisation met with the resources minister in relation to this bill or in relation to changes contained in part 2 of the bill?**

Ms McCulloch: I couldn't tell you specifically how many times we've met with the minister. As we were discussing earlier, we have occasion to meet with the minister across a whole range of issues. My team also meet with her often.

Senator DAVID POCOCK: Maybe you could take on notice how many times you've met with the minister and how many times your team has met with the minister. Could you do that for both the resources minister and the environment minister. Santos could also take that on notice. Potentially add Minister Bowen to that list.

RESPONSE

Australian Energy Producers staff engage regularly with Government Ministers' offices and their departments across a range of issues. Typically, meetings with Ministers and their staff cover a range of topics.

Over the past 18 months there have been several issues across the resources, energy, climate change and environment portfolios that we have engaged with Ministers' offices on, including the challenges to consultation requirements arising from the Federal Court decision in *Tipakalippa v Santos Barossa NA* in December 2022.

It is not possible to provide a specific number on the number of interactions with Ministers' offices in this period.

3) **Senator DAVID POCOCK:** That wasn't an answer to the question, but that's okay. Just on notice, if you could provide how much PRRT your members have paid to date for offshore LNG projects, that would be helpful in looking at that PRRT and your claims about contributions.

Ms McCulloch: I would suggest that's a question for the government and the Treasury, who collect that data. We don't have access to the detailed financial contributions of members. We have estimates overall of what the industry contributes in terms of taxes and royalties, but we don't have specifics, member by member, on PRRT.

RESPONSE

Australian Energy Producers does not collect or have access to this information. The Australian Taxation Office's Corporate tax transparency report 2021-22 published on 9 November 2023 provides the most current data on PRRT it has collected. The report is available here:

<https://www.ato.gov.au/businesses-and-organisations/corporate-tax-measures-and-assurance/large-business/in-detail/tax-transparency/corporate-tax-transparency-report-2021-22>