

# Gorgon Gas Development Project Review of Expert Panels

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Prof Robert A Harvey

September 14, 2010

## 1 Executive Summary

The final environmental approval by the Western Australian government of the Gorgon Gas Development Project included a requirement for the establishment of three Expert Panels. The panels were to provide independent advice on three key issues simultaneously to the government and to the proponent (Chevron Australia Pty Ltd on behalf of the Gorgon joint venture participants).

A review was undertaken of three Expert Panels. The three panels were the: Quarantine Expert panel (QEP), the Marine Turtle Expert Panel (MTEP) and the Construction Dredging Environmental Expert Panel (CDEEP).

The review was initiated by the panel chairpersons in accordance with the operating guidelines in consultation with the Western Australian Minister for Environment and Chevron Australia. This report will be provided to the Western Australian Minister for Environment, Chevron Australia and the chairpersons.

The panels address key issues set out in the conditions for the environmental approval by the State for the Gorgon Gas Development Project.

The purpose of the review was to assess the effectiveness of the panels and to identify the key success factors that may be useful for broader application. Up until August 2009 the primary role of the panels was to provide advice on the development of plans and procedures. With the Gorgon joint venture participants' final decision to proceed with the Gorgon Gas Development Project made in September 2009, the nature of the panels changed somewhat to more that of giving advice on the monitoring and the implementation of the approved plans.

The review was restricted to the views of the participants and key stakeholders. Wider community or environmental non-government organisations' views were not sought. The views of independent experts participating in the panels were seen to be of particular importance.

Careful planning and forethought are evident in the panels' operating guidelines, within which the panels operate, and the selection of the individuals on the panels. The selection of the independent chairpersons and the selection of the independent experts has been critical to the success of the whole process.

The review found that the panels have been effective in providing expert advice for planning purposes. The environmental management plans prepared by the three panels are widely regarded as being amongst "world's best practice". That is not to say that the identified issues and risks are now dealt with. A number of people have expressed the view that considerable risks remain. In many ways the difficult work is just beginning, with the project now moving into the construction and development phase. Nevertheless, I believe the State and the proponent have given themselves the best possible foundation from which to work. Not only have the outputs of the panels been of high quality but a sense of trust and openness continues to develop.

Successful use of expert panels in the future would rely on the same careful forethought including: the selection of the independent chairpersons, the independent experts of the best possible standing and agency representatives that can manage the inherent difficulties of their role.

I am conscious that this review paints an overwhelmingly positive picture with the panels seen as effectively providing timely, quality outcomes with genuinely independent advice. In general terms the panels created a climate of openness and trust that reduced cynicism. It is felt however, that more could be made of this opportunity than has been evident to date.

## **2 Background**

### **2.1 The Panels**

The Gorgon Gas Development Project required the approval of the Western Australian and Commonwealth ministers of the environment before it could proceed. Conditions of the approval by the Western Australian Minister for Environment included the establishment of three Expert Panels. Each panel was established to address each of three significant environmental issues. These were contained in Ministerial Statement 800. The Gorgon Gas Development expert panels were the:

- Quarantine Expert panel (QEP)
- Marine Turtle Expert Panel (MTEP)
- Construction Dredging Environmental Expert Panel (CDEEP)

The Commonwealth Minister for the Environment, Heritage and the Arts and Water Resources requires that the expert panels be consulted in relation to various conditions of his approval.

The objectives of the panels are to assist with the successful planning and execution of the Gorgon Project by providing advice to the proponent and the Minister in relation to their defined subject matters. Specifically each panel will provide advice on the management and monitoring of these matters, including advice on the development, implementation and effectiveness of the relevant systems and plans.

The panels were to provide advice jointly to the proponent and the State Minister for Environment.

### **2.2 The Review**

The Operating Guidelines, within which each panel operates, require that “the chair shall initiate a review of the effectiveness of the expert panel 18 months after the 31 December 2008, and then periodically thereafter until the panel ceases to function.”

### **3 Terms of Reference and Methodology**

The terms of reference of the review are provided at Attachment 1. The approach adopted in implementing the review was to interview those involved in the processes and work of the panels together with representatives from Chevron and the Minister for Environment as joint customers of the process. The effectiveness of the panels from the point of other external stakeholders is not included in the review. As such the broader effectiveness amongst a wider group of stakeholders is not part of this review.

### **4 Effectiveness**

#### **4.1 Fulfilling the Terms of Reference**

In its simplest form the question of effectiveness might best be resolved by answering the question, “Did the panels do what they were asked to do in their respective terms of reference?”.

Without going to the details of each of the terms of reference to each of the panels, I found no one interviewed prepared to say that the panels did not achieve what was asked of them.

It is clear that some of the terms of reference deal more directly with implementation and monitoring issues and consequently have not yet been able to be fully realised.

In general terms however, it is clear that the panels have well undertaken what was asked of them.

#### **4.2 Outputs and Outcomes**

All those interviewed were happy to acknowledge that the Expert Panels have done what was asked of them. The primary job to date has been the preparation of plans to meet the ministerial conditions.

It is clear that the management plans produced by the panels have been of the highest standards. Frequent reference was made to the Quarantine Management System and the Marine Turtle Management Plan as being at ‘world’s best practice’.

Some people interviewed were reluctant to say that the panels had been fully effective because the outputs (the management plans) of the panels had not yet had time to be tested. Hence the question must be asked, do we judge their effectiveness by their ‘outputs’ or by the final ‘outcomes’. The outcomes may not be known for some time. The dredging management panel may be able to judge this relatively early, i.e. soon after dredging has completed. In comparison, it could be many years before the final outcome of the Quarantine Management System might be known. Similarly, although there may be some immediate effects of the Gorgon Project on marine turtles eg

mortality as a result of marine operations, it will be decades before the effects of the project on the long-term population viability of marine turtles can be fully measured.

### **4.3 Effectiveness and Efficiency**

#### **Duplication across Panels**

I found no evidence of significant overlap in work across panels. The most significant issue that crossed over from one panel to another was the issue of dredging affecting directly marine turtles. This was identified early and dealt with effectively across the panels.

Some panel members from government agencies and the proponent were on more than one panel.

### **4.4 Effectiveness and the “Traditional” Environmental Impact Management Processes**

The question was occasionally put, that if the expert panels offered little above the traditional environmental impact management process, then there was little point in having them. However, it was the overwhelming view that the panels produced a product that was superior in quality and that it was produced in a timely fashion. Some participants felt that the traditional process is also capable of meeting set timetables, however in this case the quality of the outputs was not disputed. Given the size and complexity of the project it was felt that the traditional process would have not delivered such high quality outputs in the time frame available.

The view was put by a number of people that the panel process was more effective because it operated in a collaborative and cooperative environment and was not as adversarial as the traditional process is inclined to be.

The establishment of the panels and the additional resources put into them clearly facilitated the work and the priority of that work. Agency representatives felt that the expert panels set their priorities for them and put the Gorgon Project ahead of other projects that were currently before government. This priority was not surprising given the national significance of the project and the importance of the receiving environment.

### **4.5 Terms of Reference and Operating Guidelines**

The terms of reference of the panels were variously set, but each reflected closely the relevant Ministerial conditions. See Attachments 3, 4 and 5. The Expert Panel Operating Guidelines are provided at Attachment 6.

#### **4.6 Expectations of Chevron**

More than anything Chevron Australia wanted the panels to provide independent expert advice and be seen to provide independent expert advice, assuming that the panels also provided their outputs in such a way that the Ministerial conditions could be satisfied. Chevron Australia wanted advice that would assist it achieve good environmental outcomes whilst also supporting the project in achieving its objectives.

The tight timeframe, from the release of the final environmental conditions of the expanded project to the finalisation of the relevant management plans required the panels to work very effectively. That the management plans are acknowledged as being of excellent quality is a testament to the effectiveness of the panels.

#### **4.7 Expectations of the Minister for Environment**

The Minister for Environment is not involved on a day to day basis with the operations of the panels but was instrumental in their establishment. Regular updates are provided to the Minister by the Department of Environment and Conservation (DEC), which has an active membership on the panels.

The Minister has been entirely satisfied with the effectiveness of the panels. The importance of both the quality and the independence of the advice were imperative.

Of particular note was the occasion of the death of a marine turtle during dredging operations. The quality and timeliness of the response was seen as particularly effective. This response provided an additional level of confidence and trust in the advice that was being provided.

#### **4.8 The Nature of the Panels**

It is clear, that despite the fact that all three of the panels have achieved what was asked of them, there remain significant differences to the tone and method of operation.

This appears to be mostly dictated by the nature of the people in the panel, the nature of the challenges that each panel is addressing and the chairperson.

Reference was made from time to time that the MTEP meetings would go for longer periods of time and that the nature of the issues it was addressing were more 'scientific'. Some of the ministerial conditions required the application of scientific expertise of a high order. In addition to this the MTEP had more members who had to fly interstate to attend meetings. This in all likelihood explains why their meetings would go for longer and that more of the panel discussions concerned themselves with the science.

Of the three panels only the QEP had existed, in a different form, prior to the setting of the environmental conditions. This required the chairpersons of the MTEP and the CDEEP to establish the appropriate cultures quickly.

## **5 Critical Success Factors**

### **5.1 Panel ‘Culture’**

There was broad agreement that the panels operated within an atmosphere of mutual respect and the tone was constructive. Such a culture can only be developed if there are quality people in the panels and the respective chairpersons demonstrate the required type of leadership.

Naturally from time to time, frustrations were keenly felt by representatives of the proponent and from agencies. Ultimately decisions across all panels were based on a whole of panel consensus.

### **5.2 Communication to Stakeholders**

Whilst it is acknowledged that the panels performed a large amount of work to a fixed time schedule and they had to keep focused on the priorities at hand, some felt that there was insufficient attention paid to stakeholder communication.

During the operation of the panels a number of people spoke of the trust developing between members. Perhaps an opportunity was lost in that the developments generally and that of “trust” in particular were not shared with stakeholders other than those directly involved in the operations of the panel. Important parts of the government not directly involved felt isolated from developments.

There is the potential for a more open and accountable approach to a wider constituency to improve the social licence to operate.

### **5.3 Administrative Support**

The panels could not have operated as successfully as they did, if the quality of administrative support was not of the quality that was evident.

### **5.4 Independent Chairpersons**

The independence and the capacity of the chairpersons were critical, particularly when disagreements existed and time pressures were keenly felt.

All three chairpersons established an environment of mutual respect and common goals for the panel members.

The chairpersons also appear to have worked well together, jointly planning their approach on some matters. In particular, the decision to sit in for each other if there was to be an absence of one of the chairpersons is indicative of the close working relationship developed between the chairpersons.

## **5.5 Agencies**

### **Representation**

It is apparent that quality representation from all quarters is critical to success and this is no less true for departmental representation. The State generally had quite senior representation, which was clearly not always easy for the respective agency. The panels, in effect forced a high priority for the project, which meant that other work was either deferred or not dealt with to the same standard that might otherwise have been the case. It was critical that agency representatives should endeavour to ensure the advice they provide to the panels is consistent with the position and opinion of their agency, as set out in the Operating Guidelines.

### **Commitment to the Process**

State agencies in the panels also demonstrated considerable commitment to the process. The priority for the project was clearly indicated from the top down.

The view was expressed within DEC, that the process brought better value from the independent experts than would normally be derived from them being consultants to the proponent. The perception was that the panels allowed them a greater level of independence than might otherwise be the case.

## **5.6 Proponent**

### **Representation**

The high quality and professionalism of Chevron Australia staff at panel meetings was commented upon by a number of participants.

### **Commitment to the Process**

It was clear to the vast majority of participants that Chevron Australia was seriously committed to the process. This was demonstrated in the level of resourcing dedicated to the effective operation of the panels, the respect shown to independent technical experts and Chevron Australia's preparedness to listen and professionally consider others' views.

### **Technical Capacity**

A number of departmental personnel and independent experts commented on the high quality of Chevron Australia staff, their technical capacity and the quality of Chevron Australia's considered views when new information or differing views were presented.

## **Integrity**

The question of trust was raised by a number of participants. The professionalism and integrity of Chevron Australia representatives was often commented upon.

Participants indicated that trust operated in both directions. Neither the proponent nor the agency representatives would have felt open in addressing issues if trust did not exist within the panel. It was commented that on a number of occasions Chevron Australia brought issues to the table which they could have hidden. This type of action together with their commitment to the process did much to engender that trust.

The expert panels have built the level of trust beyond that which might exist through the normal environmental impact management process

## **Resourcing**

Chevron Australia's commitment to the process and a key to the success of the panels was Chevron Australia's ability and preparedness to resource recommendations, often at considerable expense, despite having reservations about the incremental value to the environment.

## **5.7 Independent Experts**

Considerable forethought and planning are evident in the selection and appointment of the independent experts. Their selection has been critical.

### **Stature of Independent Experts**

Given the stature of the independent experts, individual panel members were confident that they were getting the best possible advice. The independent experts impressed both departmental and Chevron Australia representatives not only in their knowledge but their preparedness to be genuinely independent.

### **Mix of Independent Expertise**

Each of the independent experts brought to the panel a particular strength, thus providing a good mix of expertise.

## **6 Conclusions**

### **6.1 Strengths**

The clear achievement of the original objectives by the panels, a positive culture of independence and collaboration, the quality of the plans and the timeliness of all of the work done, all indicate the success of the panels. This success arises from the thoroughness of the original implementation of the panels and the selection of quality chairpersons, careful selection of independent experts and the strong support and commitment to the process by the proponent have ensured this success.

### **Use of Panels where knowledge base is low and risks are high**

Given the successes to date there is the potential for wider application of the use of panels. However, the very real cost of the application of panels will always restrict the number of projects that would use this panel process. It appears that the use of panels is most warranted when the project is a large one, where the knowledge base is low and the risks are high.

## **6.2 Opportunities**

### **Stakeholder Communication**

The successful operation and the growing culture of collaboration in the work of the panels have significantly reduced the level of cynicism of some participants. It is a pity that other key stakeholders not directly involved in the processes are not so aware of the achievements of the panels and the commitments undertaken by the proponent. Given the culture of openness and accountability that is at the foundation of the creation of the panels, it appears to me that an opportunity has been missed in not making more people aware of the successes. Chevron Australia's and DEC's undertaking to maintain a web presence providing evidence of the work of the panels has not been implemented in a way that communicates the real achievements to date. Subsequent to the initial undertaking DEC has now moved to providing a link to the sites maintained by Chevron Australia.

### **Advice and Support to Agency Participants**

Representing an agency on the panels was not an easy task as the individuals concerned were often required to "wear two hats". On the one hand they provided their technical advice and at the same time they also remained as regulators. This is not always easy to reconcile and I felt that an opportunity for this issue to be addressed openly by all agency representatives across all the panels jointly would have been beneficial for the individuals and lead to more effective panels. At some appropriate point in the future, it would be beneficial for agency representatives to put forward their views on the "lessons learnt" from their participation in the process.

### **Presentations at Panel Meetings**

Agency representatives and independent experts alike expressed some frustrations with work on the panels when presentations were provided from Chevron Australia at panel meetings without papers having been provided. These presentations sometimes dealt with complex issues and their presentation at meetings made it impossible to confer with others outside the panel prior to a panel discussion.

### **Safety and Cost Effectiveness Trade-Offs**

In recommending environmental plans and initiatives and in providing environmental advice, trade-offs are always involved, even if thorough consideration of other factors is not within the terms of reference of the panels. Of particular note are safety and cost-effectiveness trade-offs. The panels' advice is primarily about the subject matter of the respective panel whilst recognising to some extent the time/cost/safety constraints

within which Chevron Australia operates. There is a natural tension here and I found no evidence of a formal approach to this tension even though techniques do exist to deal with this dilemma.

## Attachments

- 1 Terms of Reference of Review
- 2 Participants Interviewed
- 3 Terms of Reference, Quarantine Expert Panel
- 4 Terms of Reference, Marine Turtle Expert Panel
- 5 Terms of reference, Construction Dredging Environmental Expert Panel
- 6 Operating Guidelines for Expert Panels

# 1. Terms of Reference of Review

*Gorgon Gas Development  
Expert Panel Review Terms of Reference*

## **Review of the Gorgon Expert Panels Terms of Reference**

These Terms of Reference have been prepared to conform to requirements contained in Section 2.4 of the Expert Panel Operating Guidelines. The Operating Guidelines require that each Chair initiate a review of the effectiveness of their Expert Panel 18 months after 31 December 2008 and periodically thereafter until the Panels cease to function.

Each of the following elements collectively forms the Terms of Reference for the collective review of the three Gorgon Expert Panels.

### **Preamble**

Ministerial Statement No. 800 (Statement No. 800), issued by the Western Australian Minister for Environment (the Minister) pursuant to the *Environmental Protection Act 1986* (WA), requires the Proponent (Chevron Australia Pty Ltd) to establish three Expert Panels. The Gorgon Gas Development Expert Panels are the:

- Quarantine Expert Panel (QEP)
- Marine Turtle Expert Panel (MTEP)
- Construction Dredging Environmental Expert Panel (CDEEP)

Ministerial Statement No. 769 also requires the Proponent to establish a Quarantine Expert Panel to provide advice to the Minister for Environment and the Proponent relating to terrestrial and marine quarantine matters for the Jansz Feed Gas Pipeline.

The Commonwealth Minister for the Environment, Heritage and the Arts and Water Resources approved EPBC Reference: 2008/4178, and varied the conditions for the EPBC Reference 2003/1294, which requires the Expert Panels to be consulted in relation to various conditions of that approval.

The objective of these Expert Panels is to assist with the successful planning and execution of the Gorgon Project by providing advice to the Proponent and the Minister in relation to their defined subject matters. Specifically each panel will provide advice on management and monitoring of these matters, including advice on the development, implementation and effectiveness of the relevant Systems and Plans prepared and submitted in accordance with State and Commonwealth conditions of approval.

Ministerial Statement No. 800 set out the process by which the three Expert Panels would be established and the role of each panel.

### **Objective of Review**

The objectives of the review are to:

- Assess the effectiveness of the Expert Panel
- Identify key success factors that may be useful for broader application

### **Scope of Review**

The review shall collectively cover the three Gorgon Expert Panels (i.e. QEP, MTEP and CDEEP), and for the period from the establishment of the Panels.

The review shall evaluate whether the Panels are:

- Functioning in accordance with the requirements and role identified in their respective Terms of Reference and the Expert Panel Operating Guidelines
- Effective in meeting their respective objectives and the expectations of the Minister and Chevron Australia

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This review shall not be used as a basis to comment on the application of Expert Panels or recommend any alteration to the existing Expert Panels or vary conditions contained in the Ministerial approvals.

During the review it is expected that the following stakeholders would be consulted:

- Expert Panel Independent Chairmen
- Expert Panel Secretariat
- Expert Panel Members (or their Alternatives)
- State Minister for Environment (or her representatives)
- State Agency and Chevron Australia management representatives (selected in consultation with the Chairmen)

#### **Review Deliverables**

The review findings would be documented in the form of a report, which would be submitted to the Minister with copies provided to the Chairs, Panel members and Chevron Australia.

The Report shall cover:

- Executive Summary
- Review Overview including objective, scope and review process
- Review Findings and Observations
- Conclusion including identification of key success factors

#### **Timing and Duration of Review**

The review is expected to take approximately 60-80 hours of work to complete and be conducted over a period of approximately 4 weeks.

The targeted completion date for the final report is 30 June 2010.

#### **Appointment of Reviewer**

An independent Reviewer will be selected by the Chairs, in consultation with the Minister and Proponent, based on professional experience and aptitude for the role.

The Proponent shall compensate the appointed Reviewer for time expended and any reasonable expenses incurred in executing these Terms of Reference.

#### **Administrative Support**

The Expert Panel Secretariat will provide administrative support to the appointed Reviewer, including assistance with stakeholder engagement.


#### **Approved for use**

These Terms of Reference have been approved by the three Expert Panel Chairs.

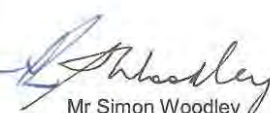
Any variation to these Terms or Reference shall be subject to consultation with the Minister and Proponent, and requires the unanimous endorsement of the Chairs.

Executed on: 12 May 2010

By:



Mr Stuart Hicks  
Chairman  
Construction Dredging  
Environmental Expert Panel



Mr Simon Woodley  
Chairman  
Marine Turtle Expert Panel



Dr Roy Green  
Chairman  
Quarantine Expert Panel

## 2. Participants Interviewed

### Chairpersons

Stuart Hicks	Construction Dredging Expert Panel
Simon Woodley	Marine Turtle Expert Panel
Roy Green	Quarantine Expert panel

### Chevron

Russell Lagdon  
Johan van der Merwe  
Stephanie Turner  
Dorian Moro  
Billy Cash

### Agency Representatives

Peter Kendrick	DEC
Keith Morris	DEC
Kevin Crane	DEC
Greg Pickles	Agriculture
Kirstin Dobbs	DEHWA

### Independent Experts

John Scott	Quarantine
Prof Mal Nairn	Quarantine
Andrew Burbidge	Quarantine
Des Lord	Dredging
Jim Stoddart	Dredging
Mark Hamann	Turtles
Scott Whiting	Turtles

### Minister's Office

Dawn Fitzgerald  
Joshua Harris

### Others

Rob Atkins	DEC
Fran Stanley	DEC
Keiran McNamara	DEC
Paul Vogel	EPA
Denis Glennon	EPA
Colin Beckett	Chevron
David Humphreys	Chevron
Bernard Bowen	

### 3. Terms of Reference, Quarantine Expert Panel

*Gorgon Gas Development  
Quarantine Expert Panel Terms of Reference*

#### **Quarantine Expert Panel Terms of Reference**

These Quarantine Expert Panel Terms of Reference have been prepared in accordance with Condition 9.4 of Ministerial Statements No. 800 and No. 769 issued by the Western Australian Minister for Environment pursuant to the *Environmental Protection Act 1986* (WA). Each of the following elements collectively forms the Terms of Reference (TOR).

##### *Preamble*

Minister Statement No. 800 requires the Proponent (Chevron Australia Pty Ltd) to establish a Quarantine Expert Panel to provide advice to the Minister for Environment (the Minister) and to Chevron relating to terrestrial and marine quarantine matters for the Gorgon Gas Development. Minister Statement No. 769 also requires the Proponent to establish a Quarantine Expert Panel to provide advice to the Minister for Environment and the Proponent relating to terrestrial and marine quarantine matters for the Jansz Feed Gas Pipeline. Commonwealth Ministerial approval made under Section 133 of the *Environmental Protection and Biodiversity Conservation Act 1999* (Commonwealth) (EPBC Reference: 2008/4178) requires the Quarantine Expert Panel to be consulted in relation to various conditions of that approval.

##### *Objective*

Provide advice so as to assist the successful planning and execution of the Gorgon Gas Development's construction and operational activities such that the introduction of non-indigenous species is prevented or appropriately managed in the event of an incursion.

##### *Establishment of the QEP*

The Quarantine Expert Panel has been established in accordance with Condition 9.3 of Ministerial Statements No. 800 and No. 769. The appointment of Panel Members, as specified in Annexure 1 of the TOR, formalises the establishment of the Quarantine Expert Panel.

##### *Role of the QEP*

In accordance with Condition 9.2 of Ministerial Statements No. 800 and No. 769, and Schedule 4 of Statement No. 800, the role of the Quarantine Expert Panel is to provide advice to the Proponent and Minister on Proposal related terrestrial and marine quarantine matters including:

1. Development and implementation of the Terrestrial and Marine Quarantine Management System (QMS) as required by Condition 10;

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2. Preventing the introduction of Non-indigenous Terrestrial Species and Marine Pests to Barrow Island through all Proposal attributable introduction pathways;
3. Detecting the presence of Non-indigenous Terrestrial Species and Marine Pests and detecting environmental change caused by the presence of Non-indigenous Terrestrial Species and Marine Pests;
4. Control and eradication measures in the event that a Non-indigenous Terrestrial Species or Marine Pest is detected;
5. Improvements to effectiveness of the QMS;
6. Biological baselines and surveys conducted for quarantine management;
7. Sources of Non-indigenous Terrestrial Species and Marine Pests;
8. Auditing the effectiveness of the QMS;
9. Review and recommend quarantine studies; and
10. Any other Proposal-related quarantine matters as requested by the Proponent or the Minister.

#### *Governance*

The Quarantine Expert Panel activities and conduct will be undertaken in accordance with the roles and responsibilities defined in Ministerial Statements No. 800 and No. 769, EPBC Reference: 2008/4178, and the Expert Panel Operating Guidelines (Doc Id: G1-NT-GDLX0000101).



Dr Roy Green  
Chairman  
Quarantine Expert Panel

26 February 2010

## Annexure 1

### Quarantine Expert Panel

Effective of 25 March 2009 the Quarantine Expert Panel comprises the following Panel Members<sup>1</sup>:

<b>Panel Member's Role</b>	<b>Panel Member</b>	<b>Panel Member's Alternate</b>
Independent Chairperson	Dr Roy Green	
Independent Expert	Dr John Scott	
Independent Expert	Prof. Mal Nairn	
Independent Expert	Dr Andrew Burbidge	
Agency Subject Matter Expert - DAFWA	Mr Greg Pickles	Dr Darryl Hardie
Agency Subject Matter Expert - DEC	Dr Peter Kendrick	Mr Keith Morris
Agency Subject Matter Expert - DoF	Mr Bill Bardsley	
Proponent Members	Mr Russell Lagdon	Dr Julia Martin
Proponent Members	Mr Johann van de Merwe	Mr Graham Anderson
Proponent Members	Dr Stephanie Turner	Mr Richard Stoklosa

<sup>1</sup> Note: This membership may be changed from time to time, in accordance with the provisions of the Operating Guidelines for Expert Panels (Doc. id G1-NT-GDLX0000101).

## 4. Terms of Reference, Marine Turtle Expert Panel

*Gorgon Gas Development  
Marine Turtle Expert Panel Terms of Reference*

### **Marine Turtle Expert Panel Terms of Reference**

These Marine Turtle Expert Panel Terms of Reference have been prepared in accordance with Condition 15.4 of Ministerial Statement No. 800 issued by the Western Australian Minister for Environment pursuant to the *Environmental Protection Act 1986* (WA). Each of the following elements collectively forms the Terms of Reference (TOR).

#### *Preamble*

Ministerial Statement No. 800 requires the Proponent (Chevron Australia Pty Ltd) to establish a Marine Turtle Expert Panel to provide advice to the Minister for Environment (the Minister) and to Chevron Australia on matters relating to Marine Turtle Monitoring and Management for the Gorgon Gas Development. Commonwealth Ministerial approval made under Section 133 of the *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth) (EPBC Reference: 2008/4178) requires the Marine Turtle Expert Panel to be consulted in relation to various conditions of that approval.

#### *Objective*

Provide advice so as to assist the successful planning and execution of the Gorgon Gas Development's construction and operational activities and associated marine turtle management requirements.

#### *Establishment of the MTEP*

The Marine Turtle Expert Panel has been established in accordance with Condition 15.3 of Ministerial Statement No. 800. The appointment of Panel Members, as specified in Annexure 1 of the TOR, formalises the establishment of the Marine Turtle Expert Panel.

#### *Role of the MTEP*

In accordance with Condition 15.2 of Ministerial Statement No. 800, and other Conditions of that approval, the Marine Turtle Expert Panel will provide advice to the Minister and Chevron on the:

1. Development and implementation of the Long Term Marine Turtle Management Plan as required by Condition 16.1;
2. Proposal-specific turtle studies as required by Condition 16.4;
3. Monitoring program design and methodology as required by Condition 16.4;
4. Additional management measures as required by Condition 16.4; and
5. Any other marine turtle management matters as requested by the Proponent or the Minister.

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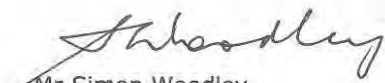
*Other Requirements*

The Marine Turtle Expert Panel shall be consulted on and where stipulated provide advice with regard to the:

1. Long-Term Marine Turtle Management Plan as required by Condition 12 of EPBC Reference: 2008/4178;
2. Dredge and Spoil Disposal Management and Monitoring Plan as required by Condition 20.2 of Ministerial Statement No. 800, and Condition 14.2 and 14.4 of EPBC Reference: 2008/4178; and
3. Coastal Stability Management and Monitoring Plan as required by Condition 25.2 and 25.7 of Ministerial Statement No. 800, and Condition 18.2, 18.6 and 18.7 of EPBC Reference: 2008/4178.

*Governance*

The Marine Turtle Expert Panel activities and conduct will be undertaken in accordance with the roles and responsibilities defined in Ministerial Statement No. 800, EPBC Reference: 2008/4178, and the Expert Panel Operating Guidelines (Doc Id: G1-NT-GDLX0000101).



Mr Simon Woodley  
Chairman  
Marine Turtle Expert Panel

18 March 2010

## Annexure 1

### Marine Turtle Expert Panel

Effective of 25 March 2009 the Marine Turtle Expert Panel comprises the following Panel Members<sup>1</sup>:

<b>Panel Member's Role</b>	<b>Panel Member</b>	<b>Panel Member's Alternate</b>
Independent Chairperson	Mr Simon Woodley	
Independent Expert	Dr Mark Hamann	
Independent Expert	Dr Scott Whiting	
Independent Expert	Dr Col Limpus	
Agency Subject Matter Expert - DEWHA	Dr Kirstin Dobbs	
Agency Subject Matter Expert - DEC	Mr Keith Morris	Mr Kevin Crane
Proponent Representative	Mr Russell Lagdon	Dr Julia Martin
Proponent Representative	Dr Dorian Moro	Dr Stephanie Turner
Proponent Representative	Dr Kellie Pendoley	

<sup>1</sup>Note: This membership may be changed from time to time, in accordance with the provisions of the Operating Guidelines for Expert Panels (Doc. id G1-NT-GDLX0000101).

## 5. Terms of reference, Construction Dredging Environmental Expert Panel

*Gorgon Gas Development  
Construction Dredging Environmental Expert Panel Terms of Reference*

### **Construction Dredging Environmental Expert Panel Terms of Reference**

These Construction Dredging Environmental Expert Panel Terms of Reference have been prepared in accordance with Condition 19.4, of Ministerial Statement No. 800 issued by the Western Australian Minister for Environment pursuant to the *Environmental Protection Act 1986 (WA)*. Each of the following elements collectively forms the Terms of Reference (TOR).

#### *Preamble*

Ministerial Statement No. 800 requires the Proponent (Chevron Australia Pty Ltd) to establish a Construction Dredging Environmental Expert Panel to provide advice to the Minister for Environment (the Minister) and to Chevron Australia on matters relating to construction dredging and spoil disposal management and monitoring for the Gorgon Gas Development. Commonwealth Ministerial approval made under Section 133 of the *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth) (EPBC Reference: 2008/4178) requires the Construction Dredging Environmental Expert Panel to be consulted in relation to various conditions of that approval.

#### *Objective*

Provide advice so as to assist the successful planning and execution of the Gorgon Gas Development's construction dredging and spoil disposal program environmental management.

#### *Establishment of the CDEEP*

The Construction Dredging Environmental Expert Panel has been established in accordance with Condition 19.3 of Ministerial Statement No. 800. The appointment of Panel Members, as specified in Annexure 1 of this TOR, formalises the establishment of the Construction Dredging Environmental Expert Panel.

#### *Role of the CDEEP*

In accordance with Condition 19.2 of Ministerial Statement No. 800, and other Conditions of that approval, the role of the Construction Dredging Environmental Expert Panel is to provide advice to the Proponent and the Minister on construction dredging and spoil disposal management and monitoring including:

1. Development and implementation of the Dredge and Spoil Disposal Management and Monitoring Plan as required by Condition 20;

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2. Interpretation of the results of monitoring data acquired during dredging as required by Condition 20.4iii;
3. Proponent's proposed Water Quality Criteria representing the relationship between water quality and coral health as required by Condition 20.4iii e., 21.1 and 21.3;
4. Impact Management Plans required by Condition 21.7v;
5. Post-development Coastal and Marine State Environmental Impact Survey Reports required by Condition 24;
6. Any other aspects of construction dredging and spoil disposal management and monitoring requested by the Proponent or the Minister; and
7. Matters related to the limits set out in Condition 18.1

#### *Other Requirements*

The Construction Dredging Environmental Expert Panel shall be consulted on and, where stipulated, provide advice with regard to the:

1. Coastal and Marine Baseline State and Environmental Impact Report as required by Condition 14.5 of Ministerial Statement No. 800 and Condition 11 of EPBC Reference: 2008/4178;
2. Dredge and Spoil Disposal Management and Monitoring Plan as required by Condition 14 of EPBC Reference 2008/4178; and
3. Post-Development Coastal and Marine State and Environmental Impact Survey Report as required by Condition 17 of EPBC Reference 2008/4178.

#### *Governance*

The Construction Dredging Environmental Expert Panel activities and conduct will be undertaken in accordance with the roles and responsibilities defined in Ministerial Statement No. 800, EPBC Reference: 2008/4178, and the Expert Panel Operating Guidelines (Doc Id: G1-NT-GDLX0000101).



Mr Stuart Hicks  
Chairman  
Construction Dredging Environmental Expert Panel

10 March 2010

## Annexure 1

### Construction Dredging Environmental Expert Panel

Effective of 5 November 2009 the Construction Dredging Environmental Expert Panel comprises the following Panel Members<sup>1</sup>:

<b>Panel Member's Role</b>	<b>Panel Member</b>	<b>Panel Member's Alternate</b>
Independent Chairperson	Mr Stuart Hicks	
Independent Expert	Dr Desmond Lord	
Independent Expert	Dr James Stoddart	
Agency Subject Matter Expert - DEWHA		
Agency Subject Matter Expert - DEC	Dr Ray Masini	Mr Kevin Crane
Agency Subject Matter Expert - DoF	Ms Julie Lloyd	Ms Rae Burrows
Agency Subject Matter Expert - DPI	Mr Charlie Bicknell	
Proponent Representative	Mr Russell Lagdon	Dr Julia Martin
Proponent Representative	Mr Billy Cash	Mr Geoff Prior
Proponent Representative	Mr Shane Waldeck	Dr Stephanie Turner

<sup>1</sup> Note: This membership may be changed from time to time, in accordance with the provisions of the Operating Guidelines for Expert Panels (Doc. id G1-NT-GDLX0000101).

## 6 Operating Guidelines for Expert Panels

Gorgon Gas Development  
Expert Panels

**Expert Panel  
Operating Guidelines**

*Doc Id: G1-NT-GDLX0000101*  
Revision 1

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## 1. OVERVIEW

The Western Australian Minister for Environment (the Minister) has set out a process within Ministerial Statement No. 800 by which three Expert Panels will be established to provide advice to the Proponent (Chevron Australia Pty Ltd) and the Minister on the defined subject matters. The role of each Panel is to provide advice on management and monitoring, including advice on the development and implementation of the relevant Systems and Plans prepared and submitted in accordance with Conditions of Ministerial Statement No. 800, issued by the Western Australian Minister for Environment pursuant to the *Environmental Protection Act 1986* (WA); and the Commonwealth Ministerial approval (EPBC Reference 2008/4178), issued under section 133 of the *Environmental Protection and Biodiversity Conservation Act 1999*.

These Operating Guidelines are intended to support the governance and conduct of each Expert Panel in fulfilling its function as described in their respective Terms of Reference.

### 1.1 The Expert Panels

The Gorgon Gas Development Project Expert Panels are the:

- Quarantine Expert Panel (QEP)
- Marine Turtle Expert Panel (MTEP)
- Construction Dredging Environmental Expert Panel (CDEEP)

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## 2. OPERATION OF THE EXPERT PANEL

Each Expert Panel shall conform to its Terms of Reference, which have been developed in consultation with the Minister, relevant Panel Chairs and Panel Members. The Terms of Reference have been established in accordance with the requirements set out in Ministerial Statement No. 800. Panel Members and their Alternates are collectively responsible for ensuring the Expert Panel achieves the requirements of the Terms of Reference.

Any obligation, requirement or expectation of a Panel Member, or privilege extended to a Panel Member, shall also apply to their nominated Alternate. Any reference to a Panel Member in these Operating Guidelines shall be read as also applying to a Panel Member's Alternate.

In the event that a Panel Member has concerns with regard to the function and/or progress being made by the Expert Panel, these concerns shall be brought to the attention of the Chair, who will take appropriate action.

The agreed anniversary date of the Expert Panel's establishment shall be the 31 December 2008.

### 2.1 Transparency & Confidentiality

The philosophy of the Panels shall be one of transparency of their operations.

In circumstances where a decision or document is identified as confidential it will be held as such by the Panel. Information provided to Panel Members must not be reproduced or distributed in whole or in part, or distributed to any third party, except within their respective organisations on a confidential basis where this will support their role on the Panel and the Panel's objectives, without the express written consent of the author or Chair.

Chevron Australia shall establish a Web-site accessible by the general public. The Web-site shall contain information on each of the Expert Panels including their Terms of Reference,

Panel Members and other information as considered appropriate by the Chair in consultation with the Proponent and the Minister.

Panel Members shall not express a view in public about the deliberations of the Panel. Only the Chair, or his nominee, will be the spokesperson for the Expert Panel.

## **2.2 Resolution of Different Opinions**

Where opinions differ, Panel Members shall respect those differences. The Chair shall facilitate the resolution of any differences and draw the discussion of Panel Members to a consensus on key decisions and recommendations. Should a Panel Member's opinion differ from that of the majority the Panel Member can request this be recorded.

## **2.3 Administrative Processes**

Agreed protocols and processes shall be established by the Chairs in consultation with Panel Members and with the support of the Secretariat. These shall include but are not limited to:

- Communication protocols between the Chair, Panel Members and Secretariat;
- The convening of extraordinary meetings and methods of communication to deal with Panel business or matters arising outside of regular meetings;
- Process and timeframes for the Proponent to supply, and the Panel to review, relevant deliverables; and
- Process for the review of Panel performance.

To facilitate the sharing of large documents and files in an efficient and effective manner a secure 'e-room' will be established for the use of Panel Members.

## **2.4 Review of Panel Performance**

The Chair shall initiate a review of the effectiveness of the Expert Panel 18 months after the 31 December 2008, and then periodically thereafter until the Panel ceases to function.

## **2.5 Cessation of Expert Panels**

Where it can be demonstrated that the role and function of an Expert Panel has fulfilled the requirements, and Proponent obligations, defined in Ministerial Statement No. 800 and EPBC 2008/4178, and is no longer required, the Proponent and Minister, in consultation with the Chair and Panel Members, shall commence the process through which dissolution of that Panel and cessation of its operation is achieved.

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## **3. THE ROLE OF PANEL MEMBERS**

In undertaking its role as set out in the Terms of Reference, the Expert Panel will provide advice to the Minister and to Chevron on 'best practice' management. This shall include reviewing monitoring results to provide advice on the outcomes as well as providing advice on adaptive management.

It is not the role of the Expert Panels to monitor the details of compliance with the implementation of the various deliverables; this is the responsibility of the relevant regulatory authorities.

The role of the Chair is limited to his role as:

- Co-ordinator and facilitator of the advisory role played by his Panel to the Minister and the Proponent; and
- Spokesperson on behalf of the Panel.

The role of Government agency subject matter experts on a Panel does not infer their Agency supports or approves of a Panel's position or opinion. Agencies are independent of the Expert Panels, and retain the right to form, and provide, opinions and advice that differ from that of the Expert Panels. However, agency nominated Panel Members should endeavour to ensure the advice they provide to the Panel is consistent with the position or opinion of their agency.

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#### **4. EXPERT PANEL MEMBERSHIP**

##### **4.1 Composition and Appointment of Panel Members and Alternates**

Panel Members will be appointed in accordance with the membership provisions defined in the relevant Condition of Ministerial Statement No. 800. Each Panel shall have an Independent Chair and membership of (i) independent expert(s), (ii) suitably qualified subject matter experts nominated by the named Government agencies, and (iii) Proponent member(s).

The Proponent and Government agencies will have the option to nominate Alternate representatives for their Panel Member(s). The appointment of Alternative representatives is subject to the approval of the Independent Chair. The membership of each Panel, including Alternates, should endeavour to comprise a balance between the agencies' subject matter experts and Proponent members.

In the event that the Independent Chair is unavailable to chair the Panel, one of the other Expert Panel Independent Chairs can be asked to function as the Alternate.

##### **4.2 Involvement and Participation**

It is expected that appointed Panel Members will attend in person each meeting of the Expert Panel.

Appointed Alternate representatives shall fulfil the role of their appointed Panel Member in the absence of that Panel Member. Alternates are welcome to attend all meetings and shall receive all relevant documentation.

Each point of view is important and is to be respected by other Panel Members. Panel Members are expected to participate in a constructive and collaborative manner that is conducive to achieving the objectives of the Expert Panel and fulfilling its responsibilities.

##### **4.3 Member Resignation or Removal**

Any Panel Member may resign by written notification to the Chair.

Should a Panel Member resign from Chevron Australia or a participating Government agency, or have their nomination withdrawn by their nominating authority, they shall automatically resign from the Expert Panel. In this event, Panel Members are required to notify the Chair with as much notice as possible such that a replacement Panel Member can be identified and appointed.

Should the Chair consider that a Panel Member fails to adequately perform the duties expected of a Panel Member; the Chair shall raise this concern with the Member and, if the concern is not, in the Chair's view, adequately addressed, the concern will be subsequently raised with the Panel Member's nominating authority.

#### 4.4 Conflict of Interest

In fulfilling their duties on the Expert Panel a conflict of interest shall not exist where the Proponent's members express the view or acts on behalf of Chevron Australia nor where a Government agency subject matter expert expresses the view or acts on behalf of their agency.

Where a Panel Member believes they may have a conflict of interest, this shall be raised with the Chair as soon as practical and, if warranted, tabled at the next meeting of the Expert Panel.

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## 5. ADMINISTRATION

### 5.1 Secretariat Support

Chevron Australia shall resource the Expert Panels with Secretariat support, including an Executive Officer and Administrative Assistant. These positions will assist the Chairs in the running and oversight of each Expert Panel. The Secretariat shall also function as a resource for other Panel Members in fulfilling their Expert Panel responsibilities, for example:

- Organising travel and accommodation for Panel Members when required to travel on Panel business;
- Ensuring Panel Members have all relevant information; and
- Interface and information exchange between Panel Members.

### 5.2 Meetings

Meetings of Panel Members shall be called by the Chair. The regularity of meetings and duration shall be determined by the Chair in consultation with the Panel Members.

Meetings will proceed and will make decisions as if a quorum exists unless at the discretion of the Chair the meeting is postponed.

Each meeting shall be preceded by a meeting agenda, and pre-read material where necessary. The meeting agenda and any pre-read material will be provided to Panel Members seven days prior to meetings electronically, or as a hard copy where requested.

Meeting minutes shall be drafted by the Secretariat and will document key points of discussion and agreed action items. Meeting minutes will not record the point of view of individual contributors unless the view is different from that of the majority and they request this difference be recorded. Draft meeting minutes shall be circulated to all Panel Members for review and adoption at the next meeting, with any agreed changes incorporated where necessary.

Once meeting minutes have been endorsed by the Chair as a 'working document' Panel Members may share this information, on a confidential basis, within their respective organisations where this will support their role on the Panel and the Panel's objectives.

Panel Members will agree at the close of each meeting when the next meeting shall be held.

The Secretariat will arrange suitable meeting venues and facilities as required. Unless meetings are arranged to be held elsewhere the default location for meetings shall be the Proponent's offices.

### 5.3 Privacy

The participation of Panel Members on an Expert Panel, and a brief biography of each Panel Member, shall be made public.

The Secretariat shall maintain a record of Panel Members' current contact details. These contact details shall only be used in fulfilling the activities of the Expert Panel. The information shall be shared with other Panel Members unless requested by a Panel Member to the contrary. The contact details shall not be made public, unless permission to do so is given by the Panel Member.

### 5.4 Funding

In accordance with Ministerial Statement No. 800 Chevron Australia shall provide reasonable funding to resource the function of each Expert Panel. Reasonable funding shall include:

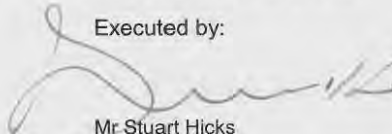
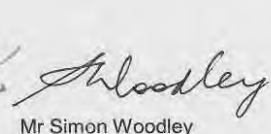

- Remuneration for the Independent Chairs and Independent Experts for their time but not the time of Government agencies members;
- Economy travel and accommodation to enable Panel Members, their Alternates, and invited guests, that reside outside of the Perth metropolitan area to attend meetings in the Perth metropolitan area;
- Economy travel and accommodation to and from Barrow Island and other locations outside the Perth metropolitan area as determined necessary by the Expert Panel;
- External meeting venue hire if necessary and not a venue provided by the Proponent or other Panel Member's organisation;
- Food and beverages consumed during Panel business;
- Other Proposal-related studies and monitoring requested by the Proponent or the Minister; and
- Sundry expenses as considered reasonable and determined necessary by the Expert Panel.

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## 6. APPROVED FOR USE

These Operating Guidelines have been approved for use by the three Expert Panel Chairs. The Operating Guidelines shall only be altered where there is unanimous agreement of the three Expert Panel Chairs.

Executed by:

		
Mr Stuart Hicks Chairman Construction Dredging Environmental Expert Panel	Mr Simon Woodley Chairman Marine Turtle Expert Panel	Dr Roy Green Chairman Quarantine Expert Panel