

SENATE INQUIRY - SPIRIT OF SEA COUNTRY - SENATOR THORPE'S QUESTIONS

Senator Thorpe's Questions	Santos Response 25 September 2024
1. Can you please explain what free, prior and informed consent looks like in practice to Santos?	Santos has a Local and Indigenous Communities Policy in which we expressly commit to: • working proactively with Traditional Owners, clans and Indigenous communities to ensure they are fully informed prior to accessing land and to address any issues raised promptly and transparently; • applying best practice in the assessment, identification and protection of cultural heritage; and • identifying suitable commercial opportunities for Indigenous businesses, as well as opportunities to employ and upskill Indigenous people. The Santos Management System includes the following key elements: • Rights of Indigenous people • Engagement for agreement making • Cultural heritage identification and protection
2. NOPSEMA have recently updated their regulatory framework around consultation, including a revised guideline on 'consultation in preparing an environment plan'. How has this new guideline changed your consultation processes, and what effect has this had?	Santos keeps legal and regulatory guidance under regular review. Santos' consultation processes did not require adjustment in response to the updates to this guideline.
3. Has it led to any change in practices?	Please refer to the response to Question #2 above.

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4. Have you engaged with any external human rights experts to assess how your practices align with the principles of FPIC, and what feedback has been provided?	Santos has undertaken an independent benchmarking of our management system requirements against FPIC standards outlined in: • Dhawura Ngilan: A vision for Aboriginal and Torres Strait Islander heritage in Australia • Ask First: A Guide to Respecting Indigenous Heritage Places and Values
5. As part of your Environment Plans, you are required to submit a full text of engagement with stakeholders. In relation to consultation with Traditional Owners for the Barossa Project, what text is provided as part of lodging your EP's to NOPSEMA for approval?	In accordance with section 24(b)(iv) of the <i>Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023 (OPGGS(E)R)</i>, Santos provides NOPSEMA with a copy of the full text of any response by a relevant person as retained by Santos during the course of the consultation. This includes any response by a relevant person who, is or who represents, a Traditional Owner for the purposes of consultation under s 25 of the <i>OPGGS(E)R</i>. Santos used an independent minute taker for the Tiwi Island meetings in 2023 and 2024, with a summary of those minutes published in each relevant EP. A full version of those minutes is also provided to NOPSEMA as part of each relevant EP's Sensitive Information Report.
6. Do you submit full transcripts of meetings that occur, or is it simply someone's notes that are taken?	Please refer to the response to Question #5 above. Santos adheres to the requirements of s 24(b)(iv) of the <i>OPGGS(E)R</i>.
7. How do you prove to NOPSEMA and other regulators that you have provided information about potential impacts of projects in a culturally appropriate and accessible manner? Do you submit all of this information as part of your EP?	Yes, we submit information about potential impacts of our projects as part of our EPs.

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8. Can you please provide the relevant documents you have provided to Traditional Custodians on Tiwi in relation to Barossa, particularly what is said about impacts on tangible and intangible cultural heritage?	The documents Santos has provided are annexed to each Barossa EP that has been accepted or is under assessment. These EPs are publicly available via NOPSEMA's website.
9. Can you please also provide any notes or summaries from meetings with them where this information was provided?	In accordance with section 26(8) of the <i>OPGGS(E)R</i> , any sensitive information in an EP, and the full text of any response by a relevant person to consultation under section 25 in the course of preparation of the EP, must be contained in the sensitive information part of the EP. Consequently we are unable to provide this to the Senate Committee.
10. Do you provide any notes or minutes to any Traditional Owners for their review prior to submitting the EP to make sure that the views of Traditional Owners are being accurately reflected?	No. As noted above, Santos used an independent minute taker for the Tiwi Island meetings in 2023 and 2024, with a summary of those minutes published in each relevant EP. A full version of those minutes is also provided to NOPSEMA as part of each relevant EP's Sensitive Information Report.
11. How do you convey any dissenting views to the projects in your summary texts?	In accordance with s 24(b)(i) of the <i>OPGGS(E)R</i> , Santos provides a summary of each response as part of its consultation report in the relevant EP, together with an assessment of the merits of any objections or claims about the adverse impact of each activity to which that EP relates.

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12. How much has Santos spent on marketing and advertising in the last two financial years, including corporate sponsorships?	Santos’ marketing and advertising budgets are commercially sensitive and confidential. However, our community investment is publicly disclosed in our Sustainability and Climate Report. Santos’ community investment in Australia for calendar year 2023 is as follows (US\$’000 Santos gross operated): <table><tr><th>Region</th><th>Mandatory¹</th><th>Voluntary²</th></tr><tr><td>Western Australia</td><td></td><td>480</td></tr><tr><td>Queensland</td><td>973</td><td>3,083</td></tr><tr><td>South Australia</td><td></td><td>1,646</td></tr><tr><td>New South Wales</td><td>1,328</td><td>540</td></tr><tr><td>Northern Territory</td><td>53</td><td>150</td></tr></table> Community investment includes both voluntary and mandatory community investment spend.	Region	Mandatory ¹	Voluntary ²	Western Australia		480	Queensland	973	3,083	South Australia		1,646	New South Wales	1,328	540	Northern Territory	53	150
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¹ Mandatory community investment includes financial obligations that Santos is legally obligated to fulfil under a binding agreement, regulatory authority mandate, or other legal requirements, with the aim of providing social, economic, and/or environmental benefits to a community through third party arrangements.

² Voluntary community investment includes sponsorship partnerships, community grants and donations which aim to provide direct community benefit and community participation and/or capacity building opportunities, Santos Foundation partnerships, grants, capacity development opportunities and community infrastructure projects.

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13. How much do you provide in attendance fees to First Peoples for attending consultation sessions, on Tiwi Islands and elsewhere?	The attendance fees paid by Santos are commensurate with those paid generally in the resources industry and are intended to cover participants' time and out of pocket expenses. For example, for consultation with Tiwi Islanders, the standard payment is \$100 per person per session. These fees vary depending on the nature of the consultation session, ranging from town hall community sessions (such as on the Tiwi Islands) to structured meetings with Aboriginal Corporation Board members (such as WA-based Prescribed Body Corporates (PBCs)). Out of respect for different clan groups and for the convenience of Tiwi Island participants, Santos held consultation sessions at multiple locations on island and in Darwin. Ground transportation was provided for participants who required it, and catering was provided. Local contractors were engaged to coordinate consultation sessions. Elsewhere in the Northern Territory, Santos has paid attendance fees to the members of First Nations Consultative Committees. These Committees have been established by First Nations people for the purpose of consultation, and are self-nominating and self-governing forums, independent of government or industry. In Western Australia, Santos has consultation framework agreements in place with PBCs in the Pilbara region. Those agreements set out agreed rates for attendees' time, transportation and accommodation requirements (if needed), venue hire and catering. These agreements build on long-standing negotiated agreements set by the mining industry in the state.

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14. How much in total has been provided in attendance fees, and other related fees, to First Peoples on the Tiwi Islands for attending consultation sessions, meetings or workshops? Please provide a breakdown of different funding provided through different streams and by financial year.	Please refer to the response to Qu. 13.
15. How much funding has Woodside paid the Tiwi Land Council since 2019?	Santos has not provided funding to the Tiwi Land Council in that period. One reimbursement was made for expenses incurred in respect of consultation.
16. Aside from financial payments, what other gifts or assets have been provided to First Peoples on Tiwi Islands from Woodside since 2019?	Please refer to the response to Qu. 13.
17. How much funding has Santos provided to the Top End Aboriginal Coastal Alliance in the past two years, and what was the funding or payment for?	Santos has engaged a number of third-party consultant organisations to assist Santos' consultation with indigenous clans and people for the Barossa Project. These organisations use Aboriginal and Torres Strait Islander cultural advisers with extensive knowledge of, and experience in, the cultures of Northern Australia and who possess deep cultural connections to the Aboriginal and Torres Strait Islander people of the region. Santos provided training for these advisers on Santos' Code of Conduct expectations (including conflict of interest), and how these expectations apply to Santos' people, contractors and service providers. Many of these advisers also have key community and government advisory roles, including with Land Councils and Top End Aboriginal Coastal Alliance (TEACA). Santos understands TEACA to be a non-profit Aboriginal owned and controlled organisation in the Northern Territory. Further we understand some of the advisers established TEACA

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	following issues experienced by Aboriginal people and communities during consultation under the OPGGS Act. The role of the advisors referred to above has been to assist in consultation and provision of information, not to promote the Barossa project. They have done so in their capacity as advisors, not in their capacity as representatives of Land Councils or any other organisation.
18. Can you please provide a breakdown of all external individuals or groups that were contracted to travel to Tiwi for consultation sessions, including their associations and the fees provided?	Please refer to the response to Qu. 17.
19. How many individuals did Santos fund to travel to Tiwi Islands, either directly or indirectly, to promote the Barossa Gas Project, and how much were they paid to do this?	Please refer to the response to Qu. 17.
20. NLC acknowledged at least 3 individuals, and was informed that these individuals introduced themselves to the Tiwi community as representatives of the NLC. Did Santos advise these individuals that they should present themselves as representing the NLC, despite going there in a separate capacity?	Please refer to the response to Qu. 17.