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Early Offshore Fossil Fuel Licensing and Marine Conservation: Precautions from Australia and Aotearoa New Zealand

A thesis

submitted in fulfilment

of the requirements for the degree

of

Doctor of Philosophy in Ecology and Biodiversity

at

The University of Waikato

by

Jessica (Reger) Rutherford



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This thesis was conducted from April 2023 to March 2026 at the University of Waikato in Tauranga and remotely from Raglan, Aotearoa New Zealand. The research was partially funded by a doctoral scholarship with the University of Waikato School of Graduate Research (awarded to J. Rutherford), and a Social Sciences and Humanities Research Council of Canada (SSHRC) grant for the research project "Offshore oil exploratory drilling: leasing decisions and marine protected areas" (grant #435-2019-0724) (awarded to Dr Gail Fraser, Dr Angela Carter and Dr Joanne Ellis).

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Abstract

Marine environments face increasing human pressures, and if not managed correctly, these activities will continue to have significant, detrimental, and irreversible impacts on marine ecosystems. The global drive to expand offshore fossil fuel extraction increasingly competes with biodiversity conservation and could intensify conflicts with marine conservation, climate change objectives, and Indigenous rights. This research focuses on early-stage marine area selection processes for petroleum licensing, particularly how and whether marine conservation and societal concerns are adequately integrated into these decisions. This area selection, carries generational environmental and social implications for the selected region for decades.

This exploratory research examines the offshore petroleum regulatory frameworks for petroleum licensing: how area selection processes are managed with marine protected areas (MPAs), what are consultation processes, and whether these consultations, and broader marine planning strategies, influence the allocation of licensing areas. Two case studies are investigated—Australia and Aotearoa New Zealand (Aotearoa-NZ)—both with fossil fuel industries and extensive marine jurisdictions with marine protection frameworks. Institutional, procedural, and power dynamics in area allocation decisions were a central focus to determine how tensions and spatial overlap between offshore oil and gas extraction and marine conservation are managed.

A qualitative comparative case-study methodology was employed. Data were drawn from literature, media articles, government documents, and 48 semi-structured interviews across government, regulatory bodies, environmental non-governmental organisations (ENGOs), commercial fisheries, recreational fishers, and community and Indigenous representatives operating at the intersection of offshore petroleum development and marine conservation. Through qualitative thematic analysis, the research examines how institutional systems, regulatory frameworks, consultation processes, and power dynamics shaped early offshore area selection decisions.

Despite differing marine governance and petroleum regulatory frameworks, thematic analysis of interview data and policy documentation indicates that both Australia and Aotearoa-NZ fail to effectively integrate marine conservation, public input, climate change considerations, and Indigenous rights in early offshore petroleum licensing decisions. Consultation processes are considered limited or occur too late in the process to influence the outcome on area selection decisions. Regulatory fragmentation and disproportionate fossil fuel industry influence undermine accountability, transparency and democratic legitimacy regarding early area selection decisions. Indigenous engagement, while legally recognised in Aotearoa-NZ, is poorly integrated in offshore licensing decisions in both jurisdictions. These themes,

along with the absence of, or weakly integrated MPAs, and the lack of marine strategic planning and cumulative impact considerations prior to allocating areas for licensing, show that in both countries, offshore petroleum regulatory decisions operate independently of marine conservation, climate, and Indigenous portfolios. This creates a system that prioritises fossil fuel industry interests over socio-ecological and Indigenous values.

Inclusive, integrated, and ecosystem-centred approaches to ocean governance are needed in both systems. Pathways for reform include adopting early strategic environmental planning before area selection processes, implementing mandatory consultation response documents for regulatory accountability and genuinely integrating Indigenous rights and public input in acreage selection decisions. These reforms aim to balance socio-economic and socio-ecological objectives, reduce marine spatial conflicts, and ultimately support more integrated ocean governance that prioritises environmental protection.

Preface & Authorship Declaration

The main body of this thesis consists of three research chapters (Chapters 3-5). Chapter 3 and Chapter 4 have been published, and Chapter 5 is intended for future submission to scientific journals. Chapters 3 and 4 have been restructured to match the thesis style, retaining some elements from the original publications while adapting them to the thesis format. Chapter 5 is designed to contribute in part to the larger 5-way comparison manuscript as per the SSHRC grant.

This research was conducted in affiliation with the SSHRC grant. However, this thesis and the two published chapters were primarily carried out by me, including the literature review, methodology development, fieldwork (interviews), data analysis, and drafting written content. Except for the referenced material, all information and written content in this thesis were produced solely by me, conducted under the guidance of my supervisors. While collaborating with my supervisors and co-authors on Chapters 3 and 4, I was solely in charge, including bringing the manuscript to publication-ready standards.

Chapter 3: '*Offshore Fossil Fuel Extraction and Marine Conservation: Intensifying Regulatory Challenges in Australia'.* This chapter was submitted to Springer Nature's Journal of Coast Conservation on June 3, 2025, and published on June 5th 2026, and is available at https://doi.org/10.1007/s11852-026-01216-3.

Chapter 4: *'Examining inclusivity of participation and engagement in Aotearoa New Zealand's offshore petroleum governance'.* This chapter is a version of the manuscript published by Elsevier Science Direct in the journal *The Extractive Industries and Society*, on February 24 2026, available at https://doi.org/10.1016/j.exis.2026.101878.

AI Declaration

I used artificial intelligence (AI) software, SciSpace (2025), to supplement my comprehensive literature search and review conducted on established scholarly platforms. SciSpace facilitated the secondary examination of selected literature (uploaded PDFs) relevant to key research domains. I thoroughly reviewed and critically evaluated all content provided by SciSpace, ensuring accuracy by consulting the original source publications. Copilot (Microsoft 365, 2025) and Grammarly (Grammarly, 2025) were used to refine the grammar and punctuation of this thesis, and Gemini AI image creator (2026) was used to create the MPA image between Chapters 2 and 3.

Ethical Endorsement Approval

Ethical endorsement (HREC(HECS)2023#19) for this doctoral research was granted on April 3rd 2023, by the University of Waikato Human Ethics Review Committee, permitting the use of ethical approval conducted by York University's Human Participant Review Committee (#e2019-231). A copy of the approval letter is in Appendix 1, which also contains the collection of ethical documentation: University of Waikato ethical endorsement approval, York University ethical agreement, recruitment information, participation letter and interview consent form.

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To my husband, Dan, my chief navigator (and research assistant), unwavering supporter, and home in every storm. This accomplishment is as much yours as it is mine. Thank you, simply, for everything.

To the Ocean—I will continue to speak your truth, so future generations may also benefit from your riches and bask in your wonder!

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List of Abbreviations and Definitions

BPAs	Benthic Protection Areas
CMA	Crown Minerals Act 1991
DISR	Department of Industry, Science and Resources
DOC	Department of Conservation
EBM	Ecosystem-based Management
EEZ	Exclusive Economic Zone (200 nautical miles zone from shoreline)
EEZ Act	Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012
EIAs	Environmental Impact Assessments
ENGO	Environmental Non-Governmental Organisation
EPA	Environmental Protection Authority (New Zealand)
EPBC Act	Environmental Protection and Biodiversity Conservation Act 1999 (Cth)
GBR	Great Barrier Reef
IPAs	Indigenous Protected Areas
IUCN	International Union for Conservation of Nature
MACA	Marine and Coastal Area (Takutai Moana) Act 2011
MPAs	Marine Protected Areas
MRA	Marine Reserves Act 1971 (New Zealand)
MSP	Marine Spatial Planning
NOPSEMA	National Offshore Petroleum Safety and Environmental Management Authority
NOPTA	National Offshore Petroleum Titles Administrator
NRSMPA	National Representative System of Marine Protected Areas
NZP&M	New Zealand Petroleum and Minerals
OECMs	Other Effective Area-based Conservation Measures
OPGGS Act	Offshore Petroleum and Greenhouse Gas Storage Act 2006 (Cth)
PEM	Political-economic Mobilisation
RMA	Resource Management Act 1991
SEAs	Strategic Environmental Assessments
SEI	Socioecological Idealism
UNCBD	United Nations Convention on Biological Diversity
UNCLOS	United Nations Convention on the Law of the Sea
UNDRIP	United Nations Declaration of the Rights of Indigenous Peoples



You are not a drop in the ocean

You are the ocean in one drop

- Rumi

Chapter 1 | Introduction: An Ocean Under Pressure: Extraction v Protection

This thesis investigates offshore petroleum development and marine conservation by analysing the institutional regulatory frameworks for offshore oil and gas licensing, their intersection with marine conservation initiatives, and the critical role of consultation processes and marine planning strategies in informing offshore area selection decisions. The analysis draws on case studies from Australia and Aotearoa New Zealand (Aotearoa-NZ). This chapter provides an overview that contextualises the research within the broader phenomena of petroleum resource extraction and marine conservation, outlines its global context, reviews relevant literature and existing gaps, and details the research questions, aims, and the overall structure of this thesis.

1.1 Problem Statement and Context

> *"With its persistently high level of greenhouse gas emissions, humankind is gambling away the prospects of a liveable future for present and future generations."*
> *(World Ocean Review, 2024, p. 12)*

This stark warning regarding the state of the oceans stands in clear opposition to the current trends in resource exploitation, particularly as efforts intensify to develop offshore minerals and petroleum. This pursuit increasingly competes with biodiversity conservation efforts, fisheries and other marine user groups for access to marine space globally (Halpern et al., 2019; World Ocean Review, 2021, 2024). The conflict between resource extraction and marine conservation, coupled with the well-documented argument that emissions reduction can only be achieved by reducing our dependency on fossil fuels (Carter and McKenzie, 2020; IPCC, 2023) has created a scenario marked by conflicting global priorities (Kapoor et al., 2021a).

1.1.1 The Marine Environment is Subjected to Increasing Global Pressures

The world's oceans are under increasing pressure from competing human activities, marine operations and climate change across almost every global region (Halpern et al., 2019; O'Hara et al., 2024; World Ocean Review, 2021)—creating management challenges and complex ocean governance (Bellanger et al., 2020; Enright and Boteler, 2020; Macpherson et al., 2024b). Overfishing, coastal development, shipping, pollution, and increased mineral and fossil fuel exploitation all contribute to the deterioration of marine environments and biodiversity (Bellanger et al., 2020; Harfoot et al., 2018; Vargas-Fonseca et al., 2024).

Global initiatives, such as the Ocean Decade (UNESCO-IOC, 2021) and the 17 benchmarks outlined in the Sustainable Development Goals (United Nations, 2015), underscore the urgency of addressing these challenges, categorised as among humanity's most pressing and complex priorities (Vargas-Fonseca et al., 2024, p. 1).

Covering 71% of the Earth's surface (IPCC, 2019), the marine environment plays a crucial role in supporting the global population by providing essential social, economic, and environmental benefits (World Ocean Review, 2021). While offshore resource exploitation yields significant economic benefits to society, extractive activities, particularly offshore exploration of deep-sea minerals and fossil fuels, can significantly alter the marine environment and contribute to climate impacts (Cordes et al., 2016). This often results in a decline in biodiversity and interferes with vital ecosystem services, such as coastal protection, fisheries productivity, and the preservation of culturally significant areas (He and Silliman, 2019; IPBES, 2019; IPCC, 2019).

The mismanagement of these extractive industries will lead to irreversible damage to marine biodiversity and habitats (CBD, 2022; IPBES, 2019; Nogues et al., 2021). More specifically, approximately two-thirds of offshore hydrocarbon activities occur in regions with high biodiversity, underscoring the importance of integrating conservation priorities into fossil fuel governance and planning (see Andrews et al., 2021; Venegas-Li et al., 2019).

The IPCC (2023) reports a 12% increase in greenhouse gas emissions since 2010, with fossil fuel consumption and industrial processes contributing the largest share of this growth. Additionally, the International Energy Agency (2025) reports that energy-related emissions reached record levels in 2024, up 0.8%. However, despite a well-documented understanding that phasing out fossil fuel production and usage is essential for reducing emissions to prevent severe climate crises (Carter and McKenzie, 2020; Foster et al., 2024; IPCC, 2023; Welsby et al., 2021), global energy demands and political economic priorities continue to drive offshore oil and gas development (OPEC, 2025; SEI et al., 2023). At the same time, a growing body of scientific evidence highlighting the loss of marine biodiversity and the ocean's role in climate regulation has strengthened calls for marine area-based protection (Harfoot et al., 2018; Tsioumanis and Hovden, 2025; World Ocean Review, 2021, 2024). The implementation of marine protected areas (MPAs) has increased globally, with international initiatives such as the United Nations Convention on Biological Diversity (CBD) aiming to protect 30% of the oceans by 2030 (CBD, 2022). However, only approximately 9.6% of the ocean is protected by MPAs (Protected Planet, 2025).

The fossil fuel industries and governments argue that, with the oil and gas sector comprising over 80% of the global energy mix in 2024 (OPEC, 2025), the associated economic benefits remain vital for a growing

global population. They contend that rising demand for resources to support clean energy technologies and the transition away from fossil fuels necessitates increased extraction of other natural materials to support sustainable economic and technological growth, and improved food security and livelihoods (OPEC, 2025; SEI et al., 2023; US Energy Media, 2020; World Ocean Review, 2021). The OPEC (2025) *World Oil Outlook* reflects a shift in global fossil fuel policymakers' perspectives, asserting that reducing reliance on fossil fuels is an "unworkable fantasy" (OPEC, 2025, p. 1). The report also projects that oil demand will rise from roughly 105 million barrels per day (mbd) in 2025 to 123 mbd by 205, with oil and gas comprising over 50% of the energy mix through 2050 (IEA, 2025; OPEC, 2025, pp. 5, 7). Meanwhile, the current USA administration's energy dominance policy (The White House, 2025) has significantly reduced key environmental protections, enabling expansion across fossil fuel industry sectors, including offshore petroleum extraction and deep-sea mineral exploration—measures that conflict with international marine protection initiatives and established global climate commitments (Duggan and Banner, 2025).

This prevailing policy among fossil-fuel nations not only undermines efforts to cut emissions but also poses risks by heightening tensions between fossil fuel extraction and marine conservation. For instance, Harfoot et al. (2018) highlight that globally unexploited hydrocarbon reserves valued at approximately $3 to $15 trillion overlap with 181 high-risk biodiversity areas, and currently, 29% of oil and gas is extracted offshore within 100 km of the coastline, which tends to be of high biodiversity (CIEL, 2025; Global Energy Monitor, 2025). This trend further diminishes the effectiveness of international biodiversity protection initiatives (Vargas-Fonseca et al., 2024).

My thesis explores the challenges of balancing offshore oil and gas development and marine conservation, through an environmental lens. As Wolf et al. (2025) highlight, all marine users share responsibility for sustainably managing marine ecosystems, protecting ocean health, and mitigating the effects of global warming. In this context, the thesis incorporates the perspectives of individuals often marginalised in decisions about oil and gas development and marine conservation—decisions that contribute to the persistent global challenge of reconciling these competing priorities (Kapoor et al., 2021a). In the subsequent sections and chapters (3 to 6), I seek to do justice to this body of research through the case studies of Australia and Aotearoa-NZ, examining the legal frameworks that regulate both offshore resource development and marine protection, as well as the mechanisms for facilitating inclusive engagement and marine planning strategies in these decisions.

1.2 Research Gap: Early-stage Licensing - Marine Spatial Conflicts

There is increasing tension between offshore petroleum development and marine conservation (see for example Elias-Roberts, 2020; Grossman, 2018; Meissner, 2025; Socrate et al., 2024; Stoddart and Graham, 2018; Verón et al., 2022). However, while noting Nova Scotia's government offshore petroleum expansion conflicting with Canadian federal marine protection goals (Kapoor et al., 2021) and the United Kingdom issuing exploration permits within designated MPAs (Guzman-Perez, 2025; Tagholm, 2023)—much of this research has focused on the environmental impacts of petroleum operations (e.g., oil spills, habitat destruction, emissions) on marine biodiversity and ecosystems (Andrews et al., 2021; Barron et al., 2020; Bravo et al., 2023; Kark et al., 2015; Lucke et al., 2019; Pascoe and Innes, 2018). While studies have individually examined regulatory frameworks governing offshore petroleum operations (Abley, 2016; Barton, 2011, 2022; Chandler, 2018, 2022; Daintith, 2006; Hunter, 2015) and mechanisms for marine area protection (Agardy et al., 2011; Day et al., 2019; Dudley, 2008; Fitzsimons and Wesco, 2018; Grorud-Colvert et al., 2021; Vaughan and Agardy, 2020), the current literature has paid relatively little attention to how decisions are negotiated at the intersection of offshore petroleum development and marine conservation (Kittinger et al., 2024). Specifically, this review identified three key gaps in the existing literature.

First, there is limited information on the institutional, political, and procedural mechanisms through which petroleum licensing and marine conservation decisions are made and integrated, particularly during early-stage marine area allocation processes (Kapoor et al., 2021a). Second, there is limited research comparing how similar jurisdictions with established offshore petroleum industries manage and navigate overlapping regulatory requirements between petroleum licensing and area-based marine protection (Chandler, 2022). Third, despite recognition of the importance of collaborative environmental planning (Carrick et al., 2022; Gillgren et al., 2019; Tang and Brody, 2009; Walker and Daniels, 2019), gaps remain in the understanding of how jurisdictions address conflicting imperatives through their existing regulatory policy approaches at the intersection of marine conservation and offshore petroleum exploitation (Mackelworth et al., 2019).

Building on the works of Shrimpton et al. (2003) and (Kapoor et al., 2021a), and Chandler (2018, 2022), the research addresses these gaps through a comparative analysis of Australia and Aotearoa-NZ—two jurisdictions with established offshore petroleum industries and comprehensive marine conservation objectives.

1.3 Research Questions, Aims and Significance

1.3.1 Main Research Questions

This exploratory study examines governance and participation in the early stage of offshore petroleum licensing decisions in Australia and Aotearoa-NZ. It investigates whether decisions to open marine areas for offshore oil and gas development include adequate consultation and whether they effectively consider marine conservation, climate change goals, and Indigenous rights.

The main research questions address two dimensions: (1) How do petroleum regulatory frameworks in Australia and Aotearoa-NZ select marine areas for offshore oil and gas licensing, and how effectively do they consider marine protected areas (MPAs)? (2) How credible are consultation processes, and to what extent, if at all, do consultation and broader marine planning strategies inform area selection decisions in these jurisdictions?

A qualitative comparative approach was used to identify insights and explain patterns in marine area allocation for offshore petroleum exploration, protection through MPAs, and consultation credibility during early area allocation decisions (Peters, 2020). The central premise was that the timing and quality of consultation and engagement influence opportunities for positive or negative outcomes, particularly where selected areas overlap with MPA designations (Carrick et al., 2022; Tang and Brody, 2009). Contention was anticipated where such overlap coincides with inadequate consultation, including limitations to access (to participate and information), quality and influence on decisions.

1.3.2 Aims and Objectives

A central aim was to assess whether various interest groups, including often marginalised voices from non-government, societal and Indigenous groups, had adequate opportunities to participate in and influence early area selection decisions (Carrick et al., 2022; Walker and Daniels, 2019). This assessment formed part of the broader examination on allocating marine areas (seafloor) for petroleum exploration bidding in Australia and Aotearoa-NZ.

The research focused on the acreage release processes in Australia and the block offer procedures in Aotearoa-NZ (DISR, n.d.-b; NZP&M, n.d.-a). Using a qualitative comparative case study approach, it examined offshore petroleum regulatory procedures and consultation practices, particularly how frameworks consider MPAs and the credibility of consultation mechanisms. It also sought to identify overlap between petroleum permits and MPAs.

1.3.3 Primary Research Objectives

The broad aims outlined in Section 1.3.2 were addressed through three specific research objectives:

1. **Regulatory Policy and Procedures Analysis:** To explore and compare the offshore oil and gas area allocation processes, regulatory policy and statutes in Australia and Aotearoa-NZ; and examine MPA designation frameworks in relation to offshore fossil fuel activities.
2. **Spatial Overlap, Broader Interpretive Exploration and Solutions:** To assess the nature, location, and characteristics of spatial overlap of marine conservation efforts and offshore petroleum industry activities; explore and cross-validate insights, patterns and trends, and examine historical opposition to fossil fuel exploration in Australia and Aotearoa-NZ to better understand possible solutions.
3. **Participation and Consultation Evaluation:** To assess consultation credibility, quality and inclusivity, drawing on participants' perspectives and insights on regulatory consultation frameworks to identify contentious issues and where they arose in the area selection. A further objective was to determine whether strategic environmental assessments (SEA), marine spatial planning (MSP), and ecosystem-based management (EBM), as collaborative mechanisms, were effective tools for improving regulatory processes governing offshore exploration and marine conservation.

The significance of this research lies in its focus on an underexplored decision point: upstream area selection, the first administrative step in offshore petroleum licensing, which generally does not involve environmental baselines. Its environmental lens incorporates a qualitative assessment of the lived experiences of people engaging at this stage, whose perspectives are often marginalised in resource extraction decisions. The following sections review the literature on offshore petroleum regulatory frameworks, marine conservation strategies, and participatory approaches to marine area-based management and planning, establishing the conceptual and policy context for the research questions.

1.4 Frameworks for Marine Protection and Offshore Petroleum Exploration

Understanding the marine governance frameworks and regulatory approaches that support both offshore petroleum exploration and marine protection is essential for navigating the dynamic interplay between marine conservation objectives and petroleum resource development (Havice et al., 2025; Shaw, 2019). The following sections provide an overview of the overarching framework of ocean governance, the mechanisms for establishing marine conservation areas and the management structures governing offshore petroleum regulations.

1.4.1 Marine Governance as Context

Marine governance—the overarching frameworks by which both petroleum extraction and marine conservation operate, emerged to balance the exploitation of marine resources with the protection of marine ecosystems and biodiversity (Scott and Spalding, 2023). It arises from the foundational international frameworks, particularly the 1994 United Nations Convention on the Law of the Sea (UNCLOS), which establishes jurisdictional rights, defines offshore boundaries, and sets normative regulations for human uses and activities in the ocean (Molenaar, 2019; Singh and Araujo, 2023). While UNCLOS does not place particular emphasis on marine protection, it establishes a foundational framework for addressing anthropogenic pressures and the growing exploitation of marine resources. It provides the legal architecture upon which nations base their policies and regulatory processes for offshore activities (Chandler, 2018; Vince, 2018).

In the context of offshore petroleum and marine conservation specifically, marine governance involves the complex system of conservation initiatives, such as marine protected areas (MPAs), petroleum regulatory frameworks, and engagement processes (Chandler, 2022; Kittinger et al., 2024; Weiand et al., 2021). These elements often occur simultaneously or, in the case of MPAs, in response to resource extraction (Harfoot et al., 2018; Kapoor et al., 2021a; Meissner, 2025).

1.4.2 Marine Conservation Mechanism – Marine Protected Areas

The designation of MPAs, as well as Other Effective area-based Conservation Measures (OECMs) are widely considered to be an essential legal policy instruments for marine conservation and protection (Agardy et al., 2011; Dudley, 2008; Grorud-Colvert et al., 2021; Kittinger et al., 2024; Kriegl et al., 2021). These conservation tools are intended to protect and manage the diverse array of marine resources, biodiversity, and the myriad of cultural, economic, and environmental services that benefit and support people and the planet, while fostering a resilient and healthy marine ecosystem (Day et al., 2019; Grorud-Colvert et al., 2021).

Today, approximately 9.6% of the global marine environment is protected under various national and international legal mechanisms (Protected Planet, 2025). However, researchers note a substantial variation in the definition and classification (labels) of MPAs across countries, reflecting different usage and conservation goals—some with full protection restricting any human extraction to the multi-use areas that allow everything from commercial fishing, mining and petroleum extraction (Day et al., 2019; Grorud-Colvert et al., 2021; Marcos et al., 2021). Different MPA labels include marine sanctuaries, parks, conservation zones, no-take reserves, multi-use zones, and culturally significant areas (Day et al., 2019). Grorud-Colvert et al. (2021) argue that this variation in usage and conservation goals hampers effective conservation and complicates the assessment of how well marine environments are protected.

Nonetheless, the International Union for Conservation of Nature (IUCN) provides the global standard for marine protection strategies and defines protected areas in three major publications (see Day et al., 2012; Day et al., 2019; and Dudley, 2008). MPAs are described as marine spatial management tools that encompass "clearly defined geographical regions managed through legal or effective measures to conserve and preserve the area with its ecosystem services, including cultural and economic values" (Day et al., 2019, p. 1). They are "areas of the ocean set aside for long-term conservation" aimed at enhancing the quality and extent of ocean protection, supporting climate change adaptation and mitigation efforts, and providing other ecosystem services (IUCN, 2017, p. 1). Grorud-Colvert et al. (2021) introduced the 'MPA Guide' to address the existing misalignment by providing a practical framework that supplements the core IUCN definitions. This guide is designed to facilitate the categorisation, evaluation, and planning of marine protected areas in applied contexts (Grorud-Colvert et al., 2021). Recognising this discrepancy in designation, this research uses MPAs broadly to include all forms of marine protection, from conservation and safety to security measures (e.g., submarine cable zones) and high-level conservation protection.

Over recent decades, conservation and climate organisations, including IUCN, the United Nations Convention on Biological Diversity (CBD), and the UN Sustainable Development Goals, have established global conservation objectives that member countries are encouraged to legally commit to in order to protect ocean environments and ensure the sustainability of marine resources (CBD, 2022; Jantke et al., 2018; United Nations, 2015).

1.4.3 The Offshore Petroleum Regulatory Frameworks & Challenges

At the governmental level, the management of the extractive industry and its effects on marine environments is primarily achieved through regulatory frameworks (OECD, 2014). Petroleum resource development governance generally requires collaboration between the host country and industry actors, with regulatory frameworks guiding each phase of offshore oil and gas development. These frameworks are

designed to address social, economic, and environmental responsibilities and obligations to the host state (Chandler, 2018; Daintith, 2006).

Petroleum development can be categorised into two distinct phases (Figure 1-1): upstream and downstream (Hunter, 2011). This thesis examines the policy decisions surrounding the allocation of marine acreage for the upstream phases of offshore resource extraction, an area that has received relatively limited scholarly attention, particularly from an environmental standpoint (Chandler, 2022; Elias-Roberts, 2020; Opeyemi et al., 2024; Shrimpton et al., 2003).

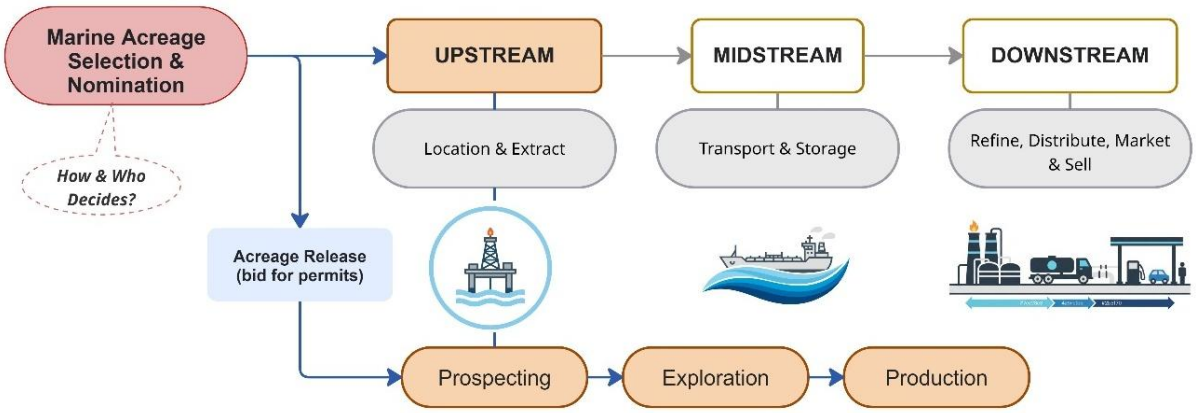

Figure 1-1. Illustrating the consecutive stages of oil and gas development, highlighting the upstream phase of offshore oil and gas development. The pink box highlights the critical policy decision—the designation of marine areas for the offshore acreage bidding process, which is the focus of this research. Illustration created in Miro software, using the AI features within the program to create the three pictorial icons. Data and information source (Energy Information Australia, 2023; Hunter, 2011; Moore, 2025).

Throughout these stages, government, industry regulators and industry actors work together to ensure compliance with national legislative frameworks, regulations and permitting (licensing) processes (Cordes et al., 2016; Hunter, 2015; Kapoor et al., 2021a). These legal frameworks ensure that extractive offshore industries conduct activities in accordance with countries' environmental protection policies and regulations, require permits to conduct activities (a licence to prospect, explore, and drill), and are subjected to various environmental approvals (Chandler, 2018; Jarlsby, 2019).

Chandler (2022, p. 38) provides a concise overview of the common structural elements of offshore petroleum licensing, which include:

- Sections of the continental shelf designated for exploration are subdivided into distinct licence areas (allocation of areas for petroleum)
- Awarding of permits (licenses) through competitive bidding
- Successful bidders are given exclusive rights to the production and ownership of the petroleum retrieved from the licensing area

The regulation of offshore petroleum development through this sequential licensing model creates distinct temporal stages and decision points where government and industry interests intersect (Chandler, 2018). Before any exploration occurs, a critical junction point (Figure 1-1) is identifying and allocating marine areas that are offered up for bid to industries for exploration rights (Fraser et al., 2019; Hauge, 2025; Kapoor et al., 2021a). The designation of marine areas initiates the explorational bidding processes, although terminology varies by country. In Canada this is the 'call for bid', for Australia, the 'acreage release' and in Aotearoa-NZ, the 'block offer' processes, providing the rights to conduct petroleum activities (DISR, n.d.-b; Kapoor et al., 2021a; NZP&M, n.d.-a). While this sequential model appears procedurally straightforward, it creates critical governance challenges, particularly at the intersection of petroleum development and marine conservation.

The early-stage decision to identify and allocate marine areas for exploration bidding represents a consequential regulatory policy moment (Chandler, 2018; Shrimpton et al., 2003), particularly in terms of conservation objectives. At this point, decision-makers (e.g., typically regulators) must determine which marine areas will be made available to industry for exploration rights, establishing spatial commitments before environmental assessments occur and often before the full extent of conservation values are understood (Fraser et al., 2019; Kapoor et al., 2021a).

Resource extraction decisions at these critical policy moments can have a significant impact on the environment and climate. Granting exploration or seismic permits gives companies exclusive rights for years, potentially affecting future environmental conditions (Hunter, 2015). It is this early-stage area allocation decision, the identification of areas for exploration bidding—that represents the focus of this research (Chandler, 2018; Kapoor et al., 2021a). This decision point is critical because it establishes the spatial and temporal parameters within which subsequent petroleum-conservation tensions will unfold.

1.4.4 Protection Efforts in Marine Areas Are Falling Short

Despite the various legal frameworks and initiatives for marine protection by national governments and global conservation organisations, complete protection of marine areas has not been achieved. Previous

research indicates that extractive industries and governments often prioritise operational and economic interests over marine protection efforts, with economic benefits outweighing conservation (Brauman et al., 2020; Kriegl et al., 2021; Loomis, 2017; Meissner, 2025). Widener (2018b, 2021) connects protection and extraction, positing that MPAs are zones of 'privilege' and oil extraction are areas of 'sacrifice', where marine protections are an essential component for ocean health, yet are mere distractions or concessions to the larger economic extractive enterprises. This is further complicated by the fact that governments and industries balance competing priorities regarding marine use and spatial allocation, while broader public involvement in decisions remains limited (Agardy et al., 2011; Cánovas-Molina and García-Frapolli, 2020; Olsen and Hansen, 2014). Additionally, the potential economic gain to the regulating government creates an inherent conflict of interest (Carter, 2020).

In offshore petroleum development, conflicts often begin with the release of marine areas for offshore petroleum exploration, the first step in oil and gas licensing (Kapoor et al., 2021a; Malin et al., 2019). Research indicates that mitigating conflicts in this marine space requires consolidated regulatory frameworks that address conflicts from the outset and throughout the lifecycle of marine use (Cánovas-Molina and García-Frapolli, 2020; Tafon et al., 2022).

Area-based management approaches, particularly marine spatial planning (MSP) and ecosystem-based management (EBM) are widely identified as effective tools for reducing conflicts among marine user groups (Singh and Araujo, 2023), especially when users are engaged early and contribute equitably across planning, implementation, and management phases (Bellanger et al., 2020; Enright and Boteler, 2020; Lukambagire et al., 2024). MSP focuses on coordinating the spatial and temporal dimensions of marine activities to manage interactions and support sustainable marine use (Ehler et al., 2019; Reimer et al., 2025). While EBM, integrates economic, social and ecological considerations to sustain ecosystem resilience and productivity, particularly when applied alongside MSP in conflict mitigation efforts (Bravo et al., 2023; Fisher et al., 2022). Despite the recognised values of these evolving area-based approaches, their implementation continues to face challenges in balancing conservation with extractive human use, and the consequences of competing objectives are not fully understood (Pegorelli et al., 2026; Singh and Araujo, 2023).

To address these challenges, Vaughan and Agardy (2020, p. 14) emphasise the importance of aligning MSP with MPA objectives—contending that this integration will minimise conflicts and foster effective outcomes that "drive future sustainable use of the marine environment". Furthermore, scholars suggest that effective conflict resolution requires moving away from sector-specific management towards more cross-sectoral, participatory approaches that involve 'stakeholders' throughout the process (Bellanger et al., 2020; Lukambagire et al., 2024; Macpherson et al., 2024b). Evidence from Canada, for example, demonstrates that a lack of inclusive, transparent, and public consultation can disrupt offshore extractive activities, especially

when these activities conflict with the interests of key user groups such as fisheries, tourism, and Indigenous communities (Bruce et al., 2024; Kapoor et al., 2021a; Stoddart and Graham, 2018).

Identifying marine spatial conflicts at the onset is increasingly recognised as a crucial prerequisite for the success of marine environmental and extractive resource planning strategies (Bellanger et al., 2020; Mackelworth et al., 2019; Tafon et al., 2022). The Kunning-Montreal 2022 report (CBD, 2022) explicitly highlights how spatial overlap and increased conflicts are likely to develop, particularly where public consultation is limited, and underscores the importance of utilising area-based management tools and inclusive 'stakeholder' collaboration to mitigate future conflicts (Bellanger et al., 2020; Kittinger et al., 2024).

1.5 Offshore Petroleum Licensing and Marine Conservation: An Underexplored Intersection

1.5.1 Early-Stage Decision-Making and MPA Spatial Conflicts

Existing literature on offshore petroleum and marine conservation predominantly focuses on the impacts after approval and issues related to the social acceptance of the industry, particularly in the study of social licence to operate (Bond et al., 2023b; Luke et al., 2018; Widener, 2018a, 2021). However, less attention has been given to the initial phase of the licensing process, where offshore area locations are decided and marine conservation concerns are (or are not) incorporated into the regulatory frameworks (Kapoor et al., 2021a; Shrimpton et al., 2003). Particularly, as petroleum decisions have a lasting influence on the areas and the impacts on the ecosystem (Barton, 2011; Kapoor et al., 2021a). The limited scholarship on this early-stage decision-making has primarily developed through comparative regulatory analysis and case studies examining licensing procedures (Chandler, 2018, 2022; Kapoor, 2020; Kapoor et al., 2021a; Shrimpton et al., 2003).

The conflicts between marine environmental management and offshore petroleum development have been explored in several key studies. Shrimpton et al. (2003) provided an early exploration of this intersection, examining how environmental concerns are addressed in exploration licences issued in regions such as the United Kingdom, the United States, Australia, Norway, and Alberta, Canada. They found limited integration of environmental concerns in regulation and insufficient community consultation during early exploration stages. More recently, Kapoor (2020) and Kapoor et al. (2021a) reported that offshore permit bidding processes prioritised petroleum interests over biodiversity, and consultation processes failed to resolve sector conflicts in Nova Scotia. Chandler (2018, 2022) compared intergenerational socio-economic equity in offshore petroleum management in Norway, the United Kingdom, and Australia and examined how

regulatory frameworks address and emphasise the need for stronger regulatory structures that balance socio-economic and socioecological interests for future generations.

These conflicts have often challenged government policies, prompting significant societal pushback and proceeding through the courts (Bishop-Fraser Attorneys, 2025; Bond et al., 2019; Bond et al., 2023b; Meissner, 2025; Widener, 2021; Wilderness Society, 2025), highlighting the need to improve early-stage decision processes that can foresee and manage competing marine uses.

1.5.2 Strategic Environmental Assessments in Petroleum Licensing

In offshore resource extraction, most countries conduct some form of assessment before carrying out activities (Lamorgese et al., 2015). Environmental Impact Assessments (EIA) and Strategic Environmental Assessments (SEAs) are generally regarded as essential tools for sustainable management, particularly at the early stages of decision-making processes (Cherepovitsyn et al., 2020; Elvin and Fraser, 2012; Fidler and Noble, 2012; Kusters et al., 2024). SEAs function as impact-scoping mechanisms that identify environmental impacts prior to activities, facilitate spatial planning, streamline environmental assessments, provide opportunities for broader societal engagement, and potentially enhance cost efficiency in project-based EIAs (Hansen, 2022; Olsson et al., 2023; Partidario, 2022).

Although SEAs aim to integrate environmental and ‘stakeholder’ concerns early in oil and gas development (Lamorgese et al., 2015), critics contend that they often overlook cumulative impacts and fail to incorporate community and Indigenous concerns effectively (Elvin and Fraser, 2012; Kapoor et al., 2021c; Saha et al., in press 2026; Vespa et al., 2017). This raises questions about the effectiveness of SEAs in sustainable resource development and ensuring that “stakeholders” perspectives, and broader societal and Indigenous concerns are reflected in the outcomes of project planning. (Bahadorestani et al., 2020; Tang and Brody, 2009).

Nonetheless, several countries undertake some form of SEA before releasing areas for offshore petroleum licensing (

Table 1-1), encompassing various forms, approaches, and objectives (Fidler and Noble, 2012; Hauge, 2025; Kapoor et al., 2021c; Partidario, 2022). For instance, Norway, the United Kingdom, and Atlantic Canada exemplify jurisdictions that conduct SEAs prior to offshore petroleum licensing (Chandler, 2022; Fidler and Noble, 2012), each with distinct approaches (integration of EA, regional plans, project-based) and objectives (sustainability, socio-economic) (Partidario, 2022). However, Australia and Aotearoa-NZ do not conduct formal SEAs before offshore petroleum activities (Burdett and Cameron, 2021; Chandler, 2021b; Morgan and Taylor, 2021).

Table 1-1 Examples of countries that do or don't utilise SEAs in their offshore oil and gas development

Country	Process	Focus implementation	Influence	Community	References
Norway	SEAs = Preliminary EAs, Regional EAs, IMPs	All sectors in the offshore environment (pre-determined areas) Introduced Regional EAs in 1997	Significant influence on policy and programs	Integrated Management Plans include socio-economic impact assessments	(Chandler, 2021b; Fidler and Noble, 2012; Gormley and Kristensen, 2019)
United Kingdom	SEAs	Environmental assessment Previously based on the EU directive	Weak influence on project-level assessments	SEA considers sustainable development, ocean & human health	(Chandler, 2021b; Fidler and Noble, 2012)
Canada (Atlantic Canada)	SEAs	Pre-licensing stage Policy adopted in 2002	Limited industry involvement	Consultation period	(Fidler and Noble, 2012; Kapoor et al., 2021c)
Australia	Consultation process	Project-based EIA No formal SEA system (2018 Acreage Optimisation)	Primarily project-based	Consultation process prior to acreage release	(Burdett and Cameron, 2021; Chandler, 2022; DISR, 2018)
Aotearoa-NZ	Consultation processes	Project-based & petroleum activities focused environmental consents No SEA system	Primary promotional project-based	No public engagement prior to block offers Māori consult (2012)	(Morgan and Taylor, 2021)

IMPs (Integrated Management Plan)
EA (Environmental Assessments)

While various countries employ SEAs, scholars argue that their adoption in offshore fossil fuel development is inconsistent and relatively limited in scope (Kusters et al., 2024; Lamorgese et al., 2015; Partidario, 2022). Chandler (2020, 2021a), emphasises the shortcomings in the approaches of Australia and the UK, particularly in addressing intergenerational equity, noting their failure to incorporate socioeconomic goals that promote sustainable resource development and mitigate the industry's impacts on climate change. Additionally, others cite limitations related to economic priorities that hinder sustainability, disregarding broader cumulative effects, including ecological and social impacts (Cherepovitsyn et al., 2020; Chernaik et al., 2024; Kapoor et al., 2021c; Kusters et al., 2024; Lamorgese et al., 2015).

1.5.3 Clarifying the term ‘Stakeholder’

In the participation and engagement literature, particularly in resource extraction, there is growing discourse surrounding the use of 'stakeholder' to describe individuals, groups, and organisations with interests or those affected—either positively or negatively—by specific decisions (Delaney, 2021). As there is a shift towards reconciliation and partnerships with Indigenous and First Nations Peoples, there is increasing scholarship advocating for a critical examination of the terminologies that are embedded in historical and colonial injustices, urging researchers involved in participatory and engagement research to be mindful of terminology and to avoid language that perpetuates these colonial tendencies (see Burdett and Sinclair, 2024a; Delaney, 2021; Hafferty et al., 2024; Reed et al., 2024; Reo et al., 2017).

I acknowledge these discussions by using specific identifiers (e.g., industry, government, regulator, broader public, societal interest groups, Indigenous and First Nations). However, in the context of offshore petroleum and marine conservation decisions, I envisioned the term ‘stakeholder’ to mean any individual, group, or organisation with a vested interest in, or affected by, decisions on petroleum extraction and marine conservation. Importantly, this research regarded Indigenous and First Nations communities as distinct from these categories, recognising them not as stakeholders but rather as equal governors in decisions, cultural custodians and sovereign rights-holders (Bruce et al., 2024; Burdett and Sinclair, 2024a; Grote, 2024).

Specifically, when 'stakeholder(s)' is used (as in Chapter 3), it refers to the various categories and groups of individuals I have interviewed for this research. This includes the petroleum and mining industry, petroleum regulators, government, environmental non-governmental organisations (ENGOs), fisheries, tourism organisations, community groups (e.g., advocacy, civil society), and Indigenous/First Nations community representatives. In an Aotearoa-NZ context, Māori have long been recognised separately from wider 'stakeholders' in management, policy and regulation decisions due to their specific rights as parties to the Treaty of Waitangi (Te Tiriti o Waitangi, 1840).

Therefore, I have chosen to limit my use ‘stakeholders’. Instead, where possible, I used the specific identifiers (detailed above), along with terms such as interviewees, participants, multi-actors, and key-actors (e.g., regulators, government, and, in some cases, stakeholders). Chapter 3 is an exception to this since the manuscript was submitted for publication before recognising the need to modify the use of ‘stakeholder’. Lastly, quotation marks indicate where scholars explicitly use the term ‘stakeholder’ in their work.

1.5.4 Participation and Engagement in Early-stage Decisions

Participation and engagement through consultation processes in offshore petroleum development, particularly during early-stage decision-making, requires a multifaceted interaction among government agencies, local communities, Indigenous groups, environmental organisations, and industry actors (Jessen, 2018; Kapoor et al., 2021a). In general, there are regulatory requirements to engage with the various key-actors (e.g., inter-government agencies and industry), public and rights holders (including Indigenous peoples) in both offshore petroleum extraction and marine conservation (Boyd and Lorefice, 2019; Chandler, 2018; Tafon et al., 2022; Vaughan and Agardy, 2020). This intricate interaction creates inherent challenges for both fossil fuel development and marine conservation.

Researchers consistently argue that meaningful and inclusive engagement in resource development decisions is largely absent (Boyd and Lorefice, 2019; Carrick et al., 2022; Yates, 2018). In practice, "stakeholder" engagement and consultation is typically limited to awareness-raising through one-way communication, the collection of public perspectives to inform decisions, and to some extent, the pursuit of social license—the ongoing acceptance of a project by key-actors and affected communities (Boyd and Lorefice, 2019; Fidler and Noble, 2012; Kelly et al., 2020). Inadequate engagement, limited transparency in decision-making, and competing interests frequently generate conflict, undermining the credibility of petroleum governance and impeding extraction and conservation objectives (Bahadorestani et al., 2020; Meissner, 2025; Socrate et al., 2024; Vespa et al., 2017).

Ineffective engagement is often characterised by the failure to identify relevant individuals, organisations, and Indigenous communities and failure to integrate multiple epistemologies—including Indigenous knowledge systems, scientific approaches, and community-based socio-ecological viewpoints (Boyd and Lorefice, 2019; Policzer, 2024; Silvius and Schipper, 2019). Additionally, there is frequently a reluctance or inability to address prevailing power dynamics within decision-making processes, thereby limiting the actual influence participants may exert (Newig et al., 2023; Ortiz-Riomalo et al., 2023; Walker and Daniels, 2019; Yates, 2018). These challenges are observed across multiple jurisdictions (see Bishanga, 2025; Kapoor et al., 2021a; Kapoor et al., 2021c; Kernan, 2025; Noble et al., 2013; Vespa et al., 2017; Villanger et al., 2016). Nonetheless, despite recognising the importance of inclusive participation and engagement in resource extraction and marine conservation, significant challenges persist in translating this into effective practice, particularly during the early stages of licensing decisions, where spatial conflicts and trade-offs are established (Bahadorestani et al., 2020; Kapoor et al., 2021a; Lukambagire et al., 2024; Newig et al., 2023).

1.6 Australia and Aotearoa-NZ Context

This doctoral research was situated within the larger York University [1]SSHRC project involving comparative case studies and qualitative methodologies. York University's SSHRC project is a multi-case study investigation of the regulatory decisions involved in selecting marine areas for offshore petroleum development and the overlap with marine protection in four comparable countries, including Canada, Australia, Aotearoa-NZ and the United Kingdom (Fraser et al., 2019). Australia and Aotearoa-NZ were selected as comparable case studies within the SSHRC project, as both jurisdictions operate under liberal democracies, have established fossil fuel sectors, and vast marine domains with notable marine protection strategies (McNaughton, 2020).

The following section explains why Australia and Aotearoa-NZ were chosen for this comparative case study, focusing on their marine conservation and offshore petroleum contexts. Details on each country's regulatory frameworks and challenges are covered in Chapters 3 (Australia) and 4 (Aotearoa-NZ), while Chapter 5 highlights their similarities and differences.

1.6.1 Valuable Case Studies: MPA Leadership & Established Petroleum Sector

Australia and Aotearoa-NZ are valuable case studies for understanding how liberal capitalist democracies balance offshore petroleum development with marine conservation. Both countries maintain viable offshore oil and gas industries and are recognised for their leadership in marine environmental protection (Abley, 2016; Fitzsimons and Wesco, 2018; Peart and Koolen-Bourke, 2025). Being among the first countries to establish marine protection initiatives and pioneering legislation in their maritime jurisdictions, and are signatories to the CBD 2030 biodiversity protection target (DCCEEW, 2023; Fitzsimons and Wesco, 2018; Peart and Koolen-Bourke, 2025).

Australia has a long-standing history of oil and gas development and is among the world's top seven oil and gas producers (Gupta, 2025). It accounts for roughly 0.4 per cent of global oil production and, as the second-largest LNG exporter, contributes over 4 per cent of the global natural gas market (Expert Market Research, 2025; Gupta, 2025; IMARC, 2025). Although Aotearoa-NZs petroleum sector is smaller and has seen revenue decline by 1.8% since 2020, it remains productive both onshore and offshore (Tan, 2025). The 2025 National coalition government’s energy policy aims to further develop this industry, reversing the 2018 offshore petroleum ban implemented by the Ardern Sixth Labour government (Ardern, 2018; Hon.

[1] Canada’s Social Science Humanities Research Council (SSHRC) Insight Grant supports Canadian research in the sciences and humanities.

Jones, 2024). At the commencement of this thesis, the moratorium on offshore oil and gas activities was in effect, offering a useful contrast to Australia's ongoing resource expansion.

1.6.2 Political and Institutional Differences

Despite these conservation achievements and similarities, their distinct political economies lead to fundamentally different approaches to balancing resource extraction with conservation. Australia functions under a federal (Commonwealth) system outlined in a written constitution, with power divided between the Commonwealth (federal) and the states (Parliamentary Education Office, n.d.). In contrast, Aotearoa-NZ operates as a centralised unitary state without a fixed constitution, which grants it broader governmental and legislative authority (McNaughton, 2020). As colonial liberal democracies and signatories under the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)[2], both countries have obligations to the Indigenous peoples of the country (ANTAR, 2024; Barton, 2022; Bruce et al., 2024; Burdett and Sinclair, 2024b; JSCATSIA, 2023). Specifically, under article 32 of the declaration, resource extraction (e.g., petroleum regulatory frameworks) and conservation initiatives are required to conduct 'free, prior and informed consent' through engagement and consultation processes (Bruce et al., 2024; UNDRIP, 2007).

1.6.3 Regulatory Frameworks and Governance Structure

These institutional differences operate within similar geographical and ecological contexts. Both nations oversee extensive marine territories within their 200 nautical-mile Exclusive Economic Zones (EEZs) and are facing similar challenges from resource extraction and climate change (Abley, 2016; Loomis, 2017; Miranda et al., 2020). Despite similarities in governance, Australia employs a federal framework that regulates offshore petroleum through both federal and state jurisdictions (Chandler, 2018); whereas Aotearoa-NZ follows a centralised approach with offshore petroleum decisions made by the government regulator and the resources minister, alongside consultation with Māori, the Indigenous peoples of Aotearoa (Abley, 2016; Barton, 2022). In recent decades, the integration of Māori principles within the legal system has notably shaped offshore petroleum licensing and environmental approvals processes (NZP&M, 2017; Urlich et al., 2022).

Both Australia and Aotearoa-NZ utilise the offshore licensing model discussed above—granting successful bidders exclusive rights to marine areas for decades (Hunter, 2015). Their regulatory frameworks are described as complex and fragmented, with various agencies and overlapping jurisdictional authorities (Abley, 2016; Chandler, 2018). In Aotearoa-NZ, six government agencies manage offshore petroleum

[2] United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) in regard to resource extraction, require 'free, prior and informed consent' with Indigenous Peoples https://social.desa.un.org/sites/default/files/migrated/19/2018/11/UNDRIP_E_web.pdf

activities, with exploration permits managed by New Zealand Petroleum and Minerals (NZP&M). The Te Tiriti o Waitangi 1840 (Treaty of Waitangi) recognises Māori rights and interests in marine environments, including in petroleum extraction (Ellis et al., 2017; Hickford, 2015). In Australia, the offshore petroleum regime is regulated through the Federal Department of Industry, Science and Resources (DISR), with decisions made collaboratively by federal, state, and territory governments, known as the Joint Authorities (Miranda et al., 2020). Licensing is handled by the administrative regulator, National Offshore Petroleum Titles Administrator (NOPTA), while environmental management responsibilities are delegated to National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) (Abley, 2016; Chandler, 2018).

1.6.4 Public Opposition and Policy Outcomes

The shift towards expanding offshore oil and gas exploration, combined with growing climate change concerns, has increased public and political debates over offshore fossil fuel expansion. This has led to high-profile conflicts, including nationwide campaigns, protests, flotillas, and court cases (see Chapter 3, section 3.3; Chapter 4, section 3.3; AMCS, n.d.; Great Australian Bight Alliance, n.d.; O'Brien, 2013; Widener, 2021). In Australia, recent campaigns have opposed exploration along Western Australia's Ningaloo Coast, a World Heritage site, and the "Fight for the Bight" campaign, led to oil companies abandoning their offshore exploration plans in the Great Australian Bight (ABC News, 2016; AMCS, n.d.; Doherty, n.d.). In 2024, strong public and political opposition resulted in a ban on fossil fuel development off New South Wales' coast and the cancellation of the controversial PEP 11 petroleum exploration permit (Beazley, 2023; Department of Climate Change Energy, 2024).

Widener (2018a, 2021) described Aotearoa-NZ as a frontier nation in fossil fuel development, with rising opposition to petroleum development, peaking in protests between 2010 and 2017. These protests were influenced by various international and national events that challenged the offshore sector's social license (social acceptance) (see Bond et al., 2019; Bond et al., 2023b; Greenpeace NZ, n.d.; Loomis, 2017). Between 2010 and 2014, prolonged community opposition involved multiple ENGOs, community groups, Māori-led protests, and at-sea flotillas, gaining significant publicity (Abel, 2018; O'Brien, 2013; Widener, 2018a). Diprose et al. (2016) and Bond et al. (2019) noted that community activism arose in response to government offshore extraction strategies, prioritising economic growth in 2008.

1.7 Chapter Integration and Thesis Structure

Starting with the conventional introductory chapters 1 and 2—where this Chapter 1 provides literature background, research aims and outlines the phenomenon of enquiry, Chapter 2 presents the methodological approaches. Chapters 3 to 6 delve into the specific case studies, offering detailed findings, analysis, and insights for each, which are then interwoven within a comparative narrative of Australia and Aotearoa-NZ.

- **Chapter 2:** Overview of methods – detailing the case-study methodological approach in the planning, data collection (interviews) and qualitative thematic template analysis carried out in this thesis. Appendix D provides additional details on the thematic analysis and interpretative approach. Appendix C details the theoretical framework on environmental planning that underpins this research.

- **Chapter 3 (publication):** Australia case study - detailed analysis of regulatory processes, consultation inadequacies and spatial overlaps, which highlights Australia's conflicting perspectives, shaped by deeply ingrained extractive resource policies that starkly contrast with the growing demands for socio-ecological climate commitments. As part of the thesis requirements, this chapter has been published in the *Journal of Coastal Conservation.*

- **Chapter 4 (publication)**: Aotearoa-NZ case study - parallel analysis that explores Aotearoa-NZ's efforts to navigate the complexities of balancing colonial neoliberal petroleum extraction ideals with the acknowledgement of Indigenous Māori rights, all while striving for intergenerational socio-ecological sustainable management of its ocean. As part of the thesis requirements, this chapter is published in the *Journal of Extractive Industry and Society*.

- **Chapter 5:** Compares area-selection decisions, consultation, and marine conservation outcomes across cases. It identifies barriers to engagement, including fragmented governance, siloed decisions, and weak links between marine conservation and climate commitments. The chapter proposes procedural, institutional, and Indigenous rights-based reforms, such as broader cross-portfolio participation, public input, and response documentation. It highlights integrated tools (SEAs, MSP, and EBM) for inclusive, collaborative, intergenerational ocean governance.

- **Chapter 6**: Discussion contributing to the debate through a synthesis of findings, connecting these to policy recommendations and future research, discusses the broader implications for ocean governance and proposes policy recommendations to mitigate future conflicts in both Australia and Aotearoa-NZ, thereby promoting a more sustainable approach to intergenerational ocean governance.

Chapter 2 | Methodological Approach

2.1 Introduction

This section provides an overview of the qualitative case study methodology, primarily through exploration of interview data thematically analysed, through a qualitative interpretative approach that identifies and organises recurring themes (King and Brooks, 2017; Tabari et al., 2020). Beginning with a background overview, I provide a rationale for the case study design, outline the data collection process, interview recruitment and interviewing strategies, and the code and theme development. It concludes by discussing the limitations, biases, and reflections associated with this approach. Specific methods context for each case study region can be found in Chapters 3 (Australia), 4 (Aotearoa-NZ), and 5 (Cross-case comparison). A detailed exposition of the qualitative analysis of interview data using thematic template analysis, as articulated by King and Brooks (2017), is presented in Appendix D.

The theoretical framework underpinning this qualitative methodology is based on environmental planning theory, analysed through a pragmatic (data-driven and solution-focused) lens, and a social constructivist view that recognises that knowledge is constructed and shaped by individual lived experience and beliefs (based on, Carrick et al., 2022; Crotty, 1998; Lawrence, 2000; Moon and Blackman, 2014; Tang and Brody, 2009). Specifically, it recognises that interviewees' understanding of the offshore licensing process and participation is shaped by their social interactions, experiences and their position within these processes. Appendix C provides a full explanation of this theoretical positioning, including its development and application based on three planning theory pillars: socioecological idealism, collaboration and communication, and political-economic mobilisation through procedural environmental justice (Carrick et al., 2022; Tang and Brody, 2009).

2.2 Background Overview

Qualitative case study methodology was employed (Harrison et al., 2017; Yin, 2009a, 2018a), primarily using data from semi-structured interviews (discussion with predetermined thematic questions, followed by prompts) with non-public (government and regulators), organisations, public and Indigenous groups engaged and operating at the intersection of offshore exploration and marine conservation, offering valuable perspectives on understanding the context and issues around the marine area's selection process (Braun and Clarke, 2013, 2021a; Crabtree and Miller, 2022; Crotty, 1998; Guetterman and Fetters, 2018; Lune and Berg, 2017; Silverman, 2021; Yin, 2009b, 2018a).

This approach emphasises thematic pattern recognition and explanation rather than statistical hypothesis testing. It assessed each country's processes, focusing on credibility and inclusivity, drawing on participation and environmental planning literature, and triangulating (looking more broadly to assess the reality of participants' claims) with policy and literature.

Specifically, this case study approach (Yin, 2018a), involved thematically analysing primary data from 48 interviews, and triangulating with secondary data, including literature, policy documents, media articles, and spatial datasets to broaden my interpretative understanding (King and Brooks, 2017). The policy documents validate participants' claims; spatial data grounded their accounts of where MPA and fossil fuel activities intersect; media and literature provided the historical context for opposition; and the planning theory literature provided the interpretative lens to analyse these multiple data sources together.

This interpretative exploration also involved a cross-case comparison (Chapter 5), identifying similarities and differences, to explain and develop broader insights applicable to other regions where petroleum extraction and marine protection objectives intersect. This design enabled an in-depth examination of the socio-ecological and socio-political dynamics, with interviews providing valuable insights into stakeholders' issues and perspectives at the area selection stage (King et al., 2019; Maxwell, 2021). It particularly emphasises the voices of those often marginalised from these early offshore petroleum area selection decisions.

2.3 The Qualitative Case & Cross-Case Study Approach

Qualitative case study methodology allowed this research to explore complex real-world issues, including government policy processes and institutional decision-making frameworks around fossil fuel development, through questions about how and why decisions are made and what issues are involved (Harrison et al., 2017; Yin, 2018b). Regarded as a 'general inquiry' approach for collecting and analysing qualitative textual data, this method is inherently exploratory (Lim, 2025; Lune and Berg, 2017). In this study, it was used to seek interviewees' perspectives on area selection processes, focusing on power dynamics, institutional norms, and lived experiences. It also facilitates the exploration of causal relationships while considering variables, such as the adequacy or quality of consultation or equity in resource management and conservation decision-making (Maxwell, 2021; Yin, 2009b, 2018a).

The Australia and Aotearoa-NZ comparison examined contemporary regulatory tensions between offshore petroleum development and marine conservation (Yin, 2011), focusing on early decisions shaping long-term ocean use and planning (Tang and Brody, 2009). Comparing cases helps researchers recognise patterns, identify similarities and differences, and develop insights and solutions that may apply elsewhere (Peters, 2020; Ragin, 2014). These strengths aligned with this research's questions, aims and objectives. As themes

emerged during data collection and analysis, the case study approach allowed me to refine how interview data were categorised and the theoretical frameworks (Appendix C) was used to interpret them (Baskarada, 2014; Collins and Stockton, 2018; Yin, 2018a). Adapting the analysis in this way improved the study's ability to capture the complex interactions between regulatory frameworks, perspectives of those involved or affected, and institutional decision-making (Carrick et al., 2022).

2.3.1 Case Study Boundaries

Defining case study boundaries is crucial for maintaining a focused inquiry in qualitative case study research (Creswell, 2022; Mills et al., 2010a). This research is geographically limited to Australia and Aotearoa New Zealand, focusing on offshore petroleum regulation and marine conservation in their sovereign marine jurisdictions (e.g. EEZ). It is defined temporally by significant regulatory developments and consultations over the past few decades (Chandler, 2018; Farnworth, 2018; Loomis, 2017; Mills et al., 2010b). The research questions anchored the analytical focus on offshore petroleum regulatory processes, particularly in the selection of marine areas for licensing, exploring consultation processes, power dynamics and marine conservation overlap. This delineation ensured that analysis remained focused and enabled rigorous cross-case comparisons, while acknowledging the institutional, legal, and socio-political distinctions between the two countries (Baskarada, 2014).

2.4 Data Collection

This section describes the various stages of my research methodology, including participant recruitment, interviewing, data validation, and thematic analysis to interpret emerging themes. Figure 2-1 illustrates a visual representation of the conceptual flow of my data collection and analysis approach. While not strictly linear, it highlights how these stages connect.

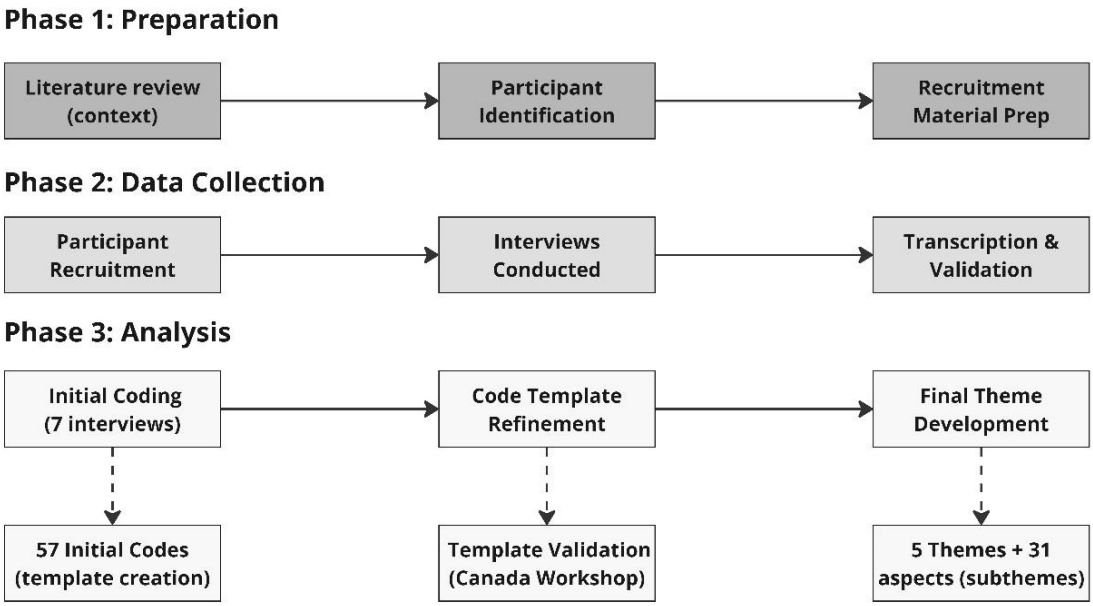

Figure 2-1. Overview of the analytical research methodology workflow, which outlines three main phases: the initial literature scoping review, preparation, data collection, and analysis.

2.4.1 Participant Recruitment

Participants were identified through a semi-purposive sampling approach: targeted initial selection followed by snowball sampling. Initial selection used participant categories (interest groups) guided by those in the SSHRC project and the Canada case study, in which participants self-identified to a group (Fraser et al., 2019; Kapoor et al., 2021a). Potential participants were identified through a literature review and online searches using keywords related to offshore licensing and marine protection in Australia and Aotearoa-NZ (Figure 2-1). Searches covered academic databases (Scopus, ProQuest, Google Scholar), a media database (Factiva) and government documents (Overton). I also reviewed public submissions, government documents, and media articles to identify key actors. Their credentials were then reviewed for relevance to the research (King and Brooks (2017). Once key participants had agreed to an interview, they were asked by email or during the interview to suggest others who might participate (Campbell et al., 2020; George, 2025).

This approach recruited individuals from federal and state governments, petroleum regulators, scientists and ENGOs with a marine portfolio, commercial fishers, recreational fishers, community members, Indigenous groups, and legal experts in environmental/resource law. From August 2023 to April 2024, recruitment emails were sent to 144 individuals (80 in Australia and 64 in New Zealand), enclosing an introductory project profile and an invitation-to-participate letter. Non-respondents received follow-up emails and phone calls. Interested participants were contacted by phone to arrange a face-to-face or virtual interview. Equal

recruitment across participant categories was challenging, as not everyone was willing to participate (see Section 2.3 - Limitations). Table 2-2 presents participant recruitment and interview results.

2.4.2 Semi-Structured Interviews Approach

This research used semi-structured interviews (open-ended questions, guided by prompts) to encourage dialogue and clarify complex issues in an under-researched topic (Baskarada, 2014; King and Brooks, 2017). Interviews provide valuable case study data by capturing relevant experiences (Yin, 2017). Here, I gathered diverse perspectives from individuals involved in offshore oil and gas development and marine conservation, capturing their understanding of experiences and challenges encountered at this intersection (King et al., 2019; Yin, 2009a).

The main interview questions were adapted from the Canada case study (Kapoor et al., 2021a) and those conducted during preliminary fieldwork in Australia in 2019. These questions were tailored to incorporate case-specific terminology and align with the main research questions (see Table 2-1 and Appendix B). Written consent was documented, and verbal consent was recorded in line with ethical requirements (see Appendix A).

Table 2-1. Interview guide featuring leading questions and links to research themes (questions)

	Main Questions	Link to Research Question (Theme)
1	Offshore Area Release & Regulatory Processes Can you share your knowledge, insight and/or experience on the regulatory consultation processes for offshore area release processes (acreage release, block offers, environmental assessments-EIA/SEAs) and engagement/consultation processes? Particularly when marine protection overlaps?	How regulators navigate contentions with offshore O&G overlap with MPAs Knowledge of the petroleum regulatory framework and consultation processes
2	Marine Protected Areas What are the most important things I should know about MPAs, conservation areas, marine spatial planning, or ecosystem-based management efforts in your area?	Indigenous contributions to decisions Engagement and consultation during offshore activities
3	Ocean Planning (Marine Spatial Planning - MSP) How are MSPs, regional planning, and Ecosystem-based Management linked to the area release processes (acreage release/block offers) and petroleum planning in your region? Are they linked?	How regulators navigate concerns with offshore O&G overlap with MPAs Does MSP & consultation demonstrate 'best practice' for conflict mitigation
4	Are there any changes you would like to see made to your region's offshore petroleum development or MPA process, such as regarding consultation, timing, or engagement?	How do regulators navigate contentions with offshore O&G overlap with MPAs? Broader ocean planning strategies
5	What have I not asked, and what have we not discussed that might be of importance?	Information on the contentions between MPA and offshore petroleum expansion

Interviews were conducted face-to-face or remotely via the institute's Zoom platform. In Accordance with ethical approval (see Appendix A), all participants provided written consent, and verbal agreement was recorded at the start of each interview. Consistent with the larger SSHRC project, all interviews were recorded, and audio was professionally transcribed by human transcribers at the Australian company Pacific Transcription. Key words, terms and language-specific terminology were noted for each recording and supplied to the company to support accurate spelling, including Indigenous language terms. Participants' available time, the depth of their responses and coverage of key topics were monitored to support quality data collection (King et al., 2019), with the aim of keeping the interview within 60 minutes. Actual durations varied: some exceeded an hour, and some lasted less than half an hour.

Interview data were collected during two trips to Australia: one in 2019, conducted by G. S. Fraser, and another in 2023, conducted by myself and a research assistant. I then conducted interviews in Aotearoa-NZ in 2024. Both researchers followed the same approach to reduce differences in responses arising from interviewers' technique (King et al., 2019). The complete dataset consisted of 59 interviews: 24 from Aotearoa-NZ and 35 from Australia, including 23 conducted in 2023 and 12 in 2019 (Table 2-2). Of these, 48 interviews were used in the analysis. Recognising that the decision to stop collecting data is subjective, I

drew on the Canadian case study (Kapoor et al., 2021) and aimed for 20-25 interviews per country. All interviews informed this research, but 48 interviews and one email response were used in the analysis. The eleven interviews not included were excluded on the grounds of limited relevance to the offshore area selection process and data or information saturation, meaning no new insights were emerging. Chapters 3 and 4 detail the distribution across interviewee groups for each case study and specify the number of interviews analysed for each publication.

Table 2-2. Distribution of recruitment and complete interviews across participant categories for Australian and Aotearoa-NZ case studies. The final dataset comprised 59 interviews, totalling 52.5 hours of audio recording.

Recruitment Details (2023-2024)	**Australia**		**Aotearoa-NZ**
Reached out by email/LinkedIn	88/41**		67/32**
Responded	60		46
No response	15		15
Declined	16		9
Interviewed by,	**2019**	**2023**	**2024**
Face-to-face	7	16	22
Virtual Zoom/Phone	5	7	2
Unofficial discussion (not recorded)	1	8	4
*Email response (Used in analysis)	0	2	1*
Interviewed by Stakeholder Group			
ENGOs & Advocacy Groups	2	8	2
Community Members	1	3	3
Independent Scientist (Marine)	2	2	5
Legal Representatives	0	1	1
Recreational Fisher	1	2	0
Commercial Fisheries	1	2	1
Indigenous Representatives	1	1	3
Petroleum Regulator (Government)	1	1	2
Federal/Central Government	2	2	5
State/Regional Government	1	1	1
Industry (offshore mining)	0	0	1
Total Interviewed	**n=12**	**n=23**	**n=24**
Total Interview Hours 52.2			

*Email response included in analysis
**The number of official invitations sent to participants via email during recruitment

Interview recordings were professionally transcribed using intelligent verbatim transcription, which removed filler words, false starts and stutters. All 59 transcripts were checked thoroughly against the audio recordings for accuracy, then read to familiarise myself with the data and assess their relevance to the research (King et al., 2019). To support participant anonymity throughout the interview process, recordings were assigned unique codes for transcription and record-keeping. Each interview code included the location (country), participant initials, group category, and year (for example, AUS_SJ_NGO_2023).

2.5 Thematic Template Analysis

Thematic template analysis was used to analyse 48 interview transcripts because it was well suited for a comparative multi-case study design and offered a flexible way to analyse a large dataset (King and Brooks (2017); Tabari et al., 2020). It also supported the need for a robust, transferable coding framework to be used across the SSHRC study sites in the UK, Canada, and Scotland (King and Brooks, 2017). The approach involved developing a coding template and revising it through engagement with interview data. It combines deductive analysis, using pre-determined keywords and *a priori* themes, with inductive analysis, using content coming from the data data-driven content) (Gibbs, 2021; King, 2012; Saldaña, 2025). Specifically, supporting the use of *'a priori'* themes from previously explored research to structure the initial template. Themes and keywords from previous research can therefore structure the initial template while allowing it to develop as analysis proceeds (King and Brooks, 2017, p. 6).

Analysis began with familiarising myself with the interview transcripts. I then identified key concepts and categories in a subset of seven interviews, drawing on keywords driven by the main research questions and transcript reading, alongside four *a priori* themes adapted from Kapoor et al. (2021a; Table 2-3). Guided by these keywords, I used NVivo 14, qualitative coding software, to organise interview content into codes and subcodes (Lim, 2025). The initial codes were clustered, merged and restructured into a hierarchical coding template, which was then applied across the complete dataset.

Table 2-3. Keywords and predetermined a priori themes used in creating the coding template (deductive coding)

Keywords - deductive codes (research question & familiarisation)	***a priori* themes (Kapoor et al., 2021)**	**Inductive codes (coding in NVivo)**
Offshore Oil & Gas Regulatory Processes, Offshore areas allocation (acreage release, block offer), MPA, Stakeholder Consultation (Engagement), MSP, Petroleum Legislation & Regulations, Climate Change Concerns, Indigenous Engagement, Environmental Assessments, Power Dynamics	Differing interpretations of economic and community sustainability Complex and inadequate regulatory structure Consultation processes lack credibility Mobilisation for stronger environmental protection	Inadequate consultation (transparency, inequitable; lack of), Inequities (legislation, consultation, regulations), Legislation (instruments, loopholes), Environmental Risk, Fossil Fuel Opposition (community driven, climate concerns), Industry Influences (powerful O&G industry, government influence), Community Awareness, Climate (impacts, concerns, awareness), Mobilisation (community, tactic) Fossil Fuel Impacts (emissions, climate change, biodiversity loss), Indigenous (rights, notification, knowledge, decision-making vs stakeholder), Mechanisms of Engagement (barriers, challenges), MPA (barrier, challenges), Advocating MSP (economic vs ecological), Energy transition (economic vs environment)

Analysis of the seven coded transcripts led to modifications and new categories in the template, s initially generating 53descriptive codes and subcodes, including the four *a priori* themes. Revisions undertaken with a qualitative coding consultant reduced these to 38 code categories and subcodes (see Appendix F). A coding workshop for the larger SSHRC project in Newfoundland, Canada, in July 2024 further refined the template to ten main code categories and six subcategories (see Table 2-4). The final template, comprising 16 code categories and subcategories, was applied to the remainder of the dataset (see Table 2-5; Appendix F for code template definitions). This approach organised the interview content to support thematic interpretation and theme development (Saldaña, 2025).

Table 2-4. Showing the iterative process of refining the code template, from initial coding to collaborative validation and final development of themes and subthemes.

Stages of analysis	**Data Used (interviews)**	**Template Status**	**Analytical Outcomes**
Initial coding	Subset of 7 interviews (3=NZ, 4=AUS)	Initial template created using keywords, *a priori* theme and inductive codes	Preliminary organisation of interview content into 53 descriptive code categories
Expert consultation	Same 7 interviews	Template refined through merging and consolidating codes	Increased clarity and reduced code redundancy (38 codes)
SSHRC coding workshop	4 test transcripts (coded and uncoded)	Refined template - collaboratively testing and validated	Confirmed template and discussed interpretive alignment for other cases
Final dataset coding	41 interview transcripts	Final template applied across the interview dataset	Structured dataset of around 16 codes for thematic synthesis
Theme development	Coded interview summaries (visual mapping)	Codes synthesised into subthemes and themes	Identification of 5 primary themes and 31 subthemes.

Table 2-5. The refined code template, with 16 code categories including subcategories, used to code 48 interviews

Code Template (16 code categories used to code the dataset)
1.0 Climate Change
2.0 Community Mobilisation
3.0 Indigenous
4.0 Industry & Government Influence
5.0 Marine Protected Areas & Indigenous Cultural Areas
5.1 How Formed & Legal Mechanisms
5.2 Barriers & Challenges to MPA Creation
5.4 MPA Other
5.3 MPA Overlap with Oil
6.0 Marine Spatial Planning
6.1 Ecosystem-Based Management
7.0 Seafloor Allocation
8.0 Concerning Consultation & Engagement
9.0 Offshore Oil & Gas
9.1 Impacts of Oil & Gas
10.0 Concerning Legislation, Regulations or Regulators
11.0 Unsure - Interesting topics
11.1 Concerning Decommissioning
11.2 Concerning Fisheries
11.3 Concerning Marine Jurisdiction
Memorable Quotes

The coded content was repeatedly reviewed, synthesised, compared with Kapoor's a priori themes, and used to adapt and build on them, and organised through conceptual mapping (using XMind software). This process identified five primary themes and their 31 related subthemes (Figure 2-2). The approach combined methodological rigour and flexibility, capturing consistent patterns across interviews (Brooks et al., 2015). Appendix D provides a comprehensive step-by-step description of the thematic analytic approach, template development process and coding refinement procedures, through to the interpretative analysis generating the five themes.

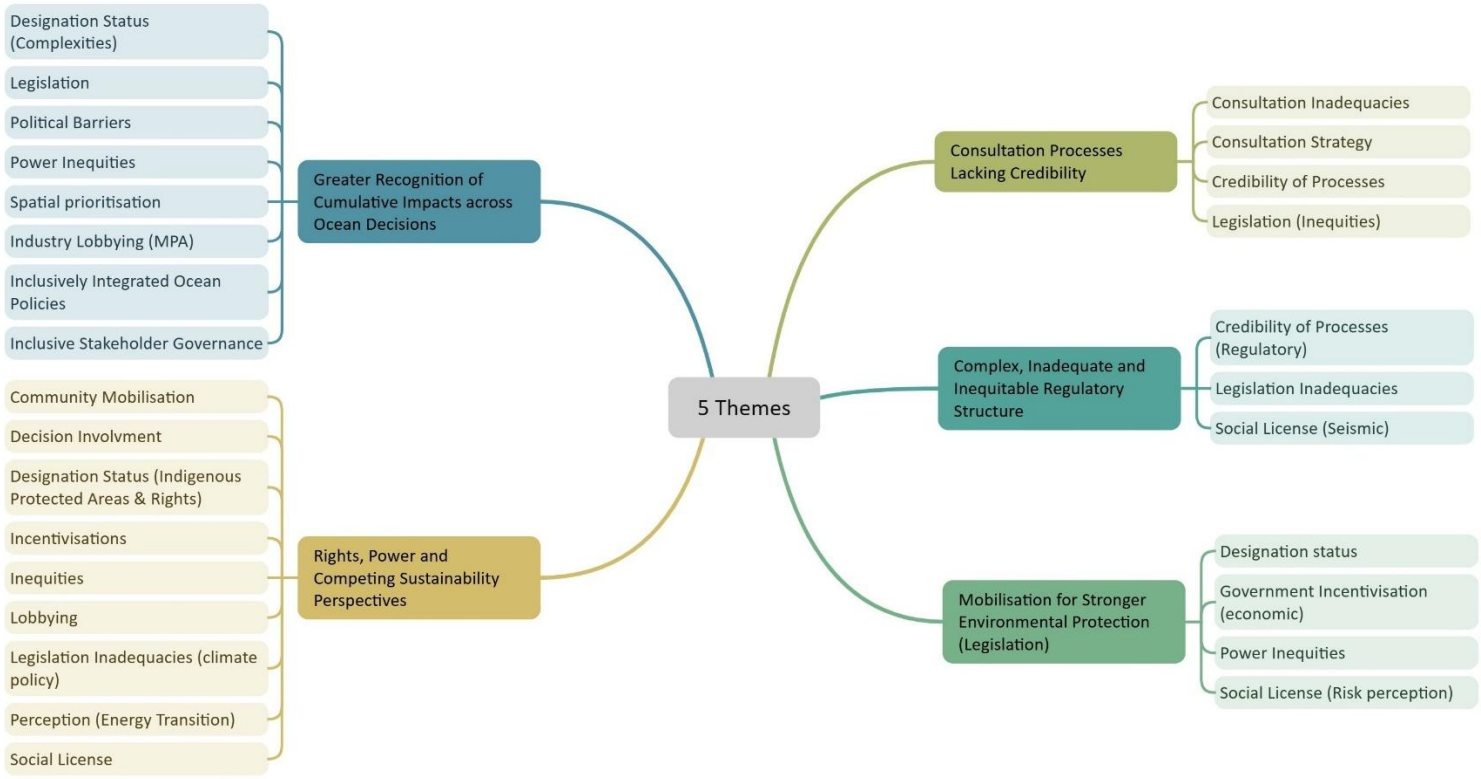

Figure 2-2. The complete thematic framework derived from the analysis of 48 interviews, comprising five overarching themes and 31 constituent aspects (subthemes). This framework guided the interpretative analysis and writing of findings in Chapters 3-5. Image created using XMind software.

2.6 Mitigating the Limitations of Case Study and Data Analysis Methods

Using multiple data sources to explore complex real-life phenomena can make case study analysis challenging (Lune and Berg, 2017; Yin, 2018a). This complexity can also make interpretations time-consuming Lim (2025). To address these challenges and interpretive subjectivity, I maintained a clear focus on the marine area selection processes in the two countries. I drew on interviews, policy and government documents, literature, media, spatial data, and descriptive statistics to compare interviewees' accounts with the evidence and developed broader interpretations across the dataset (Yin, 2018a). Findings were cross-verified across these sources and across different interest groups involved in offshore oil and gas development and marine conservation. This triangulation supported consideration of how the approach and findings might transfer to similar cases, particularly the other SSHRC cases (Yin, 2009; Lim, 2025).

Achieving equal representation of participants across the two case studies was challenging, particularly for Indigenous groups and the offshore petroleum sector in Australia, where some individuals did not respond or declined to participate. Because industry representatives were absent from the in Australian case, a collective decision was made not to recruit from the petroleum-sector participants during my recruitment efforts in Aotearoa-NZ, to maintain consistency across cases. Interviews with oil and gas regulatory agencies in both countries nevertheless provide insights into the regulatory processes. I also held informal discussions with individuals connected to the offshore industry. These discussions were not recorded, but they informed my understanding of the current issues in both jurisdictions.

2.7 Assumptions, Biases and Reflexive Mitigations

This research assumes that conflicts between resource extraction and marine conservation are present, and may be addressed by recognising the interviewees' stated intentions to achieve both socio-economic and socio-ecological sustainable management (Winther et al., 2023). The methodological assumption of this case study was that the offshore petroleum licensing and marine conservation processes, in Australia and Aotearoa-NZ, offer in-depth insights into the disputes that emerge in marine resource and environmental management, and that the outcomes of these two processes are opposed, thereby supporting an effective method to address the research questions (Crabtree and Miller, 2022).

My epistemological assumption maintains that knowledge is generated through the context and interactions among participants (Moon and Blackman, 2014). The varied viewpoints of interviewees provide an understanding of offshore petroleum areas selection and marine conservation processes, and participants' experiences and my interpretations are considered credible sources of knowledge (data) (King et al., 2019). This was mitigated by actively seeking participants from diverse backgrounds. I also aimed to interview

people across a wide range of sectors and across the broader literature to challenge my assumptions and bring in alternative perspectives. (Braun et al., 2019).

2.7.1 Recognising Personal Bias &Reflexivity Statement

I have worked, sailed, and enjoyed the ocean throughout my life, forming a deep connection to the natural, cultural, spiritual, and resource values that the sea offers in all its wonder. My experiences range from childhood summers spent living remotely on Canada's west coast, sailing across the Atlantic and Pacific on traditional tall ships, exploring the ancestral trade routes of the Mediterranean, and surfing many coastal breaks along the east and west coasts of various countries. I have conducted marine conservation efforts on remote South Pacific islands, facilitated wildlife education cruises around Australia, collected oceanographic and ecological data for scientific research on government and private vessels in several countries, conducted oil spill scenario-based marine impact assessments for industry, and enjoyed the clarity that comes with walking along many beaches around the globe. The ocean has become a source of both peace and concern for me. Unsurprisingly, I find myself investigating the contentious intersection of marine protection and resource extraction.

As a white female researcher with the recognised privileges afforded to researchers within colonial-founded societies, and drawing on my background in marine environmental science and experience in marine conservation, physical oceanography, and offshore resource impact assessments, I acknowledge the unique perspective this brings to the research. My professional training and experiences have shaped my understanding of the relationship between offshore petroleum extraction and marine conservation, and may predispose me to certain biases and assumptions. However, explicitly acknowledging such positionality supports transparency and clarity in social science research (Braun and Clarke, 2021b). While my work has exposed me to diverse perspectives on environmental trade-offs, it may also incline me towards scientific approaches to environmental management and to prioritise conservation perspectives over resource extraction.

My initial limited expertise in social science research methodology necessitated adopting reflexive practices alongside scientific methods to recognise and address these assumptions. Through reflexivity, training, and collaboration, I developed a more integrated approach that valued the social and cultural aspects of marine governance. By combining scientific and reflexive approaches, the research chapters that follow seek to engage more effectively with the complexities of marine governance and respect the diverse perspectives and needs of the participants interviewed in Australia and Aotearoa-NZ.



"It is a curious situation that the sea, from which life first arose, should now be threatened by the activities of one form of that life.' – Rachel Carson

Chapter 3: Australian Case Study

'*Offshore Fossil Fuel Extraction and Marine Conservation: Intensifying Regulatory Challenges in Australia'*

This chapter is a version of the manuscript published by Springer Nature in the *Journal of Coast Conservation* on June 5 2026, available at https://doi.org/10.1007/s11852-026-01216-3.

Chapter 3 examines Australia's offshore petroleum regulatory frameworks, focusing on the decision-making process for marine acreage selection, consultation practices, and the power dynamics that shape early offshore area selection decisions. This chapter presents my thesis research. The research, content compilation and analysis, and writing, revisions and editing to meet publication standards are my work, supported by the contributing authors. Collaborative terms such as "we" and "our" are retained from the original manuscript to acknowledge that support and to meet the journal's requirements. The manuscript formatting has been adjusted for consistency with the thesis and the university requirements. The reference list for this work is provided at the end of this chapter.

Chapter 3 | Offshore Fossil Fuel Extraction and Marine Conservation: Intensifying Regulatory Challenges in Australia

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Abstract

Conflicts between marine conservation and extractive industries are escalating globally. This is particularly evident in Australia, where societal perceptions of sustainability, climate concerns, and socio-ecological ideals clash with both the government's economic priorities and the interests of the fossil fuel sector. This paper explores how this conflict is managed through Australia's offshore petroleum licensing and regulatory processes with a specific focus on the initial decision to release offshore acreages for bidding and how this contradicts with marine conservation objectives. Twenty-two semi-structured interviews were conducted with stakeholders from federal and state governments, regulatory bodies, environmental non-governmental organisations (ENGOs), as well as with commercial fisheries, recreational fishers, and community and Indigenous representatives. Findings from these interviews indicate that Australia's offshore petroleum governance relies on procedural consultation, creating an illusion of inclusivity and environmental protection. Non-governmental participants identified that the decision-making framework prioritises industry interests over marine conservation and fails to address community concerns related to climate change and sustainability. This disconnect undermines regulatory credibility and heightens conflicts, particularly where petroleum activities overlap with marine protected areas and citizens' socio-ecological values. Four themes within Australia's offshore development framework are explored: the regulatory process is marked by a number of inadequacies, notably the complexities of a fragmented regulatory governance and lack of transparency in acreage decision; consultation practices are perceived by ENGO, Indigenous, and community stakeholders as lacking credibility; as a result, these group representatives mobilize for stronger environmental protections; and finally, even as this mobilization builds, ultimately decisions tend to reflect the disproportionate influence of powerful fossil fuel actors. This research provides insights into how Australia's current offshore governance can improve stakeholder consultation and collaborative planning in offshore fossil fuel development and marine protected areas.

3.1 Marine Conservation vs Offshore Fossil Fuel Extraction: A Rising Global Conflict

The continued expansion of offshore petroleum exploration conflicts directly with global emission reduction commitments as well as international marine biodiversity protection agreements (Mackelworth et al., 2019; UNFCCC, n.d.,). Initiatives like the UN Convention on Biological Diversity aim to protect over 30% of marine biodiversity and ecosystems by 2030 (CBD, 2022; High Ambition Coalition, 2022). Meanwhile, it is now well documented that cutting emissions to prevent worst-case climate crises requires phasing out fossil fuel production and use (Carter and McKenzie, 2020; SEI et al., 2023). Yet fossil fuel production projections for 2030 are double what is aligned with limiting warming to 1.5 °C (Research & Markets, 2024; SEI et al., 2023). International Energy Agency (2018) forecasted continued growth in offshore oil and gas production into 2030, and Carr et al. (2025) estimated an 8% year-over-year increase in 2024. A significant portion of this anticipated production will occur in marine areas: in 2025, with 28% of oil produced offshore (Statista Research Department, 2023).

The global drive for fossil fuel extraction conflicts with marine conservation in various locations and contexts (Table 3-1). Venegas-Li et al. (2019) estimated that two-thirds of offshore fossil fuel operations worldwide coincide with regions of significant concern for biodiversity. Harfoot et al. (2018) identified global areas where current and future biodiversity is at risk from fossil fuel exploitation, highlighting 181 high-risk biodiversity areas directly in conflict with oil and gas extraction. Pellegrini et al. (2024) then identified priority areas to be kept free from oil extraction where there is considerable overlap between oil resources and biodiversity hotspots, as well as Indigenous rights areas.

Concerns over biodiversity and climate stability have frequently motivated challenges to governments' decision to develop oil that include a diversity of actions, from social movement opposition to court challenges (Meissner, 2025). Legal battles in South Africa illustrate how a community movement focused on marine life protection prompted federal courts to halt seismic activities (Meissner, 2025). In the Gulf of St. Lawrence, Canada, the tourism industry opposed oil exploration (Stoddart and Graham, 2018). In Aotearoa, New Zealand, Widener (2018) connected offshore extraction and marine protection, and found that marine reserves may influence local communities' resistance to extractive industries. In Nova Scotia, Canada, Kapoor et al. (2021a) concluded that offshore oil regulatory frameworks did not alleviate tensions and frequently prioritised economic interests over environmental concerns. This conflict is also occurring in Australia, where fossil fuel interests and socioecological values clash with the government's climate commitments, economic objectives, and ties to the fossil fuel industry (Table 3-2).

Table 3-1 Examples of conflicts and the key elements influencing disputes at the intersection of resource extraction and other marine uses, including marine conservation

Location	Conflict	Key Elements	References
Global	Fossil fuel exploitation vs. biodiversity impacts	High-risk biodiversity areas, oil and gas extraction	(Harfoot et al., 2018)
Global Offshore	Fossil fuel operations vs. biodiversity impacts	Overlap is a significant concern for biodiversity – 85%	(Venegas-Li et al., 2019)
Global	Oil resources vs. biodiversity hotspots; climate change	Unburnable oil, Indigenous areas	(Pellegrini et al., 2024)
South Africa	Seismic activities vs. marine life protection	Federal courts, socio-movement	(Meissner, 2025)
Canada	Tourism industry vs. oil extraction	Gulf of St. Lawrence	(Stoddart and Graham, 2018)
Aotearoa, New Zealand	Offshore extraction vs. marine protection	Community response, marine reserves, Ban on fossil fuel	(Widener, 2018)
Mediterranean Sea	Overlap between oil and gas concession areas and ecologically significant areas	Cross-boundary and concession issues	(Kark et al., 2015)
Nova Scotia, Canada	Regulatory frameworks vs. environmental concerns (MPA overlap)	Economic interests, tensions	(Kapoor et al., 2021a)

Conflicts often begin with, or are focused on, the release of marine areas for offshore petroleum exploration, the first step in oil and gas licensing (NOPTA, n.d.-a). In Australia's offshore regulatory frameworks, the 'acreage release' process is the first opportunity for public stakeholders to comment on oil and gas (O&G) development (DISR, n.d) and environmental organisations and civil society increasingly view the acreage release process as a crucial opportunity for intervention. Their primary goal is to prevent further fossil fuel expansion, arguing that it undermines the country's direction of improving marine protection and emissions reduction strategies to address climate change (AMCS, n.d.-b; Wilderness Society, 2025). Despite not having any acreage releases in 2023 or 2024, the continuation of such releases, coupled with efforts to maintain biodiversity and climate emission targets, reveals that Australia has a social, ecological, and economic imperative requiring a nuanced approach for the sustainable management of its marine environment (Chandler, 2020, 2022; DISR, n.d.-b).

Yet research on managing Australia's conflicts between marine conservation and offshore fossil fuel extraction is limited, particularly on the offshore acreage release process, the significant initial stage of offshore oil development. Therefore, in this paper, we focus on stakeholder engagement and the use of

broader ocean planning strategies during offshore petroleum acreage release regulatory processes (Chandler, 2018; Macpherson et al., 2024). Using literature, media, and interviews with key actors, we explore the challenges surrounding marine conservation, stakeholder consultation, and marine planning, investigating their impact on Australia's offshore petroleum acreage release decisions and evaluating the trade-offs that may exacerbate or alleviate conflicts between marine resource extraction and environmental management. Building on the existing literature (Chandler, 2022; Kapoor et al., 2021a; Shrimpton et al., 2003), we aim to provide practical solutions for equitable, collaborative, and integrated intergenerational marine planning (Mackelworth et al., 2019; Macpherson et al., 2023).

3.2 Theoretical Framework and Methods

3.2.1 Theoretical Framework

Our theoretical framework, informed by Lawrence (2000), Tang and Brody (2009), and Carrick et al. (2022), rests on three pillars: socioecological idealism (SEI), collaboration and communication, and political-economic mobilisation (PEM) with procedural environmental justice (Figure 3-1). This approach acknowledges multiple perspectives in marine resource management, recognising that stakeholders interpret regulations and consultation processes based on their social interactions, experiences, and roles (Lawrence, 2000; Moon and Blackman, 2014). It also posits that regulations are a social process formed through discourse and policy, and stakeholder perspectives provide valuable sources of knowledge for addressing conflicts and solutions arising from different values attached to marine spaces (Carrick et al., 2022). Norton (2002) procedural rationality complements Carrick et al. (2022) participatory procedural justice, helps examine how consultation barriers in offshore fossil fuel regulatory decisions affect environmental outcomes. SEI guides our investigation by address the research questions of how regulatory processes integrate marine conservation and climate ideals into acreage release decisions. (Lawrence, 2000; Tang and Brody, 2009), while also evaluating consultation quality in the acreage release process. The PEM principles guide our analysis of power dynamics and equity in consultation processes, considering economic dimensions and environmental justice by examining stakeholder engagement and community advocacy for structural change in sustainable marine planning (Carrick et al., 2022; Tang and Brody, 2009).

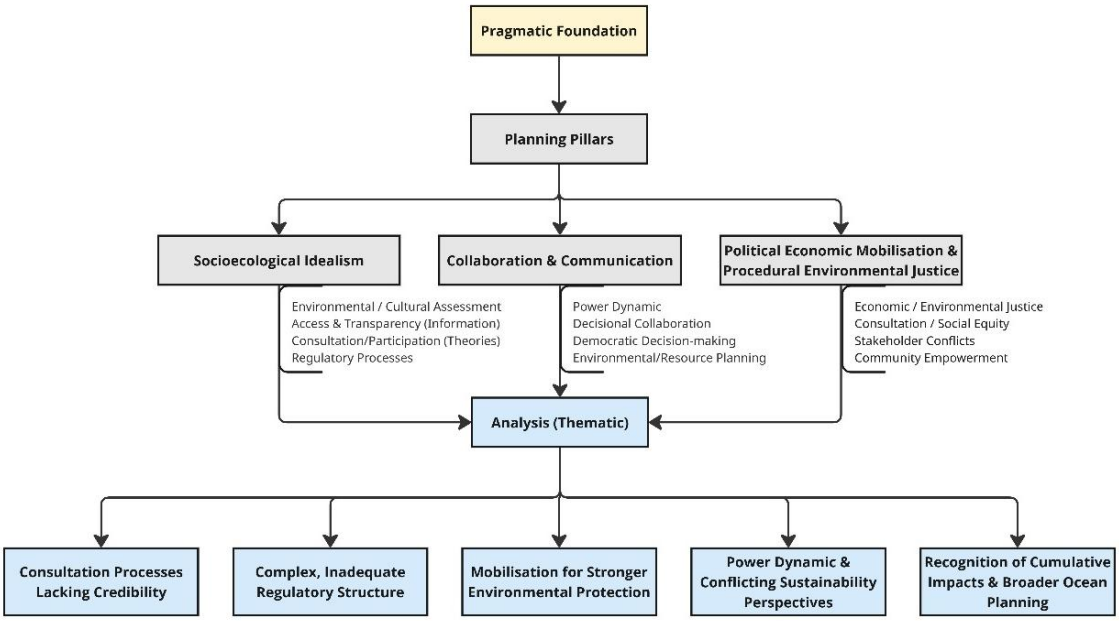

Figure 3-1 The elements of the three planning theories: socioecological idealism, collaboration and communication, and political economic mobilisation with procedural environmental justice, and their connections to five themes identified from the analysis. Figure created using Miro visual workspace (2024).

3.2.2 Qualitative Methods

To provide data on the existing overlap between acreage release and Marine Protected Areas (MPAs and other conservation designations) we reviewed Department of Industry, Science and Resources (DISR) annual acreage releases from 2019 to 2022, public comment documents, and National Offshore Petroleum Titles Administrator (NOPTA) licensing data through the National Electronic Approvals Tracking Systems (NEATS) Interactive Map Portal (https://public.neats.nopta.gov.au/Map), alongside MPA data on the Australian Marine Spatial Information System (AMSIS) map portal (https://amsis-geoscience-au.hub.arcgis.com/). MPA overlap occurred in multiple use zones, special purpose zones, International Union for Conservation of Nature (IUCN VI), and proximity was noted around higher-level IUCN MPAs and non-MPA designated areas, such as biologically important areas and sensitive ecosystems, rather than directly in MPAs that restrict oil and gas activities (DCCEEW, 2022a, 2022b; NOPTA, 2025).

Our primary focus was to understand how decisions regarding seafloor allocation and the bidding process for offshore oil and gas intersect with marine protected area initiatives. We used a qualitative case study method, conducting semi-structured interviews with individuals across different stakeholder groups, such as federal and state government representatives, petroleum regulators, ENGOs focused on marine issues,

commercial fisheries, recreational fishers, lawyers, and Indigenous and community groups. The interviews facilitated an in-depth examination of the socio-ecological and socio-political dynamics at the intersection of marine conservation and offshore fossil fuel extraction, offering a nuanced understanding of the stakeholders' issues and perspectives (King and Brooks, 2017). Interview questions, from Kapoor et al. (2021a) were modified to reflect terminology within Australia, sought to gain insights into participants' understanding and viewpoints regarding environmental issues, regulatory processes, participatory engagement, and governance related to offshore fossil fuel extraction and marine protection areas in Australia.

Following Kapoor et al. (2021a), we used a semi-purposeful and snowballing recruitment sampling method to recruit participants (King and Brooks, 2017; Lune and Berg, 2017) with a vested interest or role in the intersection of MPAs and offshore fossil fuel development. We conducted and recorded our semi-structured interviews in accordance with the approved ethics process (York and Waikato Universities). The interview questions were designed to explore the following: the regulatory processes and decisions surrounding the licensing of offshore petroleum exploration in Australia, including acreage release; how regulators engage with stakeholders during area releases; the perception on marine protected areas and the identification of where conflicts with petroleum interests occur; and to ascertain the extent of integration of marine planning strategies.

We sent request emails to over 80 individuals and conducted interviews in 2023 (n = 23) and 2019 (n = 12). Of these, 14 in-person interviews (with n = 2 from 2019 and n = 12 from 2023) and 8 Zoom (with n = 3 from 2019 and n = 6 from 2023) were utilised in this analysis. Interviews included in the analyses were from 22 representatives, (23 hours): Australia's offshore oil and gas regulator (n = 1), federal and state departments (n = 4), commercial fisheries (n = 1), recreational fisheries (n = 1), environmental non-governmental organisations (ENGOs) including advocacy groups (n = 9) with national and international mandates, community members (n = 2), lawyer (n = 1), independent scientists (n = 2), and an Aboriginal community representative (n = 1). Interviews were conducted in 2019 and 2023, professionally transcribed, and thematically coded by the authors using NVIVO 14. Disruptions caused by COVID-19 halted the project, which is why the remaining interviews were conducted in 2023. This research faced limitations, particularly in participant selection, as key decision-makers from the Joint Authorities and NOPTA declined to be interviewed, which limited our insights on acreage decisions.

Using King and Brooks (2017) thematic template analysis, we created top-level coding categories, such as offshore oil and gas, regulation credibility, industry and government influence, stakeholder consultation, community mobilisation, climate change, marine protected areas (MPAs), marine spatial planning (MSP), Indigenous, and acreage release. These were further refined into sub-categories that address aspects of these

categories (e.g., credibility of regulatory processes, consultation lacking transparency, power dynamics, legislation inadequacy), informing the overarching themes. The thematic analysis was informed by applying a lens of collaboration and communication, where we examined inclusivity, transparency, and legitimacy of stakeholder collaboration in decision-making processes in the offshore fossil fuel extraction and marine protection; we considered power dynamics and democratic elements involved in decision-making, particularly in the context of Australian offshore licensing (Carrick et al., 2022; Tang and Brody, 2009).

Using the elements from Tang and Brody (2009) to evaluate plan quality, we analysed participants' perspectives on regulatory decision-making, stakeholder collaboration, and communication. We evaluated the effectiveness of inclusive and collaborative discussions, the availability of information, and the transparency of decisions and processes in Australia's offshore petroleum sector to determine the credibility of regulatory and consultation processes and the efficacy in resource and marine conservation planning.

3.3 Case Context: MPAs and Offshore Oil and Gas in Australia

3.3.1 National Representative System of Marine Protected Areas

Australia's offshore marine protection is regulated by the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* (EPBC Act), which oversees the management of Commonwealth waters extending from three nautical miles to the edge of the 200 nm of the Exclusive Economic Zone and out to 350 nm of the Continental Shelf (NOPTA, n.d.-b). The EPBC Act determines which activities are permitted in marine reserves and governs activities that may pose a high risk to marine environments. The protection of reserves within the 3 nm is primarily under state legislation (DCCEEW, 2021).

Australia's marine region covers over 10 million square kilometres, supporting a rich diversity of ecosystems and species that contribute to ecological, social, and economic services to approximately 26 million Australians (Fitzsimons and Wesco, 2018; McCormick, 2017). MPAs are a key legislative strategy for managing and conserving these vast areas (Figure 3-2); Australia boasts one of the most extensive networks of MPAs globally (Cook et al., 2021).

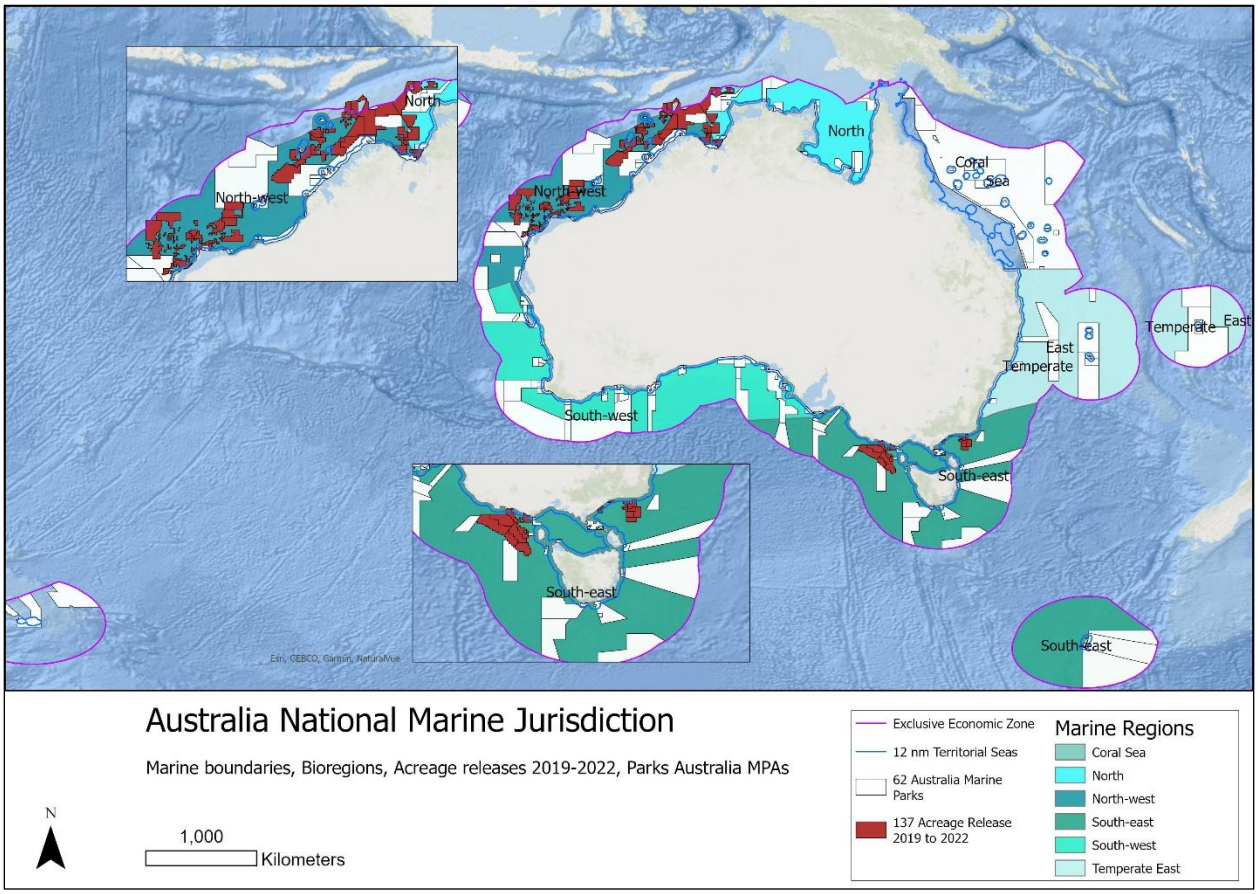

Figure 3-2 Australia's six marine bioregions encompass 62 National Marine Parks, and areas nominated in the offshore acreage release since 2019. Map created with ArcGIS Pro 3.0, data layers sourced from (DCCEEW, 2022a; DISR, n.d.-b; Geoscience Australia, 2022, 2023).

To protect this large, diverse marine ecosystem, Australia created a national 'marine spatial plan' establishing an 'adequately representative network system' of IUCN category MPAs (Fitzsimons and Wesco, 2018; Kirk, 2019). This network of MPAs, known as the *National Representative System of Marine Protected Areas*, spans across six bioregions (Figure 3-2; Cockerell et al., 2020; Raabe et al., 2024). A significant part of the MPA network is the National marine parks within the six bioregions, each with a marine management plan administered by Parks Australia (Cockerell et al., 2020; Parks Australia, 2025b). Parks Australia management plans oversee 60 marine parks within Commonwealth waters, protecting nearly 43% of Australia's marine area (Parks Australia, 2025a). Within Australia's (federal and state) network of MPAs there are 318 locations classified under various protection statuses (IUCN categories I to VI; no-take zones; and marine sanctuaries (Day et al., 2019; DCCEEW, 2022a, 2022b). The network encompasses the Great Barrier Reef Marine Park and two Commonwealth marine reserves, and as of 2022, includes 10 Sea Country Indigenous Protected Areas (DCCEEW, 2024).

Australia allows petroleum activities within the national MPA network in Multiple Purpose Zones and Special Purpose Zones (IUCN Category VI), provided they comply with marine park management plans (NOPSEMA and Parks Australia, 2024). For Commonwealth waters, the EPBC Act governs environmental issues for these activities (s. 355; (NOPSEMA and Parks Australia, 2024). Activities may occur under certain conditions, such as prior 'usage rights' (s. 350(7), s. 359 EPBC Act) (NOPSEMA and Parks Australia, 2024, p. 7). The Director of Parks Australia can issue a 'class approval' permitting offshore petroleum activities in marine parks (Category VI) (NOPSEMA and Parks Australia, 2024) specific to each management plan, detailing the conditions that must be met during these activities (NOPSEMA and Parks Australia, 2024). Construction activities, including the installation of pipelines within IUCN zones II and IV, do not fall under the classification of 'class approval.' However, such activities may be authorised at the discretion of the Director of National Parks (NOPSEMA and Parks Australia, 2024).

Balancing marine conservation while maintaining economic stability has been challenging. Industry groups, particularly in the fisheries and fossil fuel sectors, have opposed marine protection strategies, citing potential economic impacts (Fitzsimons and Wesco, 2018; Roberts et al., 2020). Scientists and conservationists express concerns that Australia's MPA network inadequately protects ecosystems and species, arguing that recent plans reduce high-level and no-take protection (Cook et al., 2021; Kirk, 2019; Meeuwig, 2017). Cockerell et al. (2020) noted that the 2018 iteration of the network significantly decreased protection levels compared to 2012 and 2015, partially influenced by petroleum activities. This highlights the conflict between offshore fossil fuel development and conservation efforts, as well as the influence of fossil fuel interests on Australia's marine conservation (Morton, 2022; Worby, 2022).

In 2019, the federal government commissioned a review of the EPBC Act, which recommended an immediate and fundamental overhaul (Samuel, 2020b), because the Act failed to protect the environment and cultural heritage, lacked public trust, and was inadequately managing the environment (Samuel, 2020a, p. 2). The recommended amendments included establishing legally enforceable 'National Environmental Standards' for the sustainable protection of significant environmental and cultural assets (Samuel, 2020b, p. 2 & 39). Additional suggestions were made for an independent national environmental protection agency to oversee compliance and collaborative strategic planning for effective protection in conjunction with sustainable development, emphasising the need for improved Indigenous participation in environmental decision-making (Samuel, 2020b, p. 6 & 57). As of 2025, the government is revising the EPBC Act (DCCEEW, 2022c). An important point identified was the capacity to oppose projects, often necessitating reliance on Indigenous perspectives to drive change. Samuel (2020b, p. 63) also indicated a lack of trust in the EPBC Act, with the community feeling that their voices were not heard or addressed.

3.3.2 Offshore Oil and Gas Regulatory Framework

Alongside regulatory processes to protect marine environments, Australia has an offshore petroleum regulatory framework that involves a complex interaction between federal and state jurisdictions, balancing investment with safety management and environmental impacts (Chandler, 2022). Regulatory responsibilities are divided between the Commonwealth and state/territory governments; the former oversees the offshore regions of the Exclusive Economic Zone, 200 nm beyond the initial three nautical miles of the territorial sea baseline (DISR, n.d.-a); and the latter manages the areas within the three-nautical-mile zone (NOPTA, n.d.-b).

Western Australia and the Northern Territory are the main oil and gas development regions (Geoscience Australia, 2014, 2021). Australia has a broadly defined objective for its petroleum resource development to enhance the nation's prosperity, yet lacks a strategic plan for offshore petroleum development (Chandler, 2022, p. 233; Miranda et al., 2020). It does not conduct strategic environmental assessments (SEAs) in Commonwealth waters (see Kapoor et al., 2021b), instead, consultations during the acreage release process and regulatory requirements in industry-generated environmental plans for project-based offshore activities are used (Chandler, 2022, p. 233). Chandler (2018, 2022) and Schofield (2018) argued that offshore hydrocarbon extraction is driven mainly by investment incentives, with the regulatory framework primarily serving industry interests rather than environmental protection, and that using ‘consultation’ strategies over SEA to inform future decisions around offshore fossil fuel extraction that share marine space with protection is a weaker form of protection and engagement (Lamorgese et al., 2015).

The principal legislation regulating offshore petroleum development is the Offshore Petroleum and Greenhouse Gas Storage Act 2006 (Cth) (OPGGS Act) (see Figure 3-3). The OPGGS Act and its supporting regulations form the framework for offshore licensing, exploration, and production activities in Australia (NOPSEMA, 2025). Under the OPPGS Act, the DISR oversees the acreage release process. This involves decisions facilitated by the Joint Authorities, consisting of delegates from both the federal (Commonwealth Resource Minister) and the state and territorial resource ministers (NOPTA, n.d.-c). NOPTA is tasked with administrative duties and provides technical advisory support to the Joint Authorities and the Commonwealth Resource Minister. The National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) has regulatory responsibilities for health, safety, and the environment (NOPTA, n.d.-d).

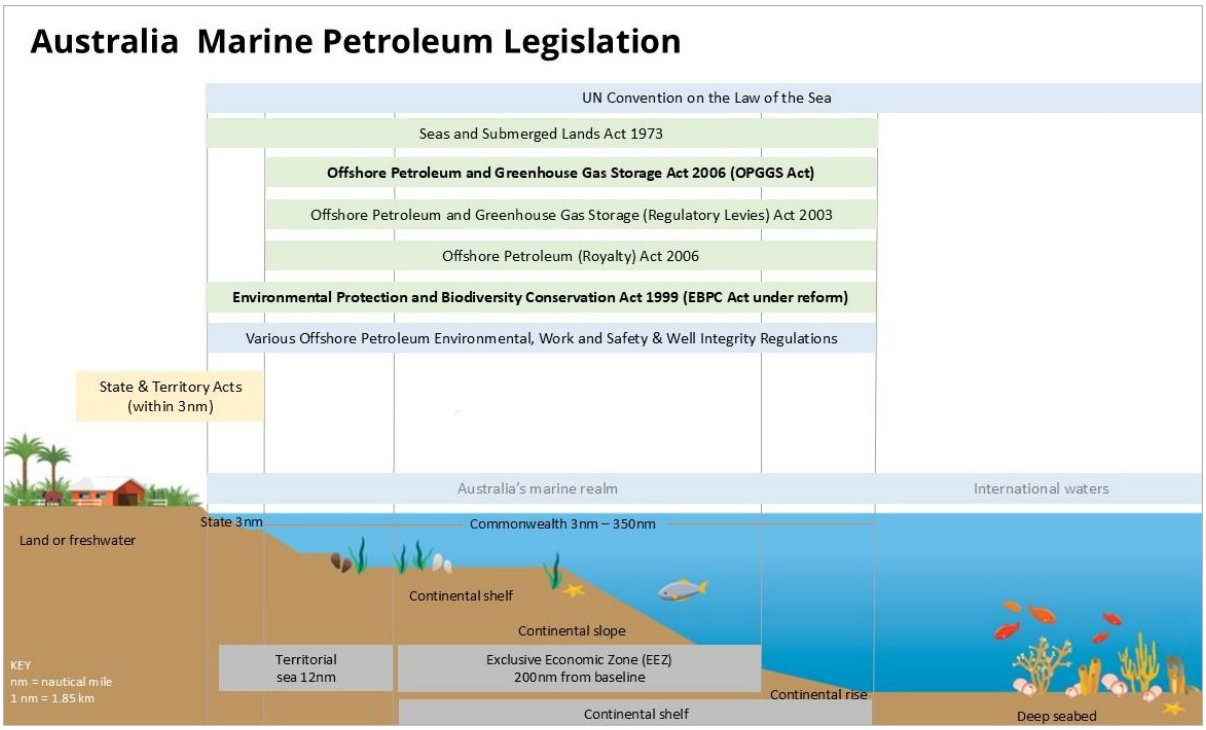

Figure 3-3 Illustrating Australia's offshore petroleum development and environmental legislation. Image modified with permission from (Macpherson et al., 2024; Sustainable Seas NZ, n.d.).

Australia's offshore petroleum licensing framework has a competitive bidding process. Interested companies nominate their preferred areas and bid on areas (Figure 3-4; DISR, n.d.-b; Schofield, 2018). The Joint Authorities decide which areas to release for bid (DISR, n.d). The Joint Authorities and NOPTA assess a company's bid(s) and are responsible for granting exploratory permits, which last for six years and can be renewed for up to 10 years (DISR, n.d). If granted exploration permits, companies must submit various environmental and work plans to NOPSEMA for approval before beginning any work. (DISR, n.d).

Until 2017, the government had a two-stage consultation process for the offshore acreage release, in which Joint Authorities, NOPTA, and other government agencies consulted on nominated areas before releasing them for additional stakeholder comments (DISR, 2018). In 2017, DISR issued a discussion paper inviting comments on reforms to the acreage release process. The new 'acreage optimisation model' (DISR, 2018, p. 5) has an official public comment period, which was established to increase transparency. It also has a single release date for all nominated areas and a single consultation process, where government agencies and public stakeholder comments (received via the DISR's official 'Consultation Hub') are reviewed together for the final acreage release by the Joint Authorities decision.

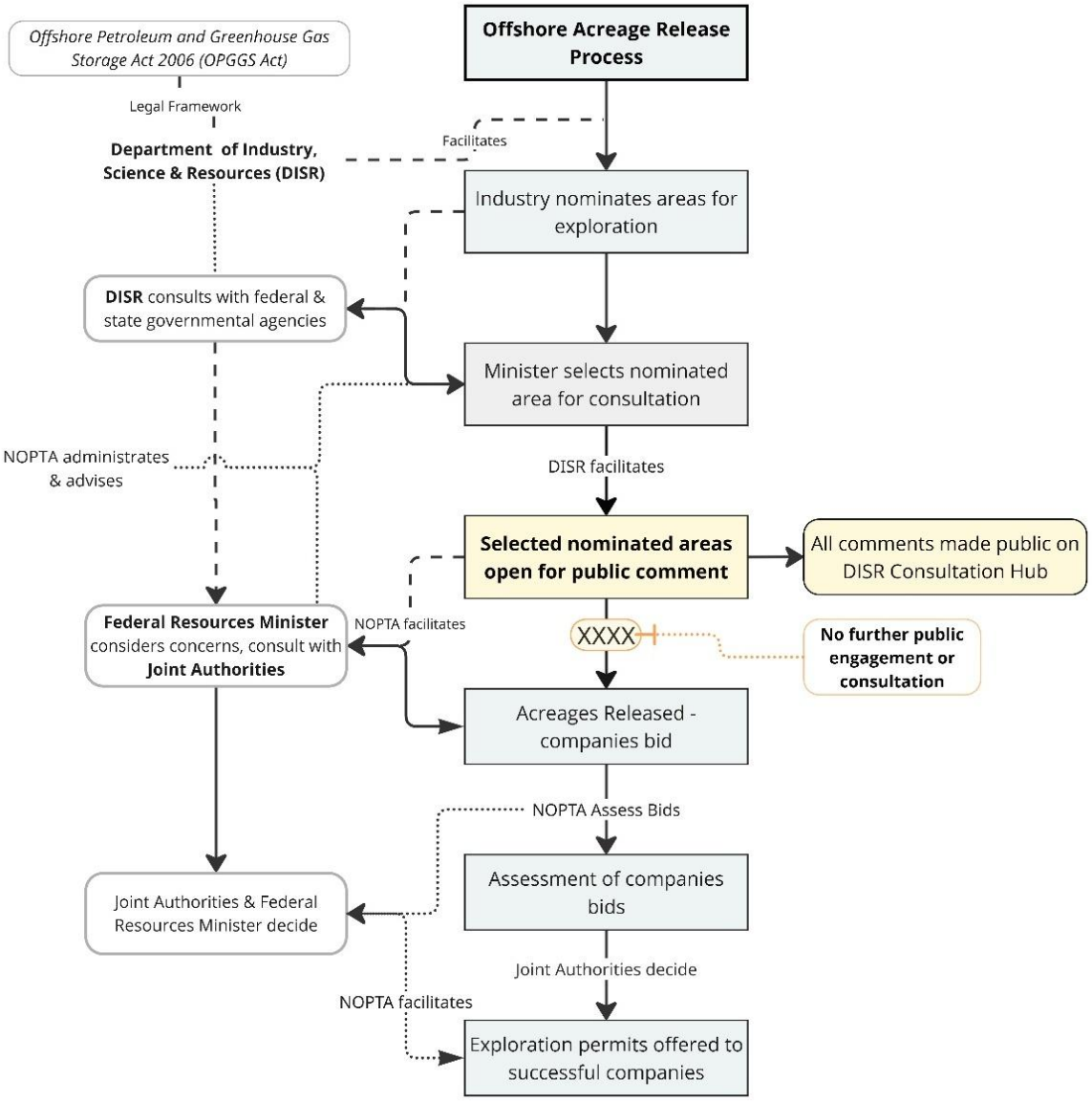

Figure 3-4 Australia's offshore acreage release process, highlighting public consultation. Information gathered from (DISR, n.d.-b; NOPTA, n.d.-d). Figure created using Miro visual workspace (2024).

3.3.3 Opposition to Offshore Acreage Release

The public has consistently demanded accountability in virtually all regions in Australia affected by fossil fuel interests (Luke et al., 2018). This opposition traces back to the 1960s and 1970s, when efforts were made to halt mining in Queensland's Great Barrier Reef (GBR) (Great Barrier Reef Marine Park Authority, 2023). These initiatives eventually established the GBR Marine Park and Act (Fitzsimons and Wesco, 2018; Kirk, 2019). In the past decade, opposition to acreage releases has intensified (Gorton, 2018; Great Australian Bight Alliance, n.d.; Kurmelovs, 2021; Marks, 2011; Wilderness Society, 2025). To provide

context for interviewee comments, we summarised various regional and national campaigns to stop offshore oil exploration and development occurring in bioregions within Parks Australia's marine management plans (Table 3-2).

Table 3-2 Illustrating locations within bioregions of the MPA network where conflicts arise due to overlapping interests in fossil fuel activities and marine conservation around Australia.

Location	Conflict	Key Elements	References
North-west region: Ningaloo Coast & World Heritage Marine Park, Shark Bay, Kimberley Coast and Rowley Shoal Marine Park (Western Australia)	Acreage releases vs. stakeholder alliances (mobilisation against O&G) "Save Ningaloo" campaign	World Heritage Marine Parks -community opposition to exploration & failure to consult (court case)	(AMCS, n.d.-a; Dorey, 2022; Kurmelovs, 2021; Moore et al., 2014)
South-east region: Great Australian Bight & Otway Basin (South Australia, Victoria) & Tasmania	Seismic surveys vs. community-led campaigns, ecologically significant area "Fight for the Bight" & King Island seismic impacts on fisheries	Great Australian Bight – Nationwide community opposition to O&G and seismic, climate concerns, lack of consultation, overlap with Marine Park (Zeehan & Nelson) impacts on Lobster fisheries	(Davies, 2020; Doherty, n.d.; Great Australian Bight Alliance, n.d.; Hannam, 2018; Whitemore, 2024)
Temperate-east region: New South Wales coastline Sydney to Newcastle (Sydney Basin)	Petroleum prospecting permit vs. community flotilla Political & public opposition to fossil fuel development in NSW	NSW government, state resource legislation, lack of consultation, community opposition to O&G, climate concerns 2024 Ban O&G in NSW	(Beazley, 2023; Department of Climate Change Energy, 2024; Minister for Natural Resources, 2025; Tamer and Aidone, 2024)
North region: Northern Territories – Tiwi Island and Timor Seas (north Western Australia)	Court cases: Regulator credibility vs relevant person (Consultation issues); Pipeline overlap	Lack of consultation, limited recognition of Indigenous rights	(Cooper v NOPSEMA, 2023; Tipakalippa v NOPSEMA, 2022)
National	Economic interest vs climate, environment, industry capture (government)	Climate concern, industry influence, revenue from resources to citizens	(Luke et al., 2018; Morton, 2022; Patagonia, 2025; Wilderness Society, 2025; Winton, 2022)

3.4 Analysis: Trends and Themes

3.4.1 Acreage Release and MPA Overlap, and Key Trends – Interview Analysis

Since the early decades of Australia's oil and gas sector, acreage released for development has frequently overlapped with areas designated for marine protection. The NEAT portal indicated that 250 offshore petroleum titles and permits have been granted since 1967 (NOPTA, 2025). Since 2012, 363 acreages have been released for bidding, and 111 permits have been granted (DISR, n.d.-b; A. Palmieri (DISR) email correspondence 2023-2025). Since 2019, 137 offshore petroleum acreages have been released, with no releases since 2022 (DISR, n.d.-b). Focusing on acreage releases from 2019 to 2022, Table 3-3 summarises areas of spatial overlap with MPA zones, within two main areas of public opposition. Since 2019, there have been 46 overlapping acreages with multiple use and special purpose zones (IUCN VI), where oil and gas activities are allowed, and there has been six acreage released that are in proximity to marine parks and MPA designations, including two acreages in proximity to Marine Sanctuary zones (IUCN II) and one in proximity to a Marine Sanctuary zone (IUCN 1a) (see Table 3-3; DCCEEW, 2022a; Director of National Parks, 2021; DISR, n.d.-b; NOPTA, 2025).

Table 3-3 Marine regions and petroleum basins where overlap and proximity to MPAs are detailed since 2019. Data interpreted from (NEAT,2025)

Year	Acreage Released	Public Comments	Acreage Release per Region	Overlap & Proximity Details
2019	64	15	South-east Bioregion 2 (Otway Basin) 5 (Gippsland Basin)	- No MPA overlap – coastal proximity to Apollo MPA multiple use zone IUCN VI (Otway) - No MPA overlap with Gippsland acreage
			North-west Bioregion 39 (Carnarvon) 3 (Browse) 15 (Bonaparte)	- **11 acreages overlap** with IUCN VI MPA zones: Ningaloo Coast, Kimberley Coast, Oceanic, and Rowley Shoals. - **2 acreages are adjacent** to 2 marine parks (Montebello Island Reserve & Mermaid Reef NP IUCN II), and - **1 acreage is 9 km** from Ningaloo Recreational zone (IUCN VI) - 2024 exploration permit Chevron (proximity to Ningaloo Reef and Exmouth Gulf)
2020	42	433*	South-east Bioregion 1 (Otway Basin) 2 (Gippsland Basin)	- No MPA overlap – Granted exploration permit to ConocoPhillips 2022 (VIC-P79) - No MPA overlap with Gippsland
			North-west Bioregion 19 (Carnarvon) 8 (Browse) 12 (Bonaparte)	- **12 acreages overlap** IUCN VI MPA zones: near Ningaloo/Exmouth Gulf (Montbello & Gascoyne IUCN VI), Kimberley coast, Bonaparte-Oceanic Shoal multiuse and special purpose (trawl) (IUCN VI) - **1 acreage in proximity** to the Cartier Island sanctuary zone (IUCN 1a) and - **1 acreage in proximity** to Oceanic Shoals habitat protection zone
2021	21	45*	South-east Bioregion 7 (Otway and Sorrel Basin) 2 (Gippsland Basin)	- **4 acreages overlap** IUCN VI MPA zones: Zeehan multiple use and special purpose zones (IUCN VI) and one area borders Nelson Marine Park and is close to King Island. - No MPA overlap with Gippsland acreages
			North-west Bioregion 8 (Carnarvon) 4 (Bonaparte & Browse)	- **5 acreages overlap** IUCN VI MPAs: Montebello, Oceanic Shoals & Kimberley - Overlap with migratory species habitat for turtles, whales, whale sharks and seabirds
2022	10	75*	South-east Bioregion 1 (Gippsland Basin)	- Overlap – important fisheries and sensitive migratory species (pygmy blue whale, southern right whale, great white shark, albatross, petrel)
			North-west Bioregion 3 (Carnarvon) 3 (Bonaparte) 3 (Browse)	- **4 acreages overlap** with MPA IUCN VI zones: within the north Kimberley marine park, Montebello MPA, and Oceanic Shoal - **1 acreage proximity** (17km) from Ningaloo World Heritage Area and Ningaloo National Heritage Place, - Overlap with migratory species habitat for turtles, whales, whale sharks and seabirds

*Indicated there were 1000-plus additional signatures accompanying submissions

Note: The Director of National Parks' public comment for the 2020 acreage release noted several selected areas were near highly protected zones: four areas were directly adjacent, and eleven areas would overlap with the Australian Marine Park, though some were within multi-use zone (IUCN VI) that permits oil and gas activities (Director of National Parks, 2020).

Twenty-two interviews with stakeholders involved at the intersection of MPAs and oil and gas development revealed key trends in how this conflict is being managed in Australia. Applying the thematic template analysis approach (King and Brooks, 2017), allowed us to identify four themes surrounding the acreage release process (Figure 3-1). First, we discuss issues related to the complex and inadequate regulatory frameworks. Then we note issues with the credibility of public consultations within that regulatory structure. Third, we describe how the acreage release process is being contested by public mobilisation for improved environmental protection. Finally, we cover issues pertaining to decision equity and power dynamics.

3.4.2 Complex, Inadequate and Inequitable Regulatory Structure

As a first major theme, interviewees emphasised the complexities and inadequacies of Australia's offshore oil and gas regulations and marine protection. They point to a fragmented regulatory system that spans jurisdictions, insufficient environmental protections, and potential regulatory capture undermining equitable engagement processes. Recent developments and changes in legislation and regulations suggest some positive changes.

3.4.2.1 Jurisdictional Complexity and Fragmentation

A key challenge identified by interviewees was the intricacy of Australia's multi-jurisdictional regulatory framework. For instance, the Joint Authority's decision-making processes span federal, state, and territory jurisdictions, with inherited regulatory decisions and marine conservation complexities. An ENGO noted, "One key thing in Australia is that there are waters that jurisdictionally belong to the state, and then once you go five kilometres offshore, it's the waters managed by the federal government, and there are marine parks in each jurisdiction. So, it's complex in that regard." This fragmentation often leads to inadequacy in policy implementation and inequity regarding opportunities for stakeholders to contribute to decisions. Interviewees emphasised that the complexity makes it challenging to navigate the regulatory landscape effectively.

3.4.2.2 Industry Regulatory Capture – Conflicts of Interest

A recurring concern among interviewees was the perception that industry interests influence regulatory frameworks and the regulators within the Joint Authorities, NOPTA, NOPSEMA, and the government. They viewed this as a fundamental conflict of interest that compromises environmental and societal concerns, as well as regulatory independence, "The National Offshore Petroleum Environment Safety Management Authority (NOPSEMA) appear to be executives from the oil and gas industry, and rather than appearing to facilitate the safety of - facilitate community groups in voicing their concerns in the protection of the environment and the community, they appear to facilitate the process to quick offshore oil and gas." This

sentiment by a federal senator is echoed by a community group interviewee who asked, "I always wondered, is NOPSEMA just full of old oil and gas people, or is it full of current oil and gas—I mean, who gets these gigs and why are they so languid, why are they so toothless?"

This perception of regulatory capture was exemplified by how the industry's interest drives the offshore acreage release, described by a 2019 federal government regulatory interviewee, "…what we try to maintain is that the industry only nominates areas where they're interested in exploring, and we only release areas they're interested in exploring. We award bids to the explorer that's going to do the most exploration and discover hydrocarbons the fastest and the most efficiently." Many interviewees feel this level of capture has led to regulatory processes that are merely perfunctory, as articulated by a federal senator reflecting on a conversation they had with regulators on approvals: "There's no evidence I can see at all that you've knocked anything back. You're literally just there to tick boxes, check that things sit within the guidelines and press the rubber stamps, and say go drill for oil."

3.4.2.3 Inequitable Decision-Making Processes

Interviewees expressed concerns about transparency and equity in decision-making processes regarding the offshore acreage release. One ENGO stated, "…one of the fundamental problems with the system is that it's not open and transparent. So, it's actually very difficult for third parties, including NGOs. I'm not talking about general members of the public who don't necessarily have any experience with government. I'm talking about NGOs that do. It's difficult to understand how the process works, how decisions are made about which areas of the marine environment can be released for oil and gas exploration, let alone production."

The underlying distrust in the system was further exacerbated by the regulatory notification process for acreage releases, where the public comment periods are inadequate, and decisions appear predetermined. "It's a technicality to call something public when it's not publicised. You have released it on a website, but most journalists tapped into that aren't even interested. Most journalists are actually co-opted into the oil and gas culture in this state and in this country anyway, so they're not going to say, oh, what is that, you know." This scepticism from a community conservation advocate was not only about the processes but also extended to the intentions behind it, particularly regarding engagement. One scientist noted, "It's not just about ticking boxes; we need genuine consultation that influences decisions." The legislation itself is also viewed as biased towards industry interests. A marine community conservation group interviewee laments, "Our legislation seems to be very skewed towards the oil and gas companies, and we are certainly questioning. So, it seems clear that the legislation and the regulatory bodies are only here to facilitate that

process and to make it as easy as possible for proponents to come in, access the acreage and then conduct their activities."

Conversely, government officials and representatives from the resource ministries interviewees contended that they collaborate with various agencies and engage in high-level consultations with the industry. Specifically, they argued that the 2018 changes to the acreage release process improved transparency among agencies. A federal non-regulatory government representative explained: "They put together some proposals for acreages, and then they run a pretty thorough government consultation. They consult with all of the portfolios that might have an interest. When DISR sends around the proposed areas for acreage release, we provide comments [in advance] about our views with regard to the potential impacts on our interest."

3.4.2.4 Signs of Changes and Potential Improvements

Despite the significant concerns raised, some interviewees acknowledge regulators' challenges in balancing legislative requirements with community expectations. Several interviewees welcomed recent changes in the regulatory approaches, particularly NOPSEMA's approach to improving transparency in regulatory engagement processes. A marine scientist connected these improvements to community campaigns, such as the Fight for the Bight campaign (Table 3-2), "I think NOPSEMA has been forced to be slightly more engaging with stakeholders because of the campaign around Equinor. I think that has taken them a little bit by surprise." This observation was supported by others who noted that increasing public scrutiny of the offshore petroleum sector. For example, an ENGO said, "Generally, there's a sense that they are quite possibly responding to what they perceive as public expectations around scrutiny of this sector." These observations suggest that community mobilisation is increasingly driving regulatory changes.

In line with the review recommendations (Samuel, 2020b) and the Australian government's response to the review, which includes reforms to the EPBC Act and the implementation of the Nature Positive Plan (DCCEEW, 2022, 2025), an ENGO advocated for an overhaul of the existing regulatory framework, called for the creation of an independent Environmental Protection Agency that operates autonomously from government and industry influences, "I believe there should be an independent body at arm's length from the government to directly—filled with scientists and environmentalists and experts in the field to directly protect the environment, and that our regulatory body should not consist of oil and gas representatives who are only focused on facilitating oil and gas exploration."

Others advocated that more informed public engagement was required to make policy change, leading to inclusive and effective engagement. A federal senator highlighted the importance of public submissions to target the regulatory framework rather than just the individual fossil fuel projects, "I'd like to see the public making some more submissions about the fact the government needs to change the regulations and the

framework, it's completely inadequate, because you can put up your concerns but they're just going to be immediately rejected because they don't fit within the framework. So, it would be good if…more people could actually understand what we're dealing with…a stack system and how that needs to change."

3.4.3 Consultation Processes Lacking Credibility

While consultation is a fundamental aspect of the acreage release process and was crucial in establishing Australia's network of MPAs, and despite 2018 regulatory changes that made improvements to public consultations (see Section 3.3.2 above), participants raised continued / outstanding concerns about these processes. Broadly put, as an ENGO interviewee from South Australia noted, "There has been, and continues to be, a great deal of discussion regarding what constitutes adequate consultation here…how do you determine who needs to be consulted? That's a very live debate in Australia". Our interview analysis revealed specific concerns regarding the adequacy, effectiveness, and legal constraints surrounding these processes, which are detailed below. Firstly, we address issues related to industry influence on the location of future MPA areas, undermining genuine consultation for the MPA network design. Next, we follow with problems around consultation processes and legislative frameworks with the acreage release. Finally, we briefly consider regulatory consultation failures by NOPSEMA after a bid is secured, as interviewees felt strongly about highlighting this issue.

3.4.3.1 MPA Consultation – Designations based on Industry Interests

Australia's approach to marine conservation planning through its network of MPAs required extensive collaboration and engagement (Fitzsimons and Wesco, 2018; Kirk, 2019; Parks Australia, 2025a). Although stakeholder consultation was essential in the initial planning of Australia's MPA networks, interviewees stressed that the oil and gas sector ensured marine areas with existing or potential oil and gas reserves were excluded from marine protection designation, regardless of their social or ecological value. As noted by one ENGO representative, "Essentially, those marine parks in federal waters were initially set up where there was no interest from fossil fuel industry." A representative from DISR explained this as due to the timing of the creation of MPAs: "When the Marine Reserve Network was established, that discussion and consultation occurred because oil and gas activities have been occurring offshore Australia since the '60s, and marine reserves came along later. So, there was that natural point whereby the consultation occurred, and as far as reasonable, where there weren't already existing mining activities occurring, the marine reserve boundaries were drawn." However, community members, scientists, ENGOs, fisheries and Indigenous interviewees contested this explanation, arguing that industry influence, rather than ecological and biological significant considerations, shaped MPA boundaries. For example, an ENGO from New South Wales stated, "The

industry has been pretty effective in making sure their territory is not in [that … network]. Part of this is due to the industry being very effective in ruling areas out from marine park protection."

3.4.3.2 Systemic Inadequacies – Procedural & Predetermined Acreage Release

ENGO, community members and Indigenous interviewees also underscored systemic inadequacies in the stakeholder and community consultation processes for acreage releases. They frequently characterise the processes as superficial, often prioritising procedural compliance over meaningful dialogue and genuine stakeholder engagement. Interviewees from these groups further described consultation efforts as mere perfunctory "box-ticking exercises" and "rubber-stamping processes" that are poorly executed. Put simply, a Western Australia interviewee (civil group) described consultation as "not a two-way dialogue: it's a notification service."

According to a federal government regulator interviewee, the process of streamlining acreage release consultations was designed to improve "multi-use considerations prior to the release of areas" (DISR representative). However, a Western Australian government resource department interviewee revealed a different reality: the acreage release and public comments occur simultaneously, with decisions made by "relevant decision-makers" before public input is received. As the interviewee explained, "the actual call for acreage bidding goes out to market, and people will comment from there,"—suggesting that meaningful consultation occurs after the acreage release decisions have already been finalised.

In contrast, a federal government regulatory interviewee mentioned that advance consultation is "conducted when planning to release acreage", involving collaboration with various government departments before submitting the selected areas for public comment. This is highlighted in an interview with a federal government representative who stated, "When DISR sends around the proposed areas for acreage release, we provide comments [in advance] regarding our views on the potential impacts on our interests." Another federal government interviewee emphasised the value of transparency, noting that "I think it's a good thing, actually, they make public the different departments' views on the acreage releases. If we have concerns about a certain area, DISR goes ahead and releases it, our concerns will be publicly accessible." However, despite these claims of transparency and advanced consultation, their comments were unavailable until after the public commenting period had ended.

Although all interviewees appreciated the 2018 changes to the regulatory structure (see Section 3.3.2), particularly the public comment period, many felt that the decisions were *fait accompli*. For example, an ENGO questioned whether the government was releasing acreage based on "discussions that may have already taken place". Another ENGO with years of experience working at this intersection concurred stating that, "There is already some momentum around the areas being identified, so it's not like there's a clean

slate," and highlighted concerns about the credibility of the decision processes, particularly public consultation during the allocation of seafloor acreage release. Another community member representing a Northern Territory Indigenous group criticised the timing of consultation in the acreage release process: "Before Madeline King, the resource minister, is sent around the world with her golden pen, selling off offshore acreage, consult with people first." This reference to the minister's 'golden pen' promotion of offshore acreages suggests that consultation is bypassed for commercial priorities, with community input sought after economic international interests are established.

3.4.3.3 Consultation Quality - Procedural Acreage Release

Several interviewees raised additional concerns about the quality, transparency, and lack of consultation and were particularly vocal regarding the integrity of the process. As one ENGO stated, "the acreage release is a whacked one," arguing that consultation is not a requirement since "it's not legislated", and so it is merely procedural. One community interviewee in Western Australia remarked on the community resistance to an acreage release off the west coast, near Ningaloo, "It's procedural [bullshit], really—they are flipping acreages out there as quickly and quietly as possible." Other participants noted that they were unaware of any form of consultation regarding acreage release, and one Indigenous interviewee argued, "I'll start with the offshore acreage release consultation. There is none. Absolutely no consultation whatsoever."

Some felt the entire process was disingenuous and stopped participating in public comments. One community group interviewee remarked, "I'll just send in the same thing and get the same reply – what's the point?" Additionally, another ENGO interviewee described the community consultation to date as "inadequate," claiming, "it's just rubber stamping." They expressed concern that their climate change and environmental issues were not being taken seriously. One ENGO said, "There are a number of elements to consultations where things are just off the table. The most obvious and crazy one is, they don't like to discuss climate impacts. […] You're kind of not allowed to describe that broader context and the fact that it is all directly linked to climate, let alone that they're going and blasting for fossil fuels like come on. […] That makes it in my view, a manifestly inadequate consultation because it's a consultation that is taking place in isolation." The call for better consultation is expressed by another ENGO interviewee who stated that the government ought to engage in "normal, run of the mill…engagement, participation, consultation for any release", as these are resources and the impacts of extracting them fundamentally concern the citizens of Australia.

3.4.3.4 Legislation Consultation Inequity

Some interviewees indicated that the consultation processes within the regulatory framework are structured for the industry, with little to no legal provisions for community involvement, particularly the acreage release. One ENGO interviewee said, "The legislation is structured in a way that does not genuinely permit community consideration or consultation prior to the release of acreage." Similarly, a community group member expressed a related concern, "I believe the system and the legislation are fundamentally against us." A federal senator argued, "I think the problems aren't in the consultation; it's in the fact that the laws are stacked in favour of fossil fuel companies, and they need to be changed."

3.4.3.5 Regulatory Consultation Failures

Participants highlighted specific consultation failures on the part of the regulatory body, NOPSEMA, in ensuring that the industry engages adequately and comprehensively with stakeholders, particularly community members and Indigenous groups, after a bid is secured. An ENGO in South Australia highlighted significant failures in the consultation process surrounding the seismic permit awarded to Equinor in the Great Australian Bight (Davies, 2020), stating "We were very, very clear that this was a failure to consult, failure to consult with many people, including the First Nations groups whose coastline and sea country this actually is..."

The government interviewees are aware of the dissatisfaction expressed by interviewees and the petroleum industry around their concerns with the consultation processes. As a representative from a federal government regulator interviewed in 2019 noted, "There might be multiple seismic companies planning a survey, where they all go and consult the same stakeholders. So, the consultation fatigue sets in with the fishing folk and the community. We're currently considering how that is working—it's not an easy one to resolve."

A federal senator interviewee suggested that the increased scrutiny and awareness surrounding consultation in the offshore fossil fuel regulatory sphere arose from growing concerns about the impact of fossil fuels on the climate and marine environments, "I think that where—consulting and community consultation—a lot of the concerns are being raised…it's not just a 3D seismic project that's going ahead in the next two months, it's what will be the cumulative impacts over time if oil and gas are discovered…what happens then? Like, how do you assess the overall impacts? These are the real concerns."

3.4.4 Mobilisation for Stronger Environmental Protection

These regulatory and consultation issues outlined above have led to the rise of public mobilisation. In this section, we first discuss acreage release in MPAs as a focal point for intervention. Then we consider Aboriginal influence in driving stronger protection and resistance to future acreage release.

3.4.4.1 Conflict Landscapes: 'Focal Point' for Interventions Acreage Release & MPA Overlap

Oil and gas activity is allowed in some MPAs (see Section 3.3.1). A Parks Australia interviewee stated, "Currently, oil and gas is allowed in about 22 per cent of our network." However, this overlap does not sit well with the other interviewees. A marine scientist explained that marine parks "are open to oil and gas development, industrial fishing practices and the like, whereas most of the community would assume that those areas are called marine parks because they're protected from those types of industrial activities."

Interviewees from the federal government and resource ministers argued that any activities that may have occurred in areas where oil and gas operations are not permitted would have "predated the marine management plans". However, they stated that overlap can only happen in other zones (i.e., not VI) that exclude oil and gas through "legislative changes to the marine management plans" to allow petroleum activities, which need approval from both houses of parliament. However, interviewees argued that overlap is occurring in non-designated areas, including Biologically Important Areas (BIA) for cetaceans and marine life. An ENGO in Western Australia emphasises that protection shouldn't be limited to formal boundaries: "I think we can perhaps, over-emphasise formal marine protected areas. This is more about the impacts of activity on sensitive ecosystems, almost irrespective of whether there's a marine park there or not."

Another ENGO in Perth states that much of the mobilisation today is more about the rationale for releasing areas within or in proximity to protected areas, noting, "Fundamentally, why should the government be nominating areas so close to places of such importance? Two World Heritage Areas, the Abrolhos Islands, Kimberley, et cetera." They criticised the government's persistence in releasing areas for exploration in highly sensitive ecosystems, and not necessarily with designated MPAs.

At the peak of the Fight for the Bight campaign, the Australian government released 64 acreages in 2019 (see Table 3-3). This sparked significant public outcry over the following years, resulting in 433 public submissions and nearly 20,000 signatures during the 2020 acreage release round (Table 3-3). Some interviewees reflected on stopping acreage releases in a large area off the coast of Western Australia. An ENGO in Western Australia notes, "So when that acreage came out, we challenged that, contested that—ran

some media on it…knocked about in Canberra a bit, did that kind of work. Then we were able to persuade…the government at the time to remove that."

Near the Ningaloo World Heritage area and the Gascoyne Marine Reserves, an ENGO in Perth noted; "A couple of years ago there was acreage released near the Ningaloo World Heritage area in Western Australia and we were able to raise quite a lot of awareness and concern around that and then that acreage was pulled back…and very clearly I think they realised there would be no social licence for that once it became very much in the public space." Similarly, an ENGO in South Australia suggested that public action has shifted the proposed areas before the formal public comment period: "… community opposition and awareness of these processes can change actions. There's certainly acreage being released in other areas around Australia, but it hasn't happened in the Great Australian Bight now for a couple of years." These statements show how public visibility and mobilisation have effectively influenced government acreage release decisions, indicating that social license may be more powerful than formal consultation processes.

3.4.4.2 Aboriginal Interventions

One of the key mobilisation focal points, highlighted by several interviewees, is the increased awareness and voice of Aboriginal First Peoples through both activism and advocacy, who have become instrumental in halting offshore activities over the past decades. A marine scientist emphasises the significance of recent legal victories, noting the power imbalances that makes such wins remarkable, stating, "Actually, it's fascinating, it's extraordinary—poor Aboriginal on an island winning against Santos in the courts is just extraordinary to see, because it rarely happens—most of the time, these big industries just roll over the top of people."—suggesting a shift in power dynamics, where Aboriginal communities are successfully challenging industry projects.

The recent legal battles regarding the lack of consultation and recognition of cultural heritage (Table 3-2) have become another key factor in community mobilisation. An interviewee highlighted, "many projects today are being stopped due to Aboriginal pushback, where they say their voices and cultural heritage are not adequately represented," through the regulatory process. Aboriginal involvement in campaigns appears to have galvanised people's support in the large petitions, bringing together various marine user groups, equipped with legal and local government support. One ENGO noted that several campaigns are led by Aboriginal groups, stating, "Because this is a First Nations people-driven, it's incentivising different cultural groups, particularly those in the frontline of fossil fuel projects to describe their sea country, their links to sea country and their cultural practices."

3.4.4.3 Pushing against further future acreage releases

Interviewees noted that Australians are questioning and opposing the ongoing expansion of fossil fuels, recognising that the offshore acreage release process is key. An ENGO explained, "This has become a real focal point, this acreage release process, because this is the beginning. This is step one in the continued expansion of the fossil fuel industry. So, a lot of people in the community have become acutely aware of this process and the need for it to stop." They added that the increased awareness has changed the transparency lens of the process. "Until then, there were just almost internal processes that went on between government and industry, and very few people in the community would have even been aware that this was happening." Several marine scientists, community groups, ENGOs and Indigenous interviewees noted that the governmental groups, Joint Authorities & NOPTA, were continuing to release areas for fossil fuel development, "despite its [Australia's] commitments to transition to renewable energy to combat climate change", and highlighted a widespread consensus that, "outside of government and the fossil fuel industry", everyone else advocates for halting further fossil fuel extraction. They emphasised the need to "stop releasing acreage", while others call for a complete ban on future seismic. A federal senator said, "...we've got to build to ban all new seismic testing for oil and gas exploration, which is the New Zealand model." This sentiment is echoed by several interviews and clearly articulated by an ENGO from South Australia, "the expansion of the fossil fuel industry should have been long stopped, and we should be looking to transition out of the existing industry, let alone be expanding, continually trying to find more and more of this stuff. It makes no sense at all."

3.4.5 Conflicting Sustainability Perspectives – Oil & Gas Sector Dominates

This section overviews the disconnect between broader climate change targets and commitments and the acreage release process. Interviewees emphasised the power imbalances in decision-making and the conflicting perspectives on environmental sustainability that they believe are inherent in the legislation. "Industry leads everything when it comes to fossil fuel projects in Australia", stated a scientist interviewee, echoing a common sentiment among the interviewees.

The interviews reveal divergent perspectives on environmental sustainability. While the government persists in offshore petroleum development, particularly for gas interests, many interviewees highlighted a societal transition toward initiatives to stop further expansion within Australia. An ENGO sarcastically asserted, "Australia is a significant fossil fuel country. We export a great deal of fossil fuel, including coal and gas, yet we still pretend that, oh no, that's not part of our emissions."

Interviewees expressed scepticism about the government's dedication to confronting climate challenges and achieving agreed targets, especially in light of recent decisions to authorise areas for fossil fuel expansion.

Several participants articulated this sentiment, an international ENGO asserted, “There is this incredible disconnect. Governments will come out and say, ‘we will reach net zero emissions by 2045’ and then nothing transpires. They won’t do anything about it.” Another ENGO scientist added, “If the Australian government is at all serious about meeting its climate targets and transitioning out of fossil fuels into renewables, it would obviously stop issuing acreage for essentially the expansion of the fossil fuel sector.”

Interviewees suggested that more decisive action is necessary to prioritise the energy transition. An ENGO argued, “The Australian government needs to agree to stop releasing further acreage, which is ultimately stopping the expansion of the fossil fuel industry.[…] The community obviously now sees climate change as a major, major problem, and that's probably the understatement of the century of being a major problem. I would say it's so serious that most of us can't even comprehend that yet.” A community member argued that releasing acreages “just doesn’t make any sense - that’s an act of magical thinking. That's a religious ideological position, not a scientific one,” and an ENGO said, “If the government can't or is unwilling to take action, it can't be treated seriously at all in terms of its words around addressing climate change. It just holds no credibility whatsoever.”

3.5 Discussion

Interviewees' insights highlighted the complexities of Australia’s regulatory frameworks, the integrity of its consultation processes, and the power dynamics that play a critical role in how Australia navigates conflicts while balancing competing interests in the offshore marine environment. Our findings indicate that while formal consultation processes exist, they often fail to credibly incorporate stakeholders' perspectives in offshore acreage release decisions that intersect with marine protection. This disconnect between offshore petroleum regulation and engagement reflects broader issues around power imbalances in resource extraction and conservation, identified in previous studies (Chandler, 2022; Kapoor et al., 2021a; Renaldo et al., 2024). The intersection of Australia’s offshore petroleum acreage release process and marine conservation reveals significant challenges within the regulatory and marine planning frameworks (Carrick et al., 2022; Lawrence, 2000; Tang and Brody, 2009). While the interviews included comments on post-licensing activities, here we focus on the overlap between MPAs and acreage release, adequacy of stakeholder consultation, power dynamics in decision-making regarding acreage release, and economic interests over sustainability. For each, we draw on the broader literature to make recommendations to improve marine governance.

3.5.1 MPAs & Acreage Release Overlap

Australia's MPA network aims to preserve its unique marine ecosystems. However, allowing oil and gas activities to occur within MPAs contradicts international IUCN MPA standards (Day et al., 2019) and public expectations of marine protection (Raabe et al., 2024). Interviews revealed that consultation around MPA decision-making process gives the false impression of inclusivity and environmental protection. They also emphasized confusion about environmental protection implied by the 'designation' status. In their study on public perceptions of MPAs in Australia, Raabe et al. (2024, p. 1) noted that "37% of interviewees believe MPAs had uniform protection that prohibited resource extraction." Our study also indicated flaws or loopholes within the current network system and the marine management plans for MPAs in Australia (Cockerell et al., 2020).

Although the MPA network seeks to separate these activities, the oil and gas industry's historical influence on MPA boundaries and loopholes around activities allowed in multi-use zones raise serious concerns about marine conservation effectiveness (Cook et al., 2021; Meeuwig, 2017; Pressey et al., 2021). Interviewees underscored the inadequacies of current marine protection legislation and advocate for stronger, more inclusive frameworks that address the cumulative impacts of fossil fuel activities on marine ecosystems (Raabe et al., 2024; Samuel, 2020b).

Following Samuel (2020b) call to establish National Environmental Standards, these gaps or inadequacies could be addressed via a comprehensive review of Australia's IUCN designations prior to updating the regional marine management plans scheduled for 2028. This would address public perceptions of MPAs (Raabe et al., 2024), provide Australia with marine conservation aligned with the current IUCN standards, help address overlap between MPAs and petroleum activities, and improve public confidence in Australia's environmental standards (Luke et al., 2018; Samuel, 2020b).

3.5.2 Credibility of Procedural Stakeholder Consultation

The challenges around consultation revealed in this study—acreage regulatory decisions are perceived as predetermined, stakeholder consultation is insufficient, decision-making is inequitable, and consultation participants report "fatigue" from the processes—underscore broader systemic issues where procedural requirements fail to promote meaningful engagement or equitable outcomes (Carrick et al., 2022; Tang and Brody, 2009). Recent federal court cases emphasise (Table 3-2) the need for proper consultation with Traditional Owners, First Nations communities, and indeed all stakeholders. Similar concerns regarding public consultation practices have been documented in other jurisdictions across different circumstances (e.g., Kapoor et al., 2021a; Luke et al., 2018; Olsen and Hansen, 2014; Renaldo et al., 2024; Weiand et al., 2021). The perceived idea that consultations are fait accompli often leans toward undemocratic decisions

that do not address the breadth of consultees' concerns (Carrick et al., 2022), particularly regarding environmental impacts and climate change (Olsen and Hansen, 2014).

As a corrective to these challenges, the stakeholder consultation literature highlights the necessity of collaborative and integrated planning approaches (Lukambagire et al., 2024; Tang and Brody, 2009), which emphasise the importance of inclusive and continuous meaningful engagement with stakeholders (Carrick et al., 2022; Renaldo et al., 2024), facilitated by open dialogue and transparency in decision-making processes (Weiand et al., 2021). Research in environmental planning (Carrick et al., 2022; Gillgren et al., 2019) suggest ways to improve consultation processes in resource and environmental management conflicts, while Weiand et al. (2021) concepts of inclusivity and continued stakeholder engagement could improve transparency around acreage release decisions. Scholars highlight that these elements are essential to fostering trust and ensuring that diverse perspectives are adequately represented in planning efforts (Carrick et al., 2022; Lawrence, 2000). They also contribute to less acrimonious regulatory decisions: Kittinger et al. (2024) and Ortiz-Riomalo et al. (2023) recommend collaborative governance and inclusive multi-stakeholder participation throughout the project as solutions to address resource and conservation disputes.

The Australian government is beginning to address consultation concerns to improve transparency in offshore petroleum regulation. For example, in January 2024, DISR initiated a consultation review through their ‘Consultation Paper,’ and invited public comment on issues related to offshore petroleum consultation (DISR, 2024a). However, this review relates to the consultation on titleholders' regulatory environmental plans and does not specifically address stakeholder engagement and transparency concerning acreage release decisions. The superficiality of the public consultation processes raises questions about the genuine consideration of public feedback in the acreage release decisions. Moreover, we found that the transparency regarding decisions related to the final bidding release remains unclear, and there are few ways to track decisions regarding excluding areas of concern from the final acreage release.

Australian policymakers could build on these efforts by learning from jurisdictions that consult earlier in the acreage release process, and with a broader scope, using strategic environmental assessments (Fidler and Noble, 2012; Lamorgese et al., 2015; Noble et al., 2013). These could provide opportunities for the public to discuss whether oil and gas (or other marine users) should occur in specific areas, identify mitigation strategies, and socioeconomic implications of activities (e.g., Fidler and Noble, 2012; Vespa et al., 2017). Norway’s Integrated Management Plan (see Fidler and Noble, 2012) is one notable example that could be used to guide improvements to Australia’s consultation process.

3.5.3 Power Imbalances in Acreage Release Decision-Making

In shared societal spaces (marine sovereign territories), democratic decision-making processes are meant to prioritise stakeholder communication and participation to ensure equitable resource extraction and marine conservation planning (Ortiz-Riomalo et al., 2023; Tang and Brody, 2009). Marine planning studies emphasise collaborative governance and stakeholder consultation as essential for reconciling resource extraction and marine conservation and ensuring sustainable, integrated marine resource management (Lukambagire et al., 2024; Renaldo et al., 2024; Tang and Brody, 2009).

However, our interviews indicate that economic imperatives dominate Australia's decision-making, undermining environmental sustainability. Chandler (2022) contends that Australia's soft regulatory framework, coupled with this complex relationship, creates conflicts of interest, whereby governments place greater emphasis on investing in or attracting investment to offshore petroleum development, particularly in natural gas (DISR, 2024b), rather than on strategic environmental protection that considers future generations or intergenerational equity. In response, representatives of ENGOs, community, and Indigenous groups contest further expansion, evident in the resistance to acreage releases noted by interviewees. Interviewees challenged the narrative that reliance on fossil fuels is essential for transitioning to renewable energy, arguing for a more sustainable future without the dependency on offshore natural gas development.

Yet while non-government interviewees demonstrated a basic understanding of the acreage release process, they indicated confusion or a lack of clarity about how the government decides which areas to release. This highlights a significant regulatory opaqueness that contributes to barriers to public and stakeholder engagement as well as distrust in regulatory decisions (Carrick et al., 2022; Olsen and Hansen, 2014). For example, Parks Australia is responsible for protecting its natural resources, as they are accountable to taxpayers to ensure this protection. If the public cannot access information indicating what this government agency is advocating until after decisions are made, it hampers their ability to provide informed feedback.

Their concerns could be addressed in simple ways, for example, the regulator DISR making publicly accessible a response document outlining the rationale for all decisions made on the acreage areas selected, including comments from agencies as well as the public. This information should be released when the final acreage is disclosed, or when the public comment period opens (rather than after it closes, as is currently the case).

3.5.4 Opposing Economic and Sustainability Perspectives

Power disparities driven by the economic policies for the fossil fuel industry have resulted in opposing sustainability and conservation goals. In direct contradiction with global research on preventing worsening climate change that is well known to local advocates, the Australian government, influenced by petroleum

industry representatives, continues to promote and facilitate oil and gas exploration and production. An ENGO remarked, “There's no doubt the government is pushing it and continuing to release acreage, despite their supposed commitments to getting out of fossil fuels and transitioning into renewables to address climate change issues.” The federal government interviewee explained, “Australia has been and continues to be heavily reliant on mineral and fossil fuel resources for a long time, both for export and domestic, and so it's always at the forefront in terms of priorities for the government.” However, many interviewees advocated for a ban on offshore fossil fuel expansion.

The oil and gas industry and the Australian government argue that producing fossil fuels, particularly natural gas, is necessary for Australia to transition to renewable energy and meet its emission reduction goals (Australian Energy Producers, 2024; DISR, 2024b). The CEO of Australian Energy Producers called new exploration acreage essential for Australia's energy transition (MarineLink, 2024). The Commonwealth Resources Minister King echoed this view in a 2024 press statement, emphasising that natural gas is crucial for a sustainable energy transition, using this reasoning to justify gas exploration permits granted in 2024 (Hon. Madeleine King, 2024)—illustrating how government policies closely reflect industry messaging regarding the role of gas in Australia’s energy future.

While the Australian government promotes fossil fuel extraction and reliance, ENGO, community, and Indigenous group interviewees support offshore bans, citing the urgent need to protect marine ecosystems and address climate change. However, they highlight a growing public concern that the government is not hearing these concerns, given its ties to the fossil fuel industry. Senator Whish-Wilson (2025) underscored this problem, describing the “cosy relationship” between government and industry as harmful to “our marine environment or our global climate”—suggesting that the interests of the petroleum industry are prioritised over community concerns about climate change and sustainability. This is a global trend—governments heavily reliant on oil production have been documented to prioritise fossil fuel interests over public concerns (Carter and McKenzie (2020, p. 8)—one that undermines regulatory integrity and worsens conflicts, especially in areas where petroleum activities intersect with marine protected zones and local socio-ecological values.

3.6 In Conclusion – Broader Ocean Planning

As concerns over climate change intensify, the tensions between marine conservation and the expansion of offshore petroleum development in Australia will likely escalate. Interviews with representatives of ENGOs, community, and Indigenous groups signal that acceptance of the offshore petroleum industry has declined, and the perceived risks linked to continued development are no longer socially acceptable. Interviewees emphasised that the threat of climate change, in particular, is too significant. As the Australian government

endeavours to expand oil and gas extraction, social conflicts over marine development can be expected to intensify as well.

However, opportunities for more balanced and collaborative marine planning are available, notably formal strategic environmental assessments or planning strategies conducted prior to allocating areas for licensing or energy planning (Chandler, 2018, 2022). Australian policymakers face the critical challenge of balancing climate change mitigation with pressures for economic development. At this juncture, transparent, collaborative decision-making processes that align with sustainability objectives are vitally important (Gillgren et al., 2019; Tang and Brody, 2009). Implementing integrated marine spatial planning strategies may provide a pathway to reconcile development and conservation, ensuring equitable and intergenerational management of ocean resources (Macpherson et al., 2023; Winther et al., 2020).

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Chapter 4: Aotearoa-NZ Case Study

'Examining inclusivity of participation and engagement in Aotearoa New Zealand's offshore petroleum governance'

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Chapter 4 explores Aotearoa-NZ's offshore petroleum licensing and regulatory processes, using the method detailed in Chapter 2. It assesses whether early decisions to open offshore areas to bidding include adequate consultation and whether these decisions align with or conflict with marine conservation objectives. This chapter has supplementary materials pertaining to the published manuscript (see Appendix F). The formatting of the original manuscript has been adjusted to maintain consistency within the thesis formatting and university requirements. The reference list for this work is provided at the end of this chapter.

Chapter 4 | Examining Inclusivity of Participation and Engagement in Aotearoa New Zealand's Offshore Petroleum Governance

Rutherford, J. M., Fraser, G. S., Carter, A. V., Pilditch, C. A., and Ellis, J. I. (2026). Examining inclusivity of participation and engagement in Aotearoa New Zealand's offshore petroleum governance. The Extractive Industries and Society, 26, 101878. https://doi.org/10.1016/j.exis.2026.101878

Abstract

Tension between resource extraction and the preservation of marine environments is evident worldwide, as economic priorities increasingly conflict with socio-ecological and cultural conservation values. In 2018, Aotearoa New Zealand (A-NZ) prohibited offshore fossil fuel development, yet a newly elected government in 2023 reversed this decision, providing opportunities for fast-tracking petroleum resource extraction. This, coupled with limited protections in the Exclusive Economic Zones (EEZ) and unresolved Indigenous Māori resource rights, risks intensifying conflicts around petroleum development. This paper examines A-NZ's offshore petroleum licensing and regulatory processes, and whether initial decisions to release offshore areas for bidding incorporate adequate consultation and align or conflict with marine conservation objectives. Twenty semi-structured interviews were conducted with individuals from the central and regional governments, regulatory agencies, environmental non-governmental organisations (ENGOs), fisheries groups, the offshore mining industry, the community, and iwi representatives (Māori group or tribe). Findings from these interviews reveal a fragmented regulatory structure that prioritises economic development over environmental concerns, public input is excluded from early petroleum permit decisions, and policy discontinuity resulting has obstructed strategies for integrated ocean protection—indicating that limited participation and consultation within offshore petroleum regulations reflect weak democratic decision-making in marine conservation and resource extraction. Four themes arose from this research: (1) the complexity and inadequacy of petroleum regulatory frameworks, (2) the lack of credible consultation, (3) the need for greater marine environmental protection, and (4) conflicting sustainability objectives. To mitigate conflict and ensure intergenerational equity in marine protection and resource extraction, we advocate for comprehensive ocean planning strategies, inclusive public engagement during the permitting process, and upholding Māori resource rights as Treaty partners. Such measures would foster a more equitable framework for balancing ecological and economic priorities

4.1 Introduction

Contemporary offshore petroleum extraction fundamentally contradicts global climate targets and marine conservation commitments. While international agreements commit to emissions reductions—45% by 2030 (UNFCCC, 2021), and the binding framework obligating countries to protect 30% of marine ecosystems by 2030 (CBD, 2022), petroleum extraction is expanding into marine environments that are already under multiple pressures and experiencing continued biodiversity decline (Halpern et al., 2019). These tensions are manifesting worldwide, where the expansion of offshore petroleum activities competes with conservation priorities (see Harfoot et al., 2018; Kapoor et al., 2021a; Mackelworth et al., 2019; Meissner, 2025; Rutherford et al., 2025). These conflicts are notable in Australasia. For instance, in Australia, civil society groups, environmental non-governmental organisations (ENGOs), and scientists have opposed petroleum activities near the World Heritage-listed Ningaloo Marine Park in Western Australia and in the Great Australian Bight in southern Australia for decades (AMCS, n.d.-a; Great Australian Bight Alliance, n.d.). These tensions are likewise present in Aotearoa New Zealand (hereafter referred to as A-NZ), where petroleum policies intersect with environmental stewardship, national identity, and Indigenous Māori rights (Loomis, 2017; Widener, 2018a, 2022). A-NZ's marine governance is marked by tensions between economic interests and environmental protection (Crawley and Chapman, 2025; Thomas et al., 2023).

In 2018, A-NZ enacted a ban on future offshore petroleum development to address the climate crisis (Ardern, 2018). Although this historic and controversial policy temporarily resolved overlapping contention, it also highlighted the vulnerability of marine conservation strategies amid shifting political and economic priorities (Thomas et al., 2023), as seen in the newly elected National-led coalition government's decision to reverse the ban in June 2025. The coalition's focus on economic growth clashes with the socioecological ideal and Indigenous Māori cultural interests (Diprose et al., 2016), which could heighten further tensions if environmental protection and climate concerns are not adequately addressed (K-Mehri, 2025).

Disputes arising during the first stages of oil and gas development are the most consequential, especially when offshore petroleum allocation overlaps with or is adjacent to marine protected areas (MPAs) (Kapoor et al., 2021a; Rutherford et al., 2025). In A-NZ, these allocation decisions are 'block offers' (permits to access an area), the opening decision to proceed with oil and gas projects that could impact the immediate and surrounding areas for decades (NZP&M, n.d.-e). The risk of conflicts is high between prioritising resource extraction (MBIE, 2025) in the context of limited high-level marine protections in the Exclusive Economic Zones (EEZ), and unresolved Māori resource and cultural rights (mana tangata whenua) (Bond et al., 2023a; Jefferson et al., 2023; MacArthur and Matthewman, 2018).

Here, we examine A-NZ's regulatory and consultation processes and resulting conflicts for offshore petroleum block offers and marine conservation, focusing on opportunities for implementing broader ocean planning and ecosystem-based management (Macpherson et al., 2023; Talbot-Jones et al., 2025). Through literature, media, and interviews (e.g., individuals, organizations and government groups—including Indigenous Nations—with interests or those affected, either positively or negatively, by decision regarding the intersection of marine conservation and petroleum extraction), we examine if regulatory decisions and consultation processes surrounding block offers intensify competing demands between extractive industries and conservation objectives or create pathways for more inclusive and integrated marine planning (Delaney, 2021; Macpherson et al., 2023; Talbot-Jones et al., 2025). Drawing on this literature base (Chandler, 2022; Kapoor et al., 2021a; Loomis, 2017; Rutherford et al., 2025; Widener, 2018a, 2022) as well as a diversity of interviewees, our research aims to inform equitable marine governance frameworks that integrate socio-ecological and socio-economic considerations while upholding Māori tino rangatiratanga (political authority, sovereignty) and marine kaitiakitanga (caretaking/trusteeship) (Fisher et al., 2022; Moorfield, 2025).

Our analysis reveals a fragmented regulatory structure that prioritises economic development over environmental protection, limited public consultation in early permitting decisions, and inconsistent government policies, all of which undermined integrated ocean management plans. These findings indicate that addressing these issues requires comprehensive ocean planning, increased public engagement in permitting processes, and recognition of Māori rights as Treaty partners for equitable and integrated marine governance (Macpherson et al., 2023; Matovu et al., 2024).

4.2 Theoretical Framework and Methods

4.2.1 Theoretical Framework

Our theoretical framework, based on Rutherford et al. (2025), incorporates insights from socioecological idealism (SEI) (Lawrence, 2000), collaboration and communication (Carrick et al., 2022), and political-economic mobilisation (PEM), alongside procedural environmental justice (Carrick et al., 2022; Tang & Brody, 2009) (Figure 4-1). This framework acknowledges that marine resource regulations and consultation processes are social phenomena influenced by Te Tiriti o Waitangi (A-NZ's founding document between Māori and the Crown) and other multi-actors and individuals' interactions and experiences (Lawrence, 2000; Moon and Blackman, 2014). It highlights the importance of individuals' perspectives in resolving conflicts arising from differing values within marine environments (Carrick et al., 2022). Norton's (2002) idea of procedural rationality enhances this perspective by analysing how obstacles in consultation during offshore fossil fuel regulatory processes can impact environmental outcomes. In this context, SEI aids our

analyses by contrasting interviewees' ecological expectations with developmental processes, while PEM assesses power dynamics and equity within consultations, emphasising economic factors and community advocacy for inclusive and sustainable marine planning (Carrick et al., 2022; Tang and Brody, 2009).

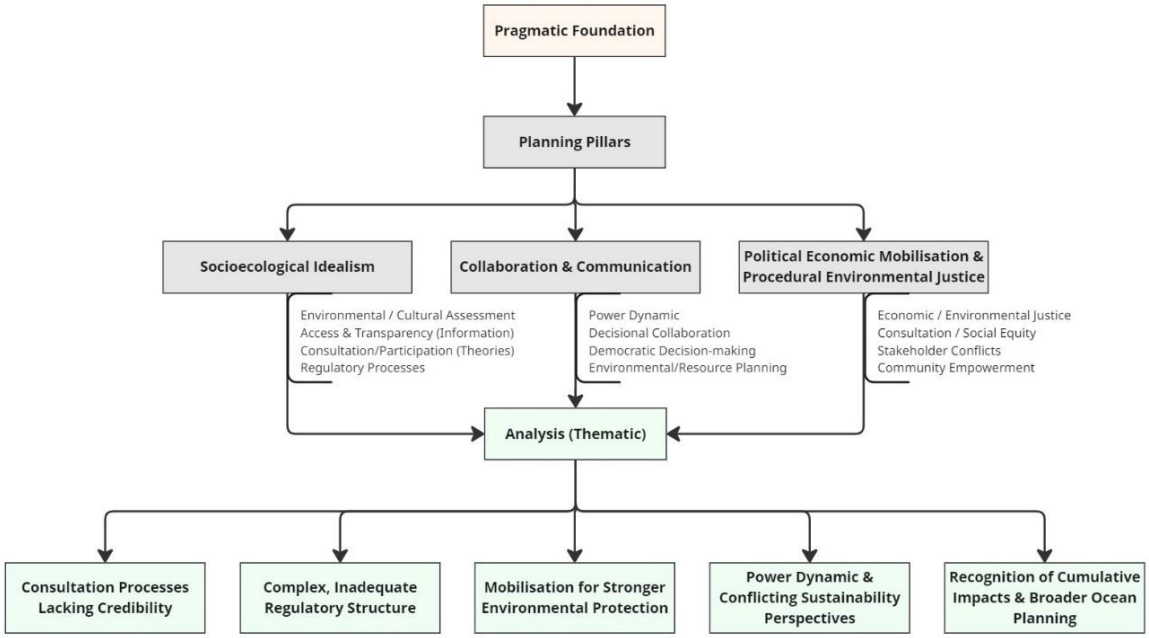

Figure 4-1 Illustrating the link to the three planning theories, socioecological idealism, collaboration and communication, and political economic mobilisation with procedural environmental justice, to the five themes identified from the analysis. Figure created using Miro visual workspace 2024. Image sourced and repurposed from Rutherford et al. (2025) (Chapter 3).

4.2.2 Qualitative Methods

4.2.2.1 Block offer data

Publicly available information on permits granted for each year since 2003 is accessible on the New Zealand Petroleum and Minerals (NZP&M) website (see NZP&M, n.d.-a). We examined all publicly available consultation data associated with the total number of petroleum block offers and permits granted from 2012 to 2018 (https://www.nzpam.govt.nz/permits/petroleum/block-offer/previous). We verified it using the Geodata Catalogue (https://www.nzpam.govt.nz/maps-geoscience/geodata-catalogue) and with NZP&M's data custodian. We selected 2012 as the beginning of the timeframe as this year marked the start of changes to key petroleum development and marine environmental management legislation (see Section 3), and the switch from a priority and time bidding process to a competitive tender under the block offer (NZP&M, n.d.-a). Reports from NZP&M to the Minister regarding Māori consultations and engagement with intergovernmental agencies (both central and local) on block offers were incomplete. Only an official report

from 2013 was available, and the NZP&M websites (NZP&M, n.d.-a) offered some context about Māori submissions and their overlap with marine conservation areas (see Appendix F Sup. Table 3).

4.2.2.2 Interviews

The interview recruitment, data collection protocols, and qualitative analysis approach employed in this research follow Rutherford et al. (2025). We reviewed literature, media, and policy documents to identify interviewees, specifically focusing on community, organizations, government and Māori participants, followed by snowball sampling, asking interviewees for referral (Campbell et al., 2020). Recruitment invitation emails were sent to 32 individuals, then 24 in-person and virtual semi-structured interviews were conducted. 20 interviews and one email response were analysed (Table 4-1) (four interviews were excluded as they were ultimately not relevant to the research focus). Unfortunately, some environmental regulatory decision-makers did not respond to, or declined, the invitation to be interviewed, notably the Environmental Protection Authority (EPA).

Participants were selected nationwide; all interviews were conducted between February 28 and April 9, before the reversal of the offshore petroleum ban. Participants held professional roles with at least 5 years' experience at the intersections of marine conservation, environmental planning, and petroleum development, including two community participants. Participants self-identified from the categories noted in Table 4-1. Additionally, the involvement of five government agencies in the A-NZ oil and gas regulatory framework leads to a higher proportion of government interviews. Given the multi-actor collaboration at this intersection, in some instances, we refer to 'stakeholders,' indicating the multi-actors within our interview groups, but this does not refer to the Indigenous Māori (Reed et al., 2024; Reo et al., 2017).

Table 4-1. Interview representation

Interview Type	Number of Interviews	Total Interviews	Interview Hours
In-person Virtual	19 1	20	21
Representative Type (in-text reference)			Number of Representatives
Government Petroleum Regulator (regulator)			2
Central, Regional & Local Government (government)			6
Commercial Fisheries			1
ENGOs & Advocacy Groups (ENGO)			4
Offshore Mining Industry (industry)			1
Community Members			2
Independent Marine Scientist			2
Māori Representatives (iwi/hapū)			3
*Māori indigenous representatives are referred to by their political tribal group (iwi) or hapū (subtribe)			

Interviews were professionally transcribed and thematically coded using NVIVO 14. The coding framework and thematic analysis were guided by King and Brook's (2017b; see also Rutherford et al., 2025). The coding categories were: offshore oil and gas regulations, regulatory processes, stakeholder consultations, industry and government influence, MPAs, marine spatial planning, climate change, community mobilisation, Indigenous issues, and block offers. Key themes (Figure 4-1) were developed to investigate specific issues, such as the credibility and legitimacy in consultations, the reliability of regulatory procedures, the complexities of MPA designation, legislative limitations, and power dynamics. Using Tang and Brody (2009) to gauge plan quality, we evaluated interviewee participants' perspectives on regulatory decision-making, collaboration and communication with key actors, the public, and Māori groups. We examined perceptions of the reliability and effectiveness of regulatory processes and consultations, information accessibility, and transparency in decision-making, with a focus on block offers and MPAs (Carrick et al., 2022; Tang and Brody, 2009).

This study was approved by York University’s Human Participant Review Committee and endorsed by the University of Waikato HECS Human Ethics Committee.

4.3 Case context: MPAs and Offshore Petroleum

4.3.1 Legislative Overlap with Marine Conservation and Extraction

A-NZ's marine regions cover approximately 4.2 million km² (Figure 4-2; Rovellini and Shaffer, 2020). The area is recognised as a global hotspot for marine biodiversity and a high level of endemicity—with over half of the reported species found only in A-NZ marine waters (DOC, n.d.-a). It provides substantial resources for tourism and extractive industries, including commercial fisheries and mining for minerals and petroleum (Jefferson et al., 2023).

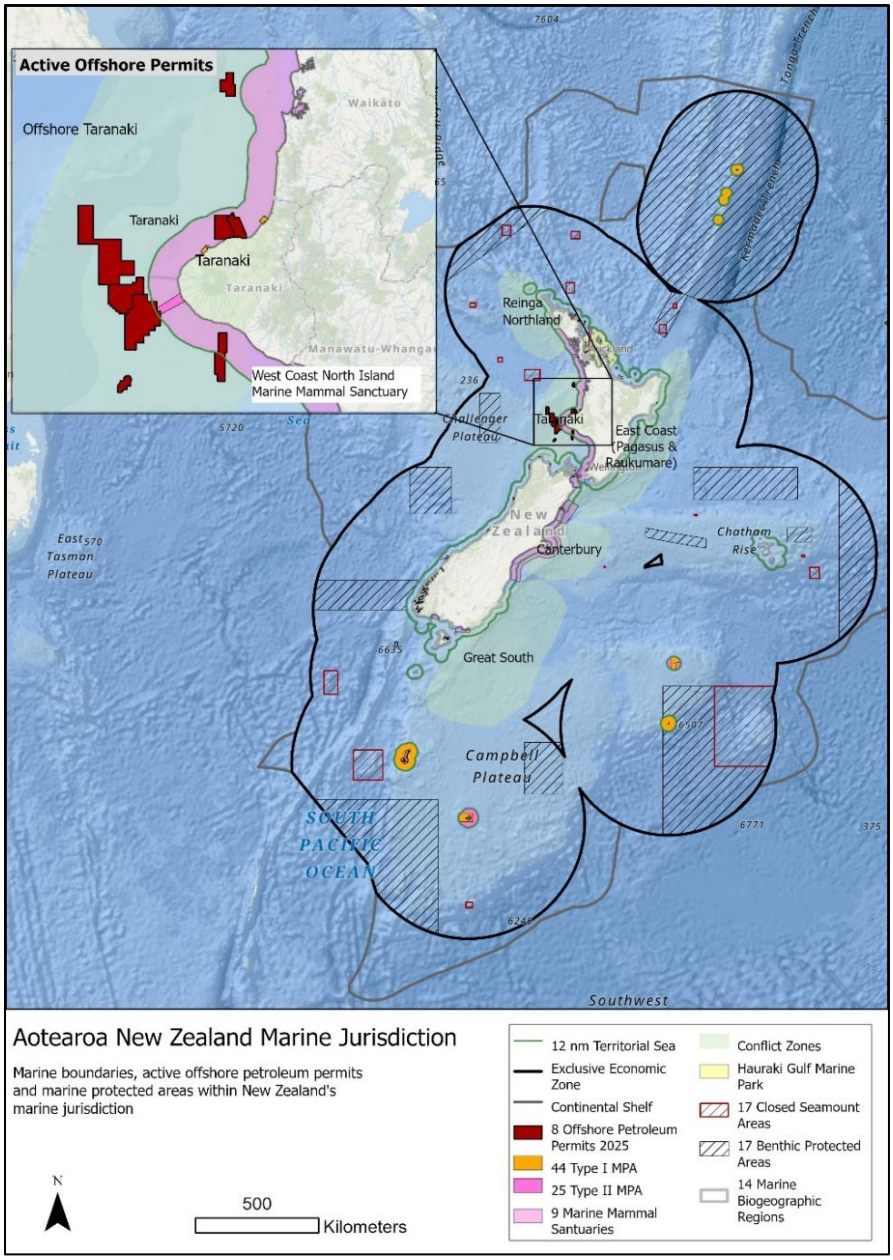

Figure 4-2 A-NZ marine jurisdictions encompass eight active petroleum permits and varying categories of MPAs. Map created with ArcGIS Pro 3.0, data layers sourced from (Bay of Plenty Regional Council, 2025; DOC, 2025; MBIE Geospatial, 2023; Northland Regional Council, 2025; NZP&M, 2025d).

Marine protection and management in A-NZ is a complex, intricate, and evolving system of statutes, policies (Figure 4-3), Indigenous (Māori) rights, and international mandates that span two jurisdictions, the territorial sea (coastal region out to 12 nautical miles (nm)) and the EEZ (offshore from 12nm to 200 nm) (Figure 4-2) (Macpherson et al., 2024; NZP&M, 2025d). The *Marine Reserves Act 1971* (MRA) and the *Resource Management Act 1991* (RMA) are the primary legislative tools for governing the protection and

extraction activities within the territorial seas. Regulatory decisions on protection and environmental management related to activities conducted beyond this limit are governed under the *Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act of 2012* (EEZ Act), which covers the area of the EEZ (Figure 4-3), extending to the continental shelf to 350 nm (Ministry for the Environment-Manatu Mō Te Taiao, 2021). Despite this array of marine management statutes, A-NZ does not have specific legislation for conservation protection in the EEZ (Jefferson et al., 2023; Peart and Koolen-Bourke, 2025).

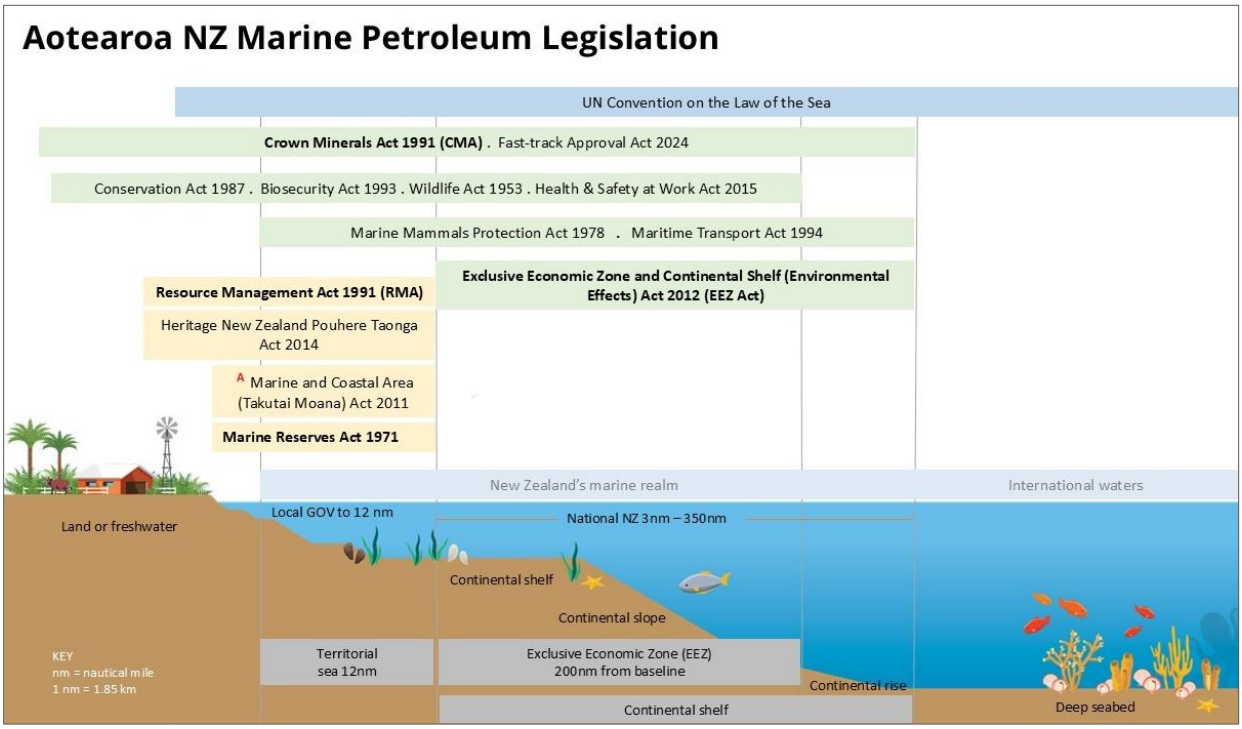

Figure 4-3 Current A-NZ natural resources and environmental management legislation pertaining to petroleum development. Image reused and modified with permission from (Macpherson et al., 2024; Sustainable Seas NZ, n.d.). [A] The Marine and Coastal Area (Takutai Moana) Act 2011 (MACA) refers to the repealed and controversial 'Foreshore and Seabed Act 2004,' which gave ownership of public foreshore and seabed to the Crown. This legislation significantly restricted Māori rights to pursue claims for customary title over these areas. The controversies surrounding the foreshore and seabed led to the creation of MACA, which is the current legislation allowing Māori to assert their customary rights through the courts and negotiations (Barton, 2022; Bruce et al., 2024; Finlayson, 2010; Hickford, 2015).

Aotearoa NZ does not follow the standard International Union for Conservation of Nature's (IUCN) marine protection categories (see Day et al., 2019; Grorud-Colvert et al., 2021). Under the 2008 MPAs Policy (see DOC and Ministry of Fisheries, 2008), A-NZ established a three-tiered classification system that adapts international protection standards to local legislative and management contexts. Type 1 MPAs are 'marine reserves' established under the Marine Reserves Act, restricting all extractive activities (DOC, n.d.-b). Type

2 encompasses other MPAs (e.g., Marine Parks, protection tools within regional council plans). Type 3 includes seasonal closures and fishing restrictions (Davies et al., 2018).

There are 44 Type 1 and 25 Type 2 MPAs collectively covering about 9.8% of the territorial sea, but none in the EEZ (Figure 4-2) (DOC, 2025). Numerous Type III MPAs have been documented; however, they are not represented in Figure 4-2 due to the unavailability of spatial data (DOC, 2025). Overall, while conservation measures exist in the territorial seas, there is limited long-term protection of A-NZ's biodiversity across its marine jurisdictions, even the nine marine mammal sanctuaries and 17 Benthic Protected Areas (see Figure 4-2) do not exclude petroleum activities (DOC, 2025). In the territorial sea, drilling is generally not allowed in the various forms of MPAs, and areas released in the block offer are restricted from these areas (EPA, n.d.-a).

4.3.2 Regulatory Framework for Offshore Petroleum Block Offers

Offshore petroleum licensing (e.g. block offer permits) under the natural resource legal framework is governed by the Crown Minerals Act (s24) (CMA), which is regulated by NZ Petroleum and Minerals (NZP&M), a department within the Ministry of Business, Innovation and Employment (Figure 4-3 and Figure 4-4) (NZP&M, 2025e). Within the territorial seas, the Resource Management Act is administered by regional and local authorities to plan for, approve, and manage the environmental effects of activities (stated under CMA). The EEZ Act outlines the permitted and prohibited activities requiring environmental approvals (EPA, 2018b). Since 2012, block offer permits, for prospecting and exploration, have been awarded annually (NZP&M, n.d.-e). As of 2025, a 'open market competitive' process was introduced, allowing interested companies to request a permit at any time, with a fast-track approval option available (MBIE, 2025; NZP&M, n.d.-a). Environmental approvals through the EEZ Act (marine consents) and the RMA (resource consents) are still required (Appendix F Sup Table 1). The Petroleum Programme 2013 Order (No. 2) (NZP&M, 2017) guides all petroleum permits, including the Fast Track Approval Act (2024) (see NZP&M, 2025a)[3]. There are 18 sedimentary basins with petroleum potential, and three types of permits—prospecting, exploration, and production drilling—allocated under the CMA framework (see NZP&M, 2025b). Permits for a commercial production license are outside of the block offer process.

[3] The provisions of the Fast Track Approval Act 2024 were not applicable at the time of our interviews. This new approval process enables applicants to request a fast-tracked mining permit outside of the block offer process.

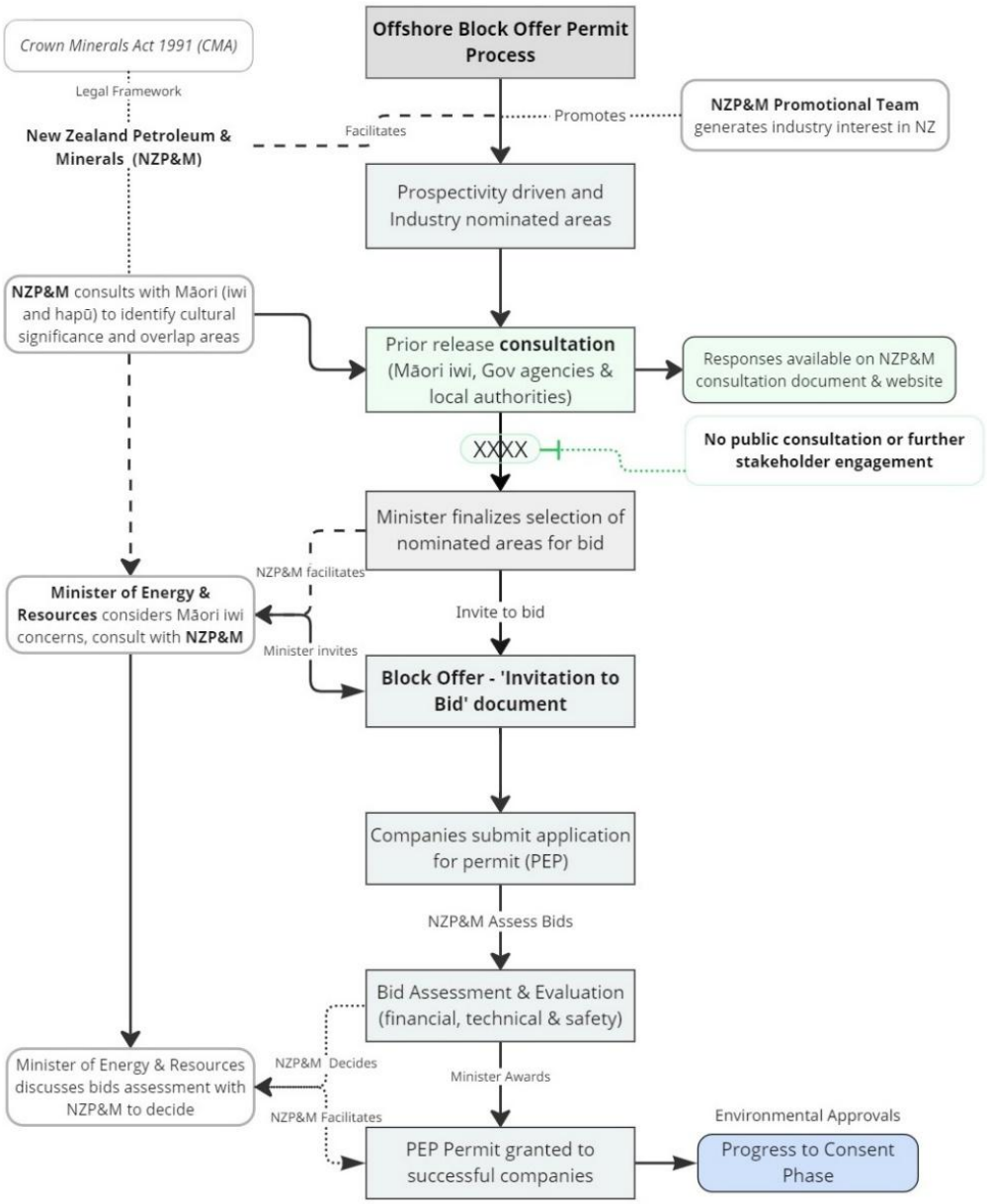

Figure 4-4 Illustration of the natural resource laws that govern the regulatory decision points, demonstrated within the A-NZ offshore block offer process bidding for prospecting and exploration permits, highlighting where consultation occurs. Diagram created in Miro Board. Information gathered from (NZP&M, n.d.-e).

A-NZ's offshore legal framework has two sequential processes to manage the access rights to an area (permit regime; CMA) and environmental approvals of activities (consent regime; EEZ Act and RMA) (see Figure 4-4, Figure 4-5; Appendix F Sup. Table 1) (Te Runanga o Ngāti Ruanui Trust, 2014). Companies first obtain exploration permits through the block offers (Figure 4-4), then seek environmental consents (see Figure 4-5): marine consent from the Environmental Protection Authority (EPA) for the EEZ and resource

consent from relevant regional councils for territorial seas (Ministry for the Environment, 2018). Consents are also required for production drilling licenses. EEZ activities are classified as permitted, discretionary and prohibited under the EEZ Act (Appendix F Sup. Table 1; Figure 4-5), outlining the required approval. Discretionary activities require consents, and consultation requirements vary by activity classification under the EEZ Act (s. 20, s. 22), with discretionary activities categorized as: 1) non-notified (e.g., low-impact seismic surveys, requiring internal EPA approval); and 2) notified (requiring public notification and consultation) (EPA, 2018a; Figure 4-5). Regional councils under the RMA use a coastal management plan to establish environmental approval requirements (EPA, n.d.-a; Ministry for the Environment, 2021)

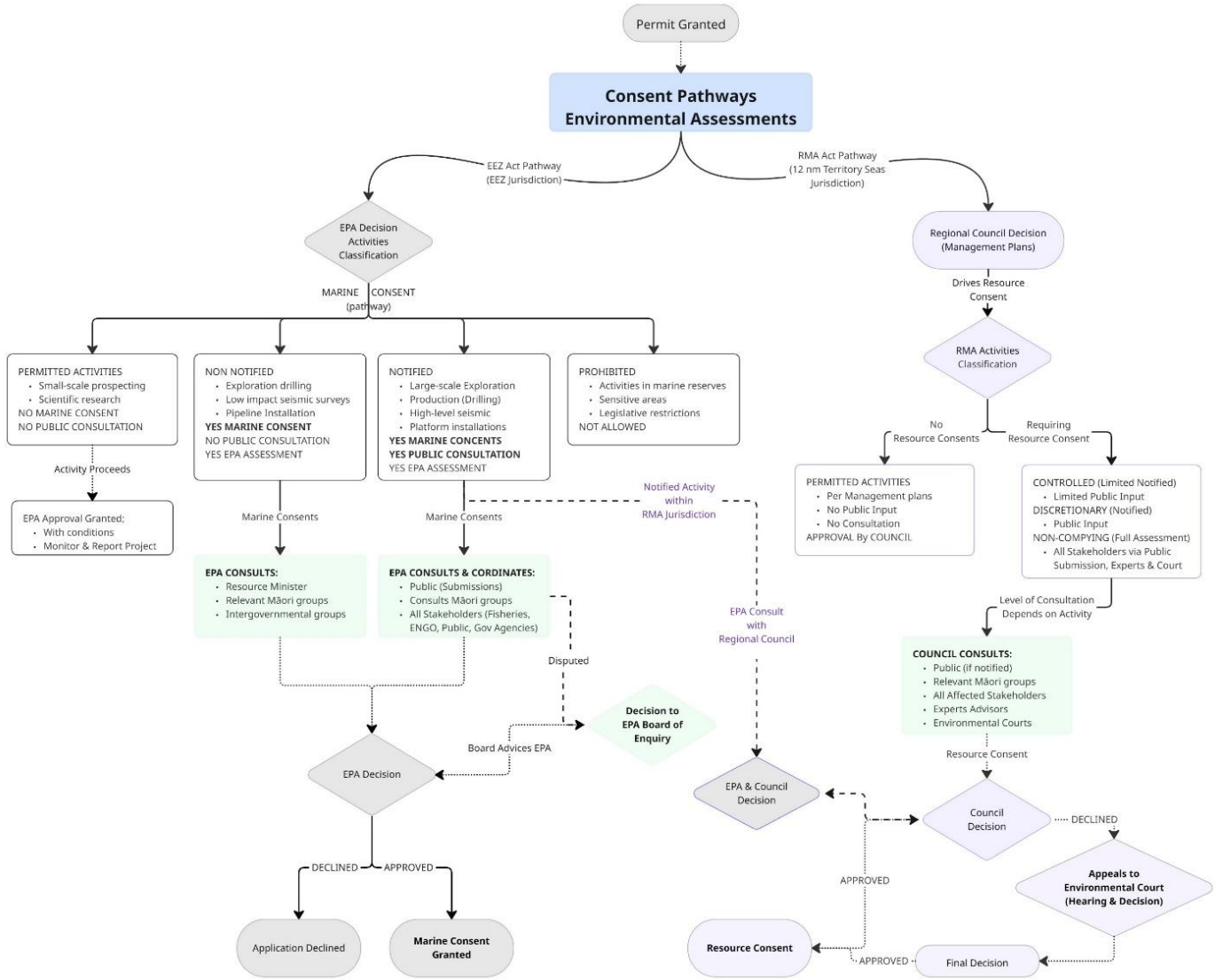

Figure 4-5 Illustrating the environmental laws for the approval processes via the two consent pathways: marine consent for the EEZ and resource consent for territorial seas, in relation to petroleum development—requirement for prospecting, exploration and production permits. Figure information gathered from (EPA, n.d.-a; Ministry for the Environment, 2018, 2021). Figure generated in Miro Board.

Māori involvement is required in decision-making about resource extraction and conservation (NZP&M, 2017). Since 2012, the block offer permit process requires consultation with Māori before announcing block offers (Figure 4-4), during the area selection (NZP&M, n.d.-a). The Crown Minerals Act (s4) requires consultation with iwi and hapū before the block offer bidding process and during environmental consent approvals, as detailed in the Petroleum Programme 2013 Order (No. 2) (NZP&M, 2017, n.d.-c).

4.3.3 Aotearoa's Resistance: Disputes Over Marine Conservation and Fossil Fuels

The 2018 offshore petroleum ban, enacted through the CMA, prohibiting new offshore petroleum permits and restricting development to the onshore Taranaki, was seen as a positive political decision, a victory for marine biodiversity, and a crucial step in addressing the climate crisis. (Abel, 2018; Smyth, 2018). The petroleum industry viewed the ban as political (K-Mehri, 2025). Nonetheless, opposition to petroleum development increased alongside the industry's growth, with peak protests between 2010 and 2017 (Appendix F see Sup. Table 2), following various international and national events that questioned the social license of the offshore sector (see Bond et al., 2019; Bond et al., 2023b; Greenpeace NZ, n.d.; Loomis, 2017). Diprose et al. (2016) argued that activism has notably influenced offshore petroleum regulations, leading to increased emphasis on government and industry priorities (see also Bond et al., 2019; Loomis, 2017; Widener, 2018a, 2022). Government measures, described as "draconian and anti-democratic" (Abel, 2018), limited public engagement and discourse on offshore petroleum activities (Diprose et al., 2016).

4.4 Analysis – Aotearoa NZ Perspectives

4.4.1 Overlapping issues – MPAs and Māori Interests

Since 2003, a total of 46 offshore petroleum exploration permits (PEPs) have been granted. Of these, 27 PEPs were awarded between 2012 and 2017 via the block offer process (Appendix F Sup. Table 3). As of June 2025, there were eight active offshore permits and licenses operating within the Taranaki Basin (2 petroleum exploration permits, 2 petroleum mining licenses, and 4 petroleum mining permits (Figure 4-2), the most recent of which was granted in June 2025 with an expiration in 2061 (see MBIE Geospatial, 2023; NZP&M, 2025d). Of these, five permits are within marine mammal sanctuaries (Figure 4-2; Appendix F Sup. Table 3).

4.4.1.1 Overview of Our Interview Findings

Twenty interviews and one email response with individuals involved in MPAs and offshore oil and gas revealed how these two opposing marine agendas were managed, with a focus on block offer processes. Our analysis indicated four themes, each discussed below. Interviews primarily stressed 1) credibility and inadequacies of the regulatory framework; and 2) interviewees concerns regarding the legitimacy and

credibility of consultations within this regulatory system. They also identified secondary themes relating to: 3) how the limited scope of marine conservation and economic growth policies, has historically prompted communities to advocate for stronger environmental protections; and 4) conflicting sustainability perspectives in relation to the evolving political power dynamics and equity, particularly in relation to Māori Rights (see Appendix F supplementary section Box 1).

4.4.2 Complex, Inadequate and Inequitable Regulatory Framework

This first primary theme underscores the fragmentation and complexities of Aotearoa NZ's offshore oil and gas regulatory framework. Interviewees revealed a "siloed" institutional structure spanning multiple government agencies with overlapping responsibilities, legislation that prioritised development over inclusive engagement, and insufficient marine conservation protection, particularly in the EEZ. They highlighted the problematic separation between "permits" (permission to access areas) and "consents" (environmental impact assessments), which diminished comprehensive environmental oversight and public participation. Interviewees consistently noted concerns related to: insufficient legislation, incorporating Māori perspectives and the Treaty of Waitangi (see Waitangi Tribunal, n.d.) principles into decision-making, and the political emphasis on economic growth—including proposed "fast-track" approvals—undermining accountability and environmental protection.

4.4.2.1 Fragmented legislative and institutional frameworks

Interviewees consistently identified the problems of regulatory fragmentation with the offshore petroleum licensing system, where compliance involved navigating "multiple permits and approvals" under various acts. Interviewees argued that the system's fragmentation stems from the "separation" of permits and consent. One iwi interviewee said, "two separate decision-making bodies, and […] differences in processes and consultation required." This separation means that public consultation is restricted to the marine consent required in the production stage—well after prospecting and most exploration decisions are made—making the process, as a government interview noted "inherently complex." An ENGO argued that it "limits public input," in early marine spatial allocation decisions. One government interviewee noted that "oil and gas is quite different from other industries, such as aquaculture, where allocation and consent are merged into a single approval process," involving engagement with key-actors and individuals early in the decision-making.

Regarding the five organisations with overlapping roles across the EEZ and territorial sea—NZP&M, EPA, WorkSafe, Maritime NZ, and DOC—each operates within its legal mandates, a government and ENGO interviewee observed, "each agency and piece of legislation can be quite siloed." One government interviewee also argued that the block offer process does not provide the full context and indicated that the

complexity extends into the consent regime of the EEZ Act and RMA. Several interviewees advocated for reforms to address fragmented legislation. Industry and administrative government interviewees suggested that environmental impacts from "every industry" should be assessed under a "single system," possibly through a marine spatial planning (MSP) or strategic environmental assessment (SEA) approach.

4.4.2.2 Lack of 'environmental provisions' at the exploration stage

The permitting system provides access to an area and as one regulator noted, "environmental concerns are typically considered [later] during the consent phase." An ENGO observed, "There are no environmental provisions in that [Crown Minerals] Act, and the environmental impacts are not addressed at the permitting stage." While regulators acknowledged limited provisions for environmental issues in block offers, they said they are addressed through input from intergovernmental engagement. Yet, a government interviewee noted, "We could tell them [NZP&M] there's likely to be Maui dolphins here, but that doesn't necessarily prevent a mineral permit being granted [...] because we cannot input into the block offer because they're [NZP&M] not [considering] environmental considerations [...] we just wait until it gets notified as a consent and say, actually, we'll just tell you about all of these species we know about." Several government representatives, ENGOs, and Māori interviewees believed that an environmental assessment should occur early in the permitting process (i.e., exploration phase). Interviewees, particularly iwi and hapū, mention that even when they raise concerns, they are not addressed and find the permit phase frustrating.

There were also specific issues with the lack of provisions to address climate change impacts in the regulatory framework. Several interviewees noted a failure to consider broader climate impacts during the consent process. They argued that this leads to inadequate recognition of the cumulative effects of petroleum. One government legislative administrator summarised, "The [downstream] impacts are the fossil fuel burning and climate change impacts, which are not given consideration in our consenting processes. In fact, you can't consider it under the EEZ Act, the greenhouse gases that come out of it, which is a point of contention for many NGOs."

4.4.2.3 Regulatory complexity and public exclusion by design

Interviewees pointed out that the classification of EPA activities into non-notified and notified categories causes confusion among marine user groups and raises concerns about transparency and inequities in the regulatory processes. Iwi, government, industry, ENGOs, and community interviewees explained that the separation between permits and consent processes creates a fundamental disconnect that undermines environmental oversight in offshore oil and gas development. The licensing process is structured such that marine consents are primarily confined to the production stage, marking the initial point of broader public

engagement. A marine scientist described it as, “licensing versus consent” where there is a paucity of impact assessment in licensing and broader input only occurs during production.

The fragmentation creates uncertainty and concerns about transparency, revealed in the interviewees' limited understanding of the permits and consent regimes. The distinction between permitted and non-notified activities may have generated the uncertainty. One scientist noted, “I think it is interesting, the separation between the prospecting and exploration licence [permits] versus the consent […] But the difference between those two isn't very clear to your typical stakeholder.” Several ENGOs, government, and iwi interviewees noted that the complexities and confusion are compounded because the block offer process mainly functions as an “internal process” (government interviewee).

4.4.2.4 Industry-focused objectives: a conflict of interest?

NZP&M is responsible for both regulating the offshore oil and gas sector and promoting the industry’s development. Permit administrator regulator interviewees viewed their strategy to promote oil and gas sector development as effective, stating, “There was a promotional commercial team that would consult with various stakeholders, mostly industry, to see which parts of New Zealand they may be interested in applying for. […] That was a good way for the government to get people interested in applying for exploration.” Central to this was fostering interest in exploration and increasing industry participation in the yearly block offers. As another permits regulator noted, “Once they’ve done all that promotion, […] they would then drum up interest, we would put out a Block Offer. We’d hopefully get more bids based on their promotional activities.”

While regulators stated there was a clear separation between ‘industry-promotion’ and regulatory functions, the distinction seemed more theoretical than practical. As one regulator explained, “NZP&M play quite a key role in the Block Offer process. We run it basically from start to end […] from identifying prospective areas for bids—inviting bids, consulting with various parties, and then eventually evaluating the bids and then actually granting bids [...].”

Other government interviewees and ENGOs questioned this institutional arrangement, contending that it inclined towards “industry interests” and creates “multiple agendas” with “industry-led objectives”. An ENGO said, “it’s completely ridiculous having a regulatory agency whose job is to promote the activity in question.” Furthermore, interviewees criticised the block offer process and permit regime as ‘procedural formality.’ One government interviewee observed, “That's just tick box processes, where basically there is a format that they [NZP&M] need to follow […] NZP&M wants this industry to go ahead.”

4.4.2.5 Absence of MPA legislation and customised MPAs to oppose fossil fuel interests

Interviewees highlighted the limitations and inadequacies of marine protected areas legislation, particularly emphasising the "absence of legislation" in the EEZ. They explained that, as a result, Aotearoa currently has various types of MPAs often established on an "ad hoc basis" and through "bespoke" legislation tailored to specific needs. Several interviewees noted that the customised MPA legislation was mainly to counter the 'interests of the oil and gas industry'. An ENGO interviewee described, "Often these protections are put in to stop oil and gas, like the […] marine reserve off Poor Knights Island, off the east coast. The impetus for that was that the Minister granted a Mining licence […] for oil or gas. Often, this kind of protection is used to head off industry interests. It's a marine protected area now—it has a special Act to exclude oil exploration."

4.4.3 Consultations Lack Credibility

While consultation is legally required for activities in the marine environment, such as offshore petroleum operations and MPA developments, interviews identified significant barriers and challenges in these processes. Here we note the primary concerns emphasized by interviewees about regulatory transparency and legislative inequities, which restrict public input and environmental considerations during the block offer. Next, we indicate perceptions of limited consultations in permits and consents. Finally, we outline challenges Māori face that restrict their ability to engage effectively in permit and consent processes.

4.4.3.1 Legislation complexity and inequity in block offer consultations

Interviewees commented on the ambiguity of legal requirements and concerns about the systemic exclusion of broader public consultation in early block offer decisions. The ambiguity was evident in those responsible for administering environmental legislation. For example, a government legislative administrator stated, "For block offers, [...] I don't know of any engagement requirements under the EEZ Act and the Resource Management Act." This statement illustrated a misunderstanding of the block offer consultations, since they are within the Crown Minerals Act.

Interviewees expressed concerns that block offer permits exclude broader societal participation. Under the EEZ Act, broader public consultation is mandated solely for discretionary notified activities, mainly related to oil and gas production (drilling). A government interviewee confirmed that, "Exploration—that's non-notified, so there's no public consultation." Government (with environmental portfolio's), ENGOs, scientists, and iwi interviewees contend that the regulatory framework bypasses inclusive consultation and public scrutiny. An ENGO interviewee explained, "So if that's [oil and gas exploration] already permitted and you can just go out there and do all that stuff, then there isn't actually any need to do public consultation at the consenting stage for the activity."

Several interviewees, including iwi representatives, government officials, and ENGOs, said that this exclusion prevents society from having a say in decisions with significant environmental and societal impacts. An ENGO said, “Stakeholder engagement in the offshore permitting process is highly restricted. This is because of provisions within the EEZ Act, which limit the ability for the public and stakeholders to have a say on oil permitting […]. In 2014, the Government made exploration drilling for petroleum in the EEZ […] non-notified activities, so an application for a marine consent for any of those activities may not be publicly notified.”

4.4.3.2 Mixed perspectives around consultation

Some interviewees, including government officials, expressed confidence in the consenting regimes and showed little concern for the permitting regimes' lack of inclusive societal consultations, perceiving it primarily as a “permit to access a specific area” and “just the allocation right to the mineral” [oil and gas] rather than a commitment to engage in petroleum development activities and indicating that the consultation during the consent phase would address any potential environmental issues arising from development activities. In contrast, some ENGOs and community groups excluded from the block offer consultation argued that separating environmental concerns from the permit regime was misleading and inequitable, reducing environmental oversight. An ENGO interviewee stated, “I actually don’t know how those block offers are decided. [...] The Crown has always said, this is us behaving as owners, and this isn't the kind of planning decision-making process related to environmental issues—which I think is bullshit!” This interviewee questioned government economic priorities and the absence of environmental scrutiny in early offshore oil and gas decisions.

Some interviewees accepted the consent phase consultation, while some government officials, ENGOs, and community members thought the consultation came too late. One ENGO interviewee said, “It's not like a consultation process about whether they should be offering it [permit]. I mean, at that point, they've offered it and people had bid, so it's a bit too late.” Similarly, another ENGO stated, “In our experience, there has been no meaningful pathway to have a say on offshore oil permitting through a formal process.”

4.4.3.3 Māori engagement and consultation challenges

Interviewees revealed barriers and challenges with block offer consultation. Both regulators and iwi interviewees emphasised the burden of permit and consent processes on iwi and hapū, who often lack the time, capacity, and resources to navigate engagement demands effectively. One iwi interviewee stated, “Māoridom must interact with both. That’s a huge burden because you’re interacting at block offer, you’re interacting at exploration permitting phases, and then you’re interacting with the actual consenting phase through the RMA or EEZ.” Another iwi interviewee argued, “the legislative construct has created barriers to

enable participation […] and has put iwi at a disadvantage" because consultation is not funded or valued, limiting "participation in the consenting and the permitting process." This leads to ineffective consultation, confusion, frustration, and sometimes judicial reviews. Iwi and hapū experienced confusion regarding process separation, noting, "Māoridom saw it as once the Crown issued the permit through the block offer, it was effectively signalling consent […] which caused significant confusion for many of them."

Government regulators, industry, and iwi interviewees identified the uncertainty on the exact location and types of activities under a block offer permit, limiting discussion. A regulator stated, "The difficulty is that we don't have at that [block offer] point […] the specific applications so it means that you're consulting with them [Māori] on something that may never happen, and […] you aren't able to tell them the specific activities" (details addressed later in consenting regime). At the block offer stage, large areas and activity locations remain undecided, preventing iwi and hapū from identifying cultural impacts. A iwi interviewee explained, "The block offer process was a very clunky piece of mechanism […] for Māoridom because it artificially separated us from the environmental impact." Their worldview "considers environmental aspects at the beginning of the process." Lack of trust was also an issue, particularly when Māori rights and interests were inadequately considered during the decision-making process of the block offers. One iwi interviewee stated, "Consultation, you can consult and then ignore. Most of the current legislation is built around consulting and obtaining feedback. But the decision-making is still made by the Crown alone."

4.4.4 MPAs in the EEZ

A significant issue is the lack of a specific legal framework for conservation MPAs that meet international agreements within the EEZ and a national marine policy (Peart and Koolen-Bourke, 2025). A government interviewee said, "None of our key bits of legislation…rarely allow you to have marine protected areas outside of their [territorial seas]." Interviewees described MPAs as "largely piecemeal and ad hoc," discrete areas often driven by "community bottom-up initiatives" An industry interviewee said, "I'll say the biggest problem New Zealand has is it doesn't have a cohesive marine policy […] and every industry has different rules basically." A government interviewee observed that A-NZ's marine strategies are "reactionary […] not very visionary," and as a result, they lack a "long-term national picture" for marine resource and conservation management, particularly considering the implications of climate impacts.

Interviewees consistently identified the need for high-level biodiversity protection and called for integrated strategies to manage marine resources that incorporate broader "climate impacts." A barrier identified was the lack of legislation to establish MPAs in the EEZ. A scientist explained, "Currently, the only legislation is for territorial seas. So, without a mechanism to do EEZ management, New Zealand can never actually

achieve its 30 per cent targets because we have a 30 per cent global target in the marine environment that New Zealand has signed up for, but we don't actually have a mechanism to implement it."

4.5 Discussion

Insights from interviewees highlight the complex and contradictory nature of A-NZ's regulatory frameworks, especially raising questions about the integrity of its consultation processes and its inequitable outcomes, where petroleum development is supported, while compromising marine environmental protection. Block offer decisions exclude environmental concerns, and societal views, while strategies for integrated ocean protection policies are lacking. These findings echo findings in A-NZ and other jurisdictions (Chandler, 2022; Kapoor et al., 2021a; Loomis, 2017; Rutherford et al., 2025; Widener, 2018a, 2022), where limited requirements for broader public consultation within offshore petroleum laws and policies highlight issues surrounding democratic decision-making in marine conservation and resource extraction. Similar regulatory complexities, consultation legitimacy, and a tendency to prioritise industry interests over environmental and societal concerns have been studied in Greenland (Olsen and Hansen, 2014), Australia (Luke et al., 2018; Samuel, 2020b), Canada (Kapoor et al., 2021a), Argentina (Socrate et al., 2024; Verón et al., 2022), South Africa (Meissner, 2025), and the United States (Malin and Ryder, 2023). These studies highlight a significant imbalance of resources, interests and power.

The intersection of the A-NZ offshore petroleum block offer process and marine environmental approvals exposes some of these notable challenges and disparities in its regulatory policies, particularly the need for integrated ocean policy frameworks that address the complexities of marine resource extraction and protection (see EDS, 2025; Macpherson et al., 2023). Furthermore, A-NZ offshore regulatory framework should be independent and separate, with equal authority and expertise to those of agencies dedicated to promoting the industry (Holley et al., 2021; Malin and Ryder, 2023).

Here, we focus on four implications from the findings: the credibility of regulatory processes in the block offers; the integrity of consultation processes; the vulnerability of the EEZ to resource extraction with limited high-level MPAs; and how electoral cycles influence intergenerational sustainability in resource management and conservation planning (Carrick et al., 2022; Tang and Brody, 2009). Drawing on the broader literature and recognizing the need for further research, we offer recommendations for moving towards integrated ocean governance and planning.

4.5.1 Regulatory Fragmentation: Economic versus Environmental Protection

Our analysis identified significant fragmentation and complexity in A-NZ's offshore oil and gas regulatory framework. Interviewees noted a complex legislative structure that operates independently, with multiple

decision-making bodies having overlapped regulatory roles. Particularly, the separation of permits and consent regimes, within the Crown Minerals Act and EEZ Act, restricts societal input in the decision-making process at critical policy decisions, enabling a prioritisation of economic interests over environmental and societal concerns (Kapoor et al., 2021a; Rutherford et al., 2025). In line with Loomis (2017) and Bond et al. (2019), interviewees contended that the deliberate separation of environmental concerns addressed within the Crown Mineral Act, coupled with permit decisions restricting public engagement, has allowed the government to effectively exclude environmental considerations in the early stages of petroleum development, specifically the block offers. Additionally, interviewees highlighted that the 2014 amendment to the EEZ Act, which introduced non-notified discretionary classification for exploration activities, created a framework to secure the industry's social licence while also preventing social dissent against it (see Bond et al., 2023a; Loomis, 2017). This underscores a broader concern with legislation that appears to be structured in favour of economic development, rather than considering long-term impacts on the environment and climate change (Bond et al., 2019), and reflects a broader trend of governments systematically removing space for debate and dissent via legislation (Bond et al., 2023a; Diprose et al., 2016; Widener, 2022).

4.5.2 Consultation processes: Limitations and integrity in block offer decisions

The consultation issues revealed in our study show that block offer decisions were intentionally limited through legislation, restricting public input and environmental oversight—thereby excluding broader societal engagement and exposing inequitable resource extraction outcomes (Carrick et al., 2022; Ortiz-Riomalo et al., 2023). The separation of petroleum permits and environmental consents and limiting public input in block offer decisions leads to fragmented public oversight and restricted societal scrutiny of petroleum development (Loomis, 2017; Malin and Ryder, 2023). Diverse interviewees perceived this process as fundamentally inequitable, arguing that it lacks adequate societal input and limits environmental scrutiny at a critical decision-making stage of oil and gas licensing (Kapoor et al., 2021a). This systemic fragmentation burdened Māori and positions them as “stakeholders” in consultations rather than “partners” in block offer decisions. Not recognising Māori as partners in critical decisions of resource extraction reinforces inequity and colonial power imbalances (Bruce et al., 2024; Reed et al., 2024). Inadequate recognition of Māori rights and interests reflects broader issues of inclusivity in offshore petroleum decisions (Carrick et al., 2022; Moon et al., 2019).

These consultation issues reflect the broader democratic deficits in resource extraction governance in A-NZ, as the processes prioritised economic interests over meaningful consultation with Māori and the public (Malin and Ryder, 2023). Instead, early involvement and adapting more holistic perspectives that align with Indigenous approaches to resource extraction are needed (Boyd and Lorefice, 2019). Neglecting Indigenous

worldviews, climate, and environment (Talbot-Jones et al., 2025) is a common undemocratic practice in resource extraction industries (Carrick et al. (2022). This systemic misalignment creates barriers to dissent and undermines transparency and equity in resource and environmental decision-making, directly contradicting established principles in planning literature that emphasize collaborative participation and inclusive engagement at early decision stages (Carrick et al., 2022; Ortiz-Riomalo et al., 2023).

Interviewees' concerns reveal a disconnect between Western consultation frameworks and Indigenous understanding of resource relationships (Rewi and Hikuroa, 2023), raising critical questions about the genuine value placed on Māori participation and whether adequate resources are provided to bridge these worldview differences (MacArthur and Matthewman, 2018). Policzer (2024) advocated for extractive industries to adopt collaborative governance practices from sectors like education and health and supported early community and Indigenous consultations, as well as incorporating diverse views to enhance "transparency and inclusivity" (p. 1), leading to more effective and equitable outcomes.

Future research should explore individuals' perspectives on consultation and consent in offshore petroleum extraction in A-NZ. Given A-NZ's laws and international commitments to uphold the *United Nations Declaration on the Rights of Indigenous Peoples* (2007), particularly article 32, petroleum regulatory frameworks are required to conduct 'free, prior and informed consent' (Bruce et al., 2024). Yates (2018, p. 173) notes that governments and extractive industries often view consultation as a one-way process that does not offer opportunities to influence decisions, leading to "box-ticking" practices. They emphasise that meaningful inclusivity in resource decisions moves away from these consultative practices, requiring participation to align with "collaboration and empowerment" spectrums. Similarly, Boyd and Lorefice (2019) highlight that differing worldviews regarding the meaning of 'duty to consult' influence the outcomes of consultation in resource development, where governments and industry perceive consultation as a procedural formality, whereas Indigenous Peoples seek consensus-building and co-decision-making (Bruce et al., 2024).

4.5.3 Challenges for MPAs in the EEZ: Legislative gaps and fragmentated governance

Our study documented A-NZ's shortage of high-level marine conservation-focused MPAs within the EEZ, and the vulnerability in managing resource extraction and conservation (Venegas-Li et al., 2019). Interviewees observed the absence of a specific legal framework for highly protected conservation MPAs within the EEZ and a comprehensive national marine policy (Macpherson et al., 2024). The Marine Reserve Act is ineffective for MPA development in the EEZ and in reaching A-NZ's biodiversity conservation targets (Jefferson et al., 2023). Peart and Koolen-Bourke (2025, p. 13) observed little progress since the introduction of the first marine reserves 50 years ago, with frameworks confined to coastal areas. Currently,

oil and gas operations can take place anywhere in the EEZ, with restrictions around Seamount closures (DOC and Ministry of Fisheries, 2008) resulting in less than 1% of the EEZ with high-level biodiversity protection (Jefferson et al., 2023).

Due to the inadequacy of legislation, interviewees described MPA establishment and resource management as "largely piecemeal and ad hoc," driven by community/fisheries initiatives. This fragmentation results in different activities being managed under separate laws, leading to a lack of cohesive national ocean policy and objectives (Macpherson et al., 2024). Interviewees contended that governmental prioritisation of fisheries and petroleum sectors, combined with short-term election cycles, compels communities to establish ad hoc MPAs under separate legislation, some specifically to "prevent oil and gas" development. Macpherson et al. (2023) noted that efforts to establish legislative MPA reforms and an overarching oceans policy with significant MPA coverage in the EEZ have faced resistance from the fisheries sector and challenges due to political influences. Long-term marine planning and conservation efforts are impeded, despite an increasing recognition of the environmental and climate impacts of petroleum activities (Davies et al., 2018; Wolf et al., 2025).

Interviewees consistently advocated for an integrated strategy to manage marine resources, focusing on "high-level protection" and incorporating broader "climate impacts." Horizon Research (2024) reported that 81% of participants supported increasing MPAs, and 71% want the government to prioritize ocean health and conservation policies. Jefferson et al. (2023) argued that increasing effectiveness and placements of protected areas could improve the paltry 1% high-level biodiversity protection in the EEZ. Our analysis aligns with (Macpherson et al., 2024; Talbot-Jones et al., 2025), who emphasised an integrated approach to marine governance, ensuring that adequate conservation goals are met while supporting a sustainable extractive industry. They advocated for approaches that focus on "multi-actor collaboration" (Reo et al., 2017) to ensure policies align with ecological objectives, which is consistent with environmental planning (see Tang and Brody, 2009). Additionally, Fisher et al. (2022) noted the importance of incorporating the unique cultural and environmental contexts of Aotearoa, ensuring that the interests of Māori are respected and included in protection strategies (Reid and Rout, 2020).

4.5.4 Pathways for integrated ocean management

The decade-long Sustainable Seas National Science Challenge (2014-2024) provided comprehensive science and tools for employing integrated ocean management (see https://www.sustainableseaschallenge.co.nz/). Building on this foundation, researchers have identified several promising pathways. Fisher et al. (2022) advocated integrating Māori knowledge systems with ecosystem-based management to tackle cross-sectoral conflicts through broader marine governance. Talbot-

Jones et al. (2025) proposed using marine spatial planning to drive ecosystem-based management through bottom-up community processes that prioritise local decision-making. However, achieving integrated management requires fundamental structural changes to address fragmentation across the petroleum resource and conservation sectors. Macpherson et al. (2024) identified sector-specific laws and short-term electoral cycles as key barriers to broader marine ocean management, advocating for a unified Ministry for the Ocean in partnership with Māori (Peart and Koolen-Bourke, 2025). This shift toward integrated marine legislation would shift A-NZ toward holistic, community-focused governance with ecosystem-based management at its core (Macpherson et al., 2023).

Pathways to integrated management in offshore marine development will require addressing regulatory gaps as well as democratic collaboration, equity across generations, and economic versus ecological priorities (Carrick et al., 2022; Chandler, 2022). Notably, these are avenues for future research.

4.5.5 Robustness and limitations with interviews

Despite the offshore petroleum ban, some government interviewees, particularly regulators, were hesitant to discuss or appeared indifferent towards fossil fuel development in A-NZ, which was surprising given the country's history of socio-political debates, opposition to oil and gas expansion, and increased dissent alongside efforts to expand petroleum (see Bond et al., 2019; Bond et al., 2023b; Diprose et al., 2016; Loomis, 2017; Widener, 2018a, 2021). We expected more concern, but government officials, industry representatives, and some community members accepted the industry's role as normal for energy security and energy transition, aligning with ‘common sense business’ described by Diprose et al. (2016) and Bond et al. (2019), who said Aotearoa-NZ’s government, with the petroleum industry, has created policies to normalise extraction and dismiss dissent, a point also made by Loomis (2017). Despite frustration over the plan to renew petroleum development and enact a fast-track approval process by the sixth National-led coalition, most government and council interviewees (n=9) hesitated to share personal views. Overall, aside from the EPA's reluctance to participate and our inability to interview other Māori groups, we were able to gain important and diverse perspectives from all participants.

4.6 Concluding Remarks for Aotearoa New Zealand

Our interviews showed a strong interest for A-NZ to adopt an integrated approach to marine management, particularly in the EEZ, and aim for inclusive decision-making that fosters socio-economic and socio-ecological intergenerational equity in sustainable resource use and marine conservation (Chandler, 2022; Urlich et al., 2022). This aligns with a key message from the 2025 UN Ocean Conference, which emphasised the need for a collective effort to achieve more inclusive and intergenerationally responsible ocean management (Tsioumanis and Hovden, 2025).

Overall, our findings show A-NZ as a nation grappling with the urgent need for integrated marine management, impeded by electoral cycles and neoliberal economic systems prioritizing development over the environment (Crawley and Chapman, 2025; Loomis, 2017). As offshore oil and gas exploration is back on the agenda, meanwhile community advocacy to protect Aotearoa—imagined as the ‘clean green’ land of the long white cloud (Diprose et al., 2016)—is growing. Absent MPAs in the EEZ, the tension between offshore petroleum development and marine conservation is likely to escalate in A-NZ.

4.6.1 Declaration of generative AI and AI-assisted Technologies in the Manuscript Preparation Process

Complementing our literature search and review, the author(s) utilized SciSpace, reviewed and read selected literature (uploaded PDFs) identified through scholarly searches related to core research areas. We did not employ the 'deep dive AI' feature in this research. The author(s) carefully read, reviewed and critically analysed all content provided by the SciSpace, verifying the information by directly reading the original source publications, and take full responsibility for the contents of the published manuscript.

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Chapter 5 | A Comparative Perspective: Roadblocks and Enablers – Consultation in Offshore Area Selection

5.1 Introduction

The primary objective of this research was to investigate the decision-making processes and consultation at the early stages of petroleum development. Specifically, investigating how Australia and Aotearoa-NZ select marine areas for petroleum extraction, consider spatial overlap with MPAs, and integrate stakeholder consultation into early licensing decisions.

Offshore petroleum licensing in Australia (Chapter 3, section 3.3.2) and Aotearoa-NZ (Chapter 4, section 4.3.2) begins with the designation of marine areas for petroleum development and involves a competitive bidding process, where successful bidders receive exclusive exploration rights for oil and gas. In Australia, permits are issued through the acreage release process (Chapter 3, Figure 3-4) under the Offshore Petroleum and Greenhouse Gas Storage Act 2006 (Cth) (OPGGS), where federal and state [4]Joint Authority grants exploration permits (Chandler, 2018; DISR, n.d.-a). This process includes a 30-day public comment period (Figure 5-1) and does not legally require engagement with Aboriginal First Peoples regarding acreage release. In Aotearoa-NZ, the block offer (Chapter 4, Figure 4-3) and the new 'open market[5]' competitive process (August 2025) (NZP&M, 2025b), are regulated by New Zealand Petroleum and Minerals (NZP&M) under the Crown Minerals Act (1991, s24, CMA)(s24). The Resource and Energy Minister [6] for the Ministry of Business, Innovation and Employment (MBIE) grants exploration permits to the successful bidder (NZP&M, 2025d, n.d.-e). Under the CMA (s4), consultation with iwi and hapū is mandated before the block offer bidding (Figure 5-1), yet both permit processes exclude broader public consultation (NZP&M, n.d.-a).

[4] Joint Authority comprises the State and Northern Territory resources ministers, and the Minister for Resources and Northern Australia, with its portfolio under the Department of Industry, Science and Resources (DISR), has the final decision on acreage released. For organisational structure and roles, see NOPTA's 'Relevant Decision Makers' https://www.nopta.gov.au/legislation-and-compliance/legislative-overview/relevant-decision-makers.html.

[5] In August 2025, the sixth National Coalition government amended the CMA, reversing the 2018 ban, adding a secondary process, the 'open market competitive process, where companies can apply for petroleum prospecting or exploration permits anytime, anywhere, which allows petroleum development.

[6] The block offer permits awarding are awarded by the Minister of Energy and Resources for MBIE, with intergovernmental regulations carried out by five other agencies. For the regulatory structure, see the NZP&M site: https://www.nzpam.govt.nz/how-we-regulate/legislation-we-act-under/petroleum-regulators.

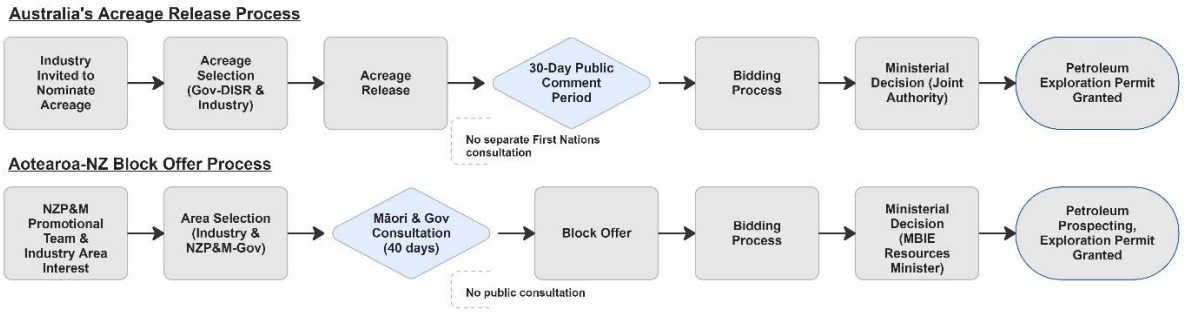

Figure 5-1 A comparative overview of Australia and Aotearoa-NZ's offshore petroleum acreage allocation and bidding processes, highlighting where consultation occurs and with whom. Aotearoa-NZ's recent 'open market competitive' permit process occurs outside of the block offer, so it was not included in this figure (see NZP&M, 2025b). Figure created with Miro Software.

This chapter presents a comparative analysis of Australia and Aotearoa-NZ, examining how regulatory frameworks shape petroleum area release decisions, the realities of consultation processes, and the marine conservation outcomes, and identifies key procedural barriers and enablers (Kapoor et al., 2021a; Peters, 2020; Saunders et al., 2024). Drawing on 'stakeholder', societal, and Indigenous participation and resource conflict scholarship, both case studies reveal shared barriers and enablers, as well as core challenges and opportunities for improving inclusive decision-making within the early area selection processes (Carrick et al., 2022; Renaldo et al., 2024; Tafon et al., 2022; Tang and Brody, 2009; Yates, 2018). By explicitly linking barriers to potential solutions, this chapter underscores the importance of collaborative consultation (participation) and integrated marine planning strategies—such as Strategic Environmental Assessment (SEA), supported by Marine Spatial Planning (MSP) and Ecosystem-Based Management (EBM)—as effective mechanisms for overcoming institutional and regulatory limitations (Carrick et al., 2022; Lukambagire et al., 2024; Policzer, 2024; Talbot-Jones et al., 2025).

5.2 Methodology Context - Comparative Approach

To explore these barriers and possible solutions, I used a cross-case comparison of early offshore petroleum licensing decisions (area releases) in Australia and Aotearoa-NZ (see Chapter 2, Section 2.3). The comparison identified patterns and traced their link to outcomes (Fontaine, 2020), focusing on how procedural and institutional factors influence offshore regulation and engagement processes. Three planning theory elements guide this analysis: socio-ecological idealism, collaborative consultation practices, and procedural economic/environmental democracy (see Appendix C; Carrick et al., 2022; Lawrence, 2000; Tang and Brody, 2009). This framework helps explain similarities and differences in regulatory and consultation processes and identify the outcomes that may contribute to contentions (Carrick et al., 2022; Tafon et al., 2022; Tang and Brody, 2009).

Comparing procedural and institutional factors, such as marine area selection, 'stakeholder' engagement processes, Indigenous Rights, and marine planning priorities, with the petroleum licensing frameworks provides exploration for opportunities to better incorporate conservation priorities into future petroleum licensing decisions (Kittinger et al., 2024; Stephenson et al., 2023). Here, the term 'area release' will be used to collectively describe the acreage release (AUS) and block offer (ANZ) in both jurisdictions. Where necessary, specific terminology will be applied to differentiate between the procedures of Aotearoa-NZ and Australia.

This analysis draws on multiple sources of evidence, including data from 59 interviews conducted as part of this research, as well as academic literature, media articles, public submissions and government documents. While all 59 interviews informed this comparison, 11 interviews—6 from Australia and 5 from Aotearoa-NZ—were used to support key arguments and discussions in this chapter.

5.3 Results and Discussion

Cross-case analysis compares similarities and differences between cases. It is often combined with process-tracing—examining how events and decisions unfold—to infer how and why observed outcomes occur (Bennett et al., 2019; Fontaine, 2020), and one way to present these commonalities and divergences is through tabularisation (Yin, 2018b).

Results are presented in three sections supported by the three tables, which lay the groundwork for exploring reform pathways (Figure *5-2*) to tackle and overcome the barriers to effective consultation in both jurisdictions. These sections include:

1) A brief comparative overview is provided and summarised Table 5-1.

2) Key barriers and enablers within the petroleum regulatory framework and marine conservation are discussed and summarised in Table 5-2 – including the temporal sequencing of processes, industry capture strategies (economic and industry priorities), and ineffective consultation structures (Schmidt et al., 2020; Yates, 2018).

3) The core divergences showing fundamental structural differences in regulatory approaches across three dimensions: Indigenous Rights Frameworks, Public Consultation Access, and the Intersection of MPAs and Petroleum (see Table 5-3).

Three key reform pathways (Figure 5-2)—procedural, institutional, and rights-based—offer potential solutions to address the main obstacles to more inclusive, collaborative, and integrated marine governance at the intersection of petroleum exploration and marine conservation (Steadman, 2021; Stephenson et al., 2023).

5.3.1 Regulatory Contexts: Comparative Overview (Table 5-1)

This section provides an overview of the main context of petroleum regulation frameworks and marine governance, focusing on notable similarities, differences, and overall patterns in managing offshore petroleum activities and marine conservation efforts (Table 5-1). It highlights key similarities and differences between the two jurisdictions in areas such as regulatory authority, acreage selection, consultation procedures, and the alignment of oil and gas activities with MPAs and climate policy objectives.

Table 5-1 Comparative overview of Australia and Aotearoa-NZ petroleum regulatory framework and marine conservation, specifically referring to the early stages of offshore petroleum legislation—acreage release and block offer processes.

Context Area	Australia	Aotearoa NZ	Comparative Observations
Legislative Foundations & Lead Regulatory Agency	Offshore Petroleum: OPGGS Act Conservation Protection Intersect: EPBC Act, Marine Parks Act Regulatory Agency: DISR (permits), NOPTA (administrative), NOPSEMA (environment/safety) (DISR, n.d.-a; NOPSEMA, 2025)	Offshore Petroleum: Crown Minerals Act 1991 Conservation Protection Intersect: EEZ Act, Marine Reserves Act (Resource Management Act 1991) Regulatory Agency: NZP&M (permits), EPA (environment), DOC (conservation), WorkSafe (safety), Marine Transport (discharge) (NZP&M, n.d.-c, n.d.-e)	Offshore Petroleum: Both complex & fragmented Conservation Overlap: Degree of integration (AUS) vs minimal (ANZ) Regulatory Structure: Federal & State Authority (AUS) vs. Centralised (Government) (Chandler, 2018; DOC, 2013; EPA, 2018b; Loomis, 2017; NOPSEMA and Parks Australia, 2024)
Licensing Decision Authority & Processes	Joint Authority model (Commonwealth/State/Territories resources ministers) DISR coordination, NOPTA administration, ministerial final approval (Commonwealth Resources Minister) (DISR, n.d.-a)	Centralised Federal Ministerial model; NZP&M facilitation & assessment; MBIE Minister of Resources & Energy final authority (NZP&M, n.d.-c)	Both decision authorities are ultimately federal, despite consultations: **AUS**: more fragmented across jurisdictions **ANZ:** more streamlined around one department
Acreage Selection Processes	Official industry nomination approach (NOPTA); Annual acreage release process (paused 2023-present), post-2018 public comment period (alongside all stakeholders) (DISR, 2018, n.d.-b; NOPTA, n.d.-a)	Area selection - NZP&M promotional team & industry 2012-2018 annual block offer system, 2018-2023 petroleum ban, post-2024 on-demand application by industry (open market competitive process) with fast-track approval opportunities (see NZP&M, 2025b - Open market competitive process; n.d.-d)	Both countries provide opportunities for industry in area identification, yet timing and formality differ: **AUS:** Official process **ANZ:** NZP&M promotes industry interest (until 2018); currently, the industry can suggest areas at any time (DISR, n.d.-b; NZP&M, 2025b)
MPA Design & Petroleum Intersection	IUCN-aligned zoning Multipurpose/Special purpose (IUCN IV-VI) allows petroleum Sanctuary zones prohibit petroleum (IUCN 1a, 1b, II) Commonwealth Marine Parks approval from Parks Australia (NOPSEMA and Parks Australia, 2024)	Strongly modified IUCN classification (Type-based); Type I (marine reserves) & most Type II prohibit petroleum (territorial sea); EEZ mostly open except seamount closure (activities unlikely to be approved) (DOC, n.d.; Environment Foundation, 2025; EPA, 2018b)	Both allow petroleum in MPAs, yet through different mechanisms: **AUS**: spatial zoning around classification & broader marine bioregional plans (not MSP) **A-NZ:** Activity restriction; Petroleum allowability based on activity type rather than spatial zoning Neither has a broader marine planning strategy; yet, AUS has six marine regional management plans for Commonwealth waters (as of 2018)
Public Consultation/Input	Yes (post-2018); comment on acreage release (yet influence not clear)	No – mostly internal government-industry process	**AUS:** includes public **ANZ:** excludes public
Strategic Assessments	No SEAs - Limited planning pre-acreage release Restrictions around MPA are detailed in the Commonwealth Regional Marine Management Plans (Burdett and Cameron, 2021; Chandler, 2022; Parks Australia, 2025)	No strategic planning pre-block offers Regional plans (territorial seas only) (Morgan and Taylor, 2021; NZP&M, n.d.-e)	Both lack SEAs – similarity (rely on consultation approach)

Context Area	Australia	Aotearoa NZ	Comparative Observations
Indigenous Engagement/Rights	Native Title Act 1993 (Cth), stakeholder engagement consultation, case law setting precedent on First Nations consultation requirements (DISR, n.d.-b; JSCATSIA, 2023)	Treaty of Waitangi (Te Tiriti o Waitangi) obligations, iwi/hapū as constitutional rights holders (not just stakeholders), partnership principles (NZP&M, n.d.-b)	Fundamental difference in legal status-Stakeholders (AUS) vs Treaty Partners (ANZ) with implications for procedural rights **ANZ** more substantial framework aligned with Indigenous rights AUS: Unresolved First Peoples constitutional rights
Climate Policy (Alignments): Consideration in Acreage Release	Net Zero 2050 (Climate Change Act 2022), 62% reduction by 2035 (from 2005 levels), adopted industry emissions Safeguard Mechanism Climate impact consideration in AR = No Yet the 2024 change requires Ministers to consider environmental regulation, against energy security (Climate Change Authority, 2025; DCCEEW, 2025a, 2025b)	Net Zero 2050 (Climate Change Response Zero Carbon Amendment Act 2022), biogenic emissions separated, 50% below 2005 by 2030 Climate impact consideration in BO = No, yet 2025 court rulings stipulate consideration prior to licensing. (see Climate Clinic Aotearoa Inc v Minister of Energy and Resources [2025] NZSC 197, 2025) (CCPI, 2025; Ministry for the Environment, 2025)	Both have similar long-term targets and different implementation strategies. **AUS:** No direct legal requirement – yet the carbon capture & storage AR policy is considered a way to integrate climate concerns, and strong advocacy for future reforms of the EPBC Act to include this. (Samuel, 2020) **ANZ:** Recent policy changes on fossil fuel development. December 2025 Supreme Court ruling: climate change impact must be considered prior to block offers under the CMA (Newton, 2025; NZP&M, 2025b)

5.3.1.1 Interpretative Analyses

As noted in previous chapters, Australia and Aotearoa-NZ have different approaches to ocean management in offshore petroleum exploration decisions. Australia's regulatory model operates through a fragmented federalist system via a Joint Authority with state-Commonwealth collaboration, includes public consultation at the acreage release (since 2018), and positions First Nations as 'stakeholders' rather than partners in consultation and decision processes (Abley, 2016; Chandler, 2018). Whereas Aotearoa-NZ's centralised ministerial authority within MBIE—with an internal government consultation pool, and a legal mandate to engage with Māori as Treat partners, yet exclude public input at the block offer—essentially makes this an internal process within the government department of NZP&M (Bond et al., 2023a; NZP&M, n.d.-a, n.d.-b). A commonality lies in that the final decision rests with federal resources ministers—and both jurisdictions delegate decision-making authority to resource portfolios that function largely independently of marine conservation planning and climate policy (DISR, n.d.-b; NZP&M, n.d.-a).

Both jurisdictions allow variations in the allowable overlap between fossil fuel extraction and MPAs, distinguished by the type of protection, though specific allowances differ. Australia's MPA area allocation considers IUCN-aligned spatial zoning restrictions, while allowing petroleum development in special-purpose and multipurpose zones (IUCN IV, V, VI) and restricting all oil and gas activities in highly protected zones (IUCN 1a, II and National Parks) (NOPSEMA and Parks Australia, 2025). While Aotearoa-NZ currently has limited restrictions within its EEZ for petroleum activities, it employs activity-type-based restrictions in MPAs, such as allowing seismic in marine mammal sanctuaries and prohibiting drilling in Type 1 marine reserves (DOC, n.d.; Environment Foundation, 2025). Despite these structural differences, they have created barriers to meaningful consultation at acreage selection (Yates, 2018).

Table 5-1 highlights three core similarities that question the credibility and effectiveness of the consultation process in the initial acreage selection decisions. Firstly, the absence of any formal strategic environmental assessment (SEA) or marine spatial planning before making acreage available for petroleum development, in contrast to other international oil & gas producing jurisdictions like Norway, the United Kingdom and Canada, which utilise SEAs to consult prior to marine area allocation (Chandler, 2022; Hauge, 2025). This means that marine area allocations are made without evaluation of environmental, cultural, and cumulative impacts in these early decisions (Kapoor et al., 2021a). Second, both jurisdictions officially incorporate industry input into selecting (nominating) marine areas before official acreage releases for bidding—Australia formally invites industry to nominate areas of interest via DISR, and Aotearoa-NZ's petroleum regulator, NZP&M, conducts promotional consultations or responds to on-demand requests from industry—prior to broader public and Indigenous consultation (Abley, 2016; Chandler, 2018; NZP&M, n.d.-a). This creates fundamental structural asymmetries that influence whose interests determine the initial area

selections. Third, recognising that both countries have strong legislated climate/emission targets (net zero by 2050) and possess, albeit evolving, robust marine protection frameworks, yet petroleum licensing proceeds through separate institutional pathways with no formal mechanisms requiring alignment or compatibility assessment (CCPI, 2025; DCCEEW, 2025a; Newton, 2025).

5.3.2 Barriers to Credible Consultation & Equitable Decisions (Table 5-2)

Presented in Table 5-2, five systemic barriers (structurally built into the frameworks) undermine the effectiveness of consultation during the early stages of acreage selection 1) temporal sequencing (the order and timing of decision-making processes) (Verón et al., 2022); 2) industry capture mechanisms (Holley et al., 2021); 3) performative consultation (Vespa et al., 2017); 4) inconsistencies in Indigenous engagement; and 5) climate policy misalignments (Boyd and Lorefice, 2019; Campbell et al., 2023). These challenges create policy frameworks that favour petroleum development, often at the expense of marine conservation and societal and Indigenous rights (Crawley and Chapman, 2025; Policzer, 2024; Samuel, 2020). Here, the analysis focuses on the three most fundamental barriers—temporal sequencing, industry capture mechanisms, and performative consultation.

Table 5-2. Barriers to effective consultation in petroleum area release decisions, comparing the shared patterns, divergences and implications for meaningful stakeholder engagement and integrated marine conservation in area release decisions in Australia and Aotearoa-NZ.

Barrier Context	Australia	Aotearoa NZ	Shared Patterns	Key Divergence	Why This Matters	Implication for Consultation
Temporal/ Sequence of (processes)	No SEA pre-acreage release (AR) Environmental assessments EA deferred to later stages Geoscience conducts low-impact surveys prior AR: Seismic after AR (except for Special Prospecting Authority permits pre-AR) (DISR, n.d; NOPTA, n.d.-b)	No SEA pre-block offer EA deferred to later permitting stages Seismic after block offer (EPA, n.d.)	Neither conducts strategic assessments (SEAs) prior to acreages being released Right (permits) conferred before environmental or cumulative impacts assessments. (Chandler, 2022, Chapter 3; NZP&M, n.d.-e)	**AUS:** some government survey data **ANZ:** is more dependent on the industry for geological data	The area allocation approach creates path dependency; once rights to areas are granted, they are hard to overturn, and pressure to approve environmental assessments rises. (Ernst and Preston, 2017 - path dependency)	Reactive consultations and restricts debate over area suitability and the assessment of environmental, social, or cultural values before the decision. (Lamorgese et al., 2015; Tafon et al., 2022; Yates, 2018)
Industry Capture Mechanisms (Economic & Industry Priorities)	Official process: Industry invited to nominate areas of interest, shaping acreage selection and AR process (early influence) (DISR, n.d.-b)	Pre-2018: NZP&M promotional team engages with the industry on the area of interest. Post-2024: policy allows industry to request areas of interest at any time (NZP&M, 2025b; Widener, 2021)	Industry shapes area selection before other stakeholders are consulted. Structural asymmetry in participation/ consultation timing and influence. (Holley et al., 2021; Kapoor et al., 2021a; Renaldo et al., 2024)	**AUS:** Formalised invitation process (industry nominates areas) **ANZ:** Ad-hoc promotional approach; recent changes to a less publicly visible 'anytime/on demand' approach (Open Market Competitive Process as of 2025) (NZP&M, 2025b)	Commercial prioritises are embedded in societal decision-making, with economic interest dominates area selection and petroleum potential priorities over multiple oceanic uses; environmental protection becomes a justification rather than mandatory. (Ortiz-Riomalo et al., 2023; Tang and Brody, 2009; Vespa et al., 2017)	Consultations are structured to privilege industry, requiring conservation concerns & Indigenous voices to oppose predetermined outcomes rather than co-design spatial decisions. Early consultation in AUS is downstream of industry influence, reinforcing inequitable petroleum area allocation. (Bruce et al., 2024; Holley et al., 2021; Walker and Daniels, 2019; Yates, 2018)
Performative Consultation/ Transparency	Pre-2018: No public consultation on AR. Public comment introduced during Arin 2018, yet described as 'box-ticking, window dressing'. No response requirement to show how public comments influence acreage release decision (DISR, n.d.-b; NOPTA, n.d.-a)	Māori consultation is legally mandated, yet limited evidence of its impact on block offer decisions. No public consultation—described as internal government-industry decisions and 'undemocratic' (Bond et al., 2019; NZP&M, n.d.-b)	Performative consultations, even when mandated and limited visible influence on decisions regarding area release. Success is measured by completing the process, not by shaping outcomes, and ministerial decision accountability remains limited and opaque.	**AUS:** Has a public comment process, yet effectiveness is questioned **ANZ:** No public comment process and Māori consultation iis perfunctory (NZP&M, n.d.-b)	When consultation is seen as performative, trust in the process diminishes, leading to social opposition, legal challenges, and the decline of democratic principles and accountability. (Aitken et al., 2016; Carrick et al., 2022; Suiseeya, 2020; Yates, 2018)	Without transparent reporting on how submission and public input are considered, stakeholders and individuals waste time and resources without evidence their input influenced outcomes, fosters cynicism and the perception of predetermined decisions. (Schillemans, 2022; Yates, 2018)

Barrier Context	Australia	Aotearoa NZ	Shared Patterns	Key Divergence	Why This Matters	Implication for Consultation
Indigenous Engagement/ Rights Gaps	First Nations as stakeholders, not rights holders. The *Native Titles Act* provides procedural consultation rights Consultation after acreages selection Recent case laws have changed the consultation requirement for First Peoples (ANTAR, 2024; DISR, n.d.-b; Lawrence and Westland, 2024)	Treaty of Waitangi (Te Tiriti o Waitangi, 1840) establishes Crown-Māori partnership, rights holders not merely stakeholders. Legal duty to consult iwi/hapū before block offers. The Crown (government) has final authority on petroleum development; limited evidence of co-decision or partnership (in practice) (NZP&M, n.d.-b)	Despite the approaches (stakeholder vs treaty partner), both cases fail to effectively apply Indigenous rights during area selection. The Indigenous opportunity to object occurs after the industry selects areas of interest. Limited evidence that cultural or customary rights affect area selections. (Bruce et al., 2024; Rioux-Gobeil and Thomassin, 2024)	**AUS:** Indigenous rights foundation weak regarding resource rights, despite title rights, **ANZ:** The Treaty provide a stronger constitutional framework, but meaningful implementation gaps exist *(See* Table 5-3 *for framework comparison)* *(Environmental Defenders Office, 2024)*	Exclusion of Indigenous rights holders in decisions enables colonial patterns: marine areas selected for petroleum without Indigenous co-decision or governance. It also highlights failures to honour treaties, respect sovereignty, and fulfil the government authorities' fiduciary duties (e.g. fairness, integrity) (ANTAR, 2024; Bruce et al., 2024; Darling et al., 2023)	Consultation happens too late to influence decisions and prevent conflicts; and fail to meet legal obligations; Indigenous knowledge is rarely used in selecting acreages. Consultation becomes about mitigating impacts rather than contributing to resource decisions. (Boyd and Lorefice, 2019; Bruce et al., 2024; Rioux-Gobeil and Thomassin, 2024)
Policy Incoherence (Climate & MPA/Petroleum Intersection)	Net zero 2050; 62-70% by 2035. **Yet:** Future Gas Strategy to 2050; 45-year approval for Woodside LNG in Western Australia; no assessment of alignment with carbon budgets. Australia's Safeguard Mechanism applies to production emissions but doesn't constrain licensing MPA spatial plan exists, but petroleum licensing proceeds separately, with a limited integration (planning) strategy (Campbell et al., 2023; Chandler, 2022; DCCEEW, 2025a, 2025b; Samuel, 2020)	Net zero 2050; 50% by 2030. **Yet:** 2018 petroleum ban reversal (2024); provisions for petroleum fast-track approval; withdrawal from Beyond Oil & Gas Alliance. EEZ open to petroleum; No integrated spatial planning strategy (Gibson, 2025; MBIE, 2025; Ministry for the Environment and Stats NZ, 2025)	Strong climate targets that coexist with continued petroleum licensing: Energy policies drive licensing decisions over climate Both have marine protection frameworks, but petroleum proceeds independently. No overarching consistency b/w MPA designation and petroleum area selection. (Macpherson et al., 2023; Rose and Mostafa Mahmud, 2023; Samuel, 2020)	**AUS:** Acreage release pause - No AR between 2022 to 2024, AR December 2025 Natural gas framed as "transition fuel" and export revenue for renewable energy investment **ANZ:** Policy reversal: International climate leadership (BOGA[7]) with offshore ban (2018) to petroleum expansion (2024). Politically unpredictable - government changes and shifting climate policy priorities (emission targets) (AMCS, 2025; Climate Change Authority, 2025; Gibson, 2025)	The 2025 ICJ ruling: continued fossil fuel licensing may breach climate obligations. (ICJ, 2025) Institutional silos and economic priorities (energy security, royalties and exports) override climate and ocean health. Electoral cycles (ANZ) prioritise immediate benefits over long-term climate obligations. (Crawley and Chapman, 2025; Samuel, 2020; Thomas et al., 2023)	Consultation can't address fundamental misalignment. Even if consultation identifies conflicts, no mechanism (legal or regulatory) exists to halt licensing on climate/conservation grounds. Stakeholders raising climate/biodiversity & cumulative impact concerns told they cannot be considered in early licensing decisions (Rioux-Gobeil and Thomassin, 2024; Ryan and Ogge, 2024)

[7] BOGA – Beyond Oil & Gas Alliance. An international alliance between countries to phase out oil and gas development. https://beyondoilandgasalliance.org/

5.3.2.1 Temporal and Sequencing Barriers: The Path Dependency Problem

In both countries, decisions about which marine area to open for petroleum development are made before environmental, cultural, or cumulative impact assessments (Chandler, 2022; Cherepovitsyn et al., 2020, Chapter 3). This sequencing means stakeholder and Indigenous communities are consulted only after areas are selected, limiting their ability to influence outcomes (Tafon et al., 2022). By the time non-government groups are invited to provide input on the proposed areas—specifically, whether to open areas for fossil fuel extraction at all—has already been determined. This creates notable challenges to what subsequent consultation processes can effectively achieve and influence (Rosenbloom et al., 2019).

5.3.2.1.1 Sequencing Barriers in Aotearoa-NZ – Legal Frameworks

In Aotearoa-NZ, legislative frameworks, through the Crown Minerals Act, separate area selection via the block offer from petroleum activity approvals (e.g., seismic, exploration, and drilling) under the EEZ Act, thereby preventing public consultation and consideration of environmental and climate impacts during the block offer (Chapter 4). This legal provision means that the public can only input on areas already selected and permitted for petroleum exploration activities.

The Treaty of Waitangi (Te Tiriti o Waitangi) and section 4 of the Crown Minerals Act require the Crown[8] to consult iwi (tribal groups) and hapū (subtribes) in resource decisions (Bruce et al., 2024; Waitngi Tribunal, 2020). Under this, Māori are legally required to be consulted as Treaty partners, but this occurs after NZP&M has already identified marine areas of interest, often following consultations with industry (NZP&M, n.d.-a). Thus, Māori are responding to predetermined area selection rather than actively shaping, as partners, the initial area selection (Boyd and Lorefice, 2019; Urlich et al., 2022). An iwi representative reflected on this, stating, "The legislative construct has created barriers to enable participation. If the Treaty is about a partnership, then surely the decision-making that falls around these important resources should equally be done […] in a partnership arrangement. […]. Our ability to have an active say, partnership with the Crown on that is quite limited in these decisions." This firsthand perspective suggests a disconnect between legislative requirements and collective partnership for Indigenous communities (Bruce et al., 2024).

5.3.2.1.2 Temporal Absence of Assessment and Indigenous Engagement in Australia

In Australia, the lack of environmental assessment before selecting areas for acreage releases delays environmental scrutiny until after industry has shown interest and areas are chosen—before any formal public or First Nations consultation—thereby limiting the voices able to influence initial decisions (Boyd

[8] Additional information regarding consultation requirement under the CMA can be gained from MBIE website page 'MBIE consultation with iwi and hapū' https://www.nzpam.govt.nz/permits/engaging-with-maori/mbie-consultation-with-iwi-and-hapu

and Lorefice, 2019; Luke et al., 2018; Weiand et al., 2021). An Australian ENGO interviewee emphasised the predetermined outcome, “So, the governments already decided which areas to put forward without any real public scrutiny.”

Compared to Aotearoa-NZ, Australia maintains a weaker legal foundation for First Nations Peoples' participation, particularly noting the lack of direct consultation prior to area selection and acreage releases. The Native Title Act 1993 (Cth) and the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023 (Cth, regulation 25) set out consultation rights in relation to offshore petroleum (Environmental Defenders Office, 2024). However, these primarily refer to the downstream regulatory environmental approvals (e.g., industry petroleum operational and environmental plans) (see Chapter 3). Indigenous communities can comment or raise cultural concerns only after the areas have been selected for the acreage release – rather than being positioned as First Nations as co-governors of their Sea Country, with authority to contribute to the decision on which areas should be available for petroleum extraction (Boyd and Lorefice, 2019; Environmental Defenders Office, 2024). As an Aboriginal First Nations interviewee put it, “The offshore acreage release consultation—there is none. Absolutely no consultation whatsoever. Indigenous people are just completely ignored.”

5.3.2.1.3 Timing - Implications on Indigenous Engagement and Rights

This sequencing problem in both countries positions Indigenous peoples into reactive consultation on *fait accompli* decisions, where these initial decisions should be opportunities for Treaty partnership and Indigenous sovereignty (Boyd and Lorefice, 2019; Bruce et al., 2024). Consultation becomes more about mitigating impacts, not seeking consensus, cultural appropriateness, and ocean governance that aligns with Indigenous values and knowledge systems (Coombes et al., 2012; Fisher et al., 2022).. As one ENGO put it, Australia’s approach “lags farthest behind in having Aboriginal people involved in the decision-making,” and lacks a legal mechanism to fully integrate their knowledge and values into resource decisions—underscoring the need for reforms in both the timing and substance of Indigenous engagement in offshore petroleum licensing (Darling et al., 2023; Environmental Defenders Office, 2024).

5.3.2.1.4 Absence of SEAs: Path Dependency

This absence of strategic assessment prior to area release creates what scholars call ‘path dependency’ (Rosenbloom et al., 2019)—a situation where rights to develop are granted before any environmental assessment takes place, making it difficult to reconsider or reverse decisions once commitments are made. After marine areas are selected for petroleum development, regulatory attention shifts to approving specific projects. (Tafon et al., 2022). An Australian ENGO observed, “They [DISR] have already decided which areas should be put out [nominated areas] and have invited industry to comment. They’ve already taken the next step, which is to say industry bid. […]. So, the horse has bolted.”

5.3.2.1.5 Implications of Path Dependency

This path dependency has three primary implications. First, it gives a small group of government and industry representatives the power to make decisions (on areas slated for petroleum) with lasting consequences for these regions (Kapoor et al., 2021a; Newig et al., 2023). Second, it limits opportunities for dissenting views or environmental concerns, thereby exerting regulatory pressure to approve environmental assessments (Rosenbloom et al., 2019). Third, it signals to permit holders that subsequent approvals are likely, even though some procedural challenges may arise (Ernst and Preston, 2017). Moreover, the lack of SEAs before selecting acreage for licensing bidding means that Indigenous communities' cultural considerations, songlines, and traditional knowledge are considered only after industry nominations and the government make areas available for licensing (Bruce et al., 2024; Ernst and Preston, 2017; Saunders et al., 2024).

5.3.2.1.6 Temporal Barriers – Intended?

Temporal barriers are not necessarily flaws, but are structural elements that serve their intended purpose (Fent and Kojola, 2020). Reliance on industry prospectivity data—information about petroleum resources potential—means that decision-makers (regulators) in both jurisdictions rely on industry actors to identify petroleum areas, creating an information asymmetry that benefits industry actors in acreage selection (Holley et al., 2021; Widener, 2018). Interviewees from both regulatory agencies and government officials noted this reliance on industry geological expertise "necessitates early industry consultation", while the integration of environmental and cultural assessment information into these initial decisions is limited or deferred (Abley, 2016; Chandler, 2022). As a result, early petroleum area selection constrains later opportunities for reform, embedding expectations toward petroleum development that are difficult to reverse once the industry has invested in surveys and the government has signalled economic intent (Carter and McKenzie, 2020; Holley et al., 2021).

5.3.2.2 Possible Capture Mechanisms: Structured Asymmetries in Area Selection

Mechanisms of capture in the offshore oil and gas industry—where industry interests exert influence over policy and outcomes—are ambiguous and often hard to identify (Carpenter, 2014; Holley et al., 2021). However, Portman (2014, p. 38) argues that the potential for such capture becomes clear when governments and regulators "fail to serve the collective interest of the public", and when industry or government dominates decision-making, the input from other interest groups is often limited, resulting in power imbalances (Aitken et al., 2016; Holley et al., 2021). These imbalances can lead to capture mechanisms, where industry interests increasingly shape governmental decisions, often prioritising them over public concerns (Carter and McKenzie, 2020, p. 8; Portman, 2014). Such dynamics can also arise when countries

and governments rely heavily on information, expertise, and geotechnical data supplied by industry, which, in turn, can influence decisions (Holley et al., 2021; Kisubi and Sanni, 2024; Portman, 2014). This is further emphasised by the industry's role in area selection, the shaping of legislation and regulatory policy, and the expertise of industry representatives in regulatory positions. Both countries demonstrate structural asymmetries and mechanisms that enable industry to disproportionately influence early licensing decisions, indicating capture and power imbalance (Carpenter, 2014), with this dominance particularly pronounced in Australia.

5.3.2.2.1 Australia: Industry Nomination and Public Exclusion

In Australia, the official industry acreage-nomination[9] process allows industry actors to propose areas for development, and by supplying technical information early, the industry gains disproportionate influence over these decisions, raising concerns about the legitimacy of the acreage release public submission process (Holley et al., 2021; Yates, 2018). An Australian ENGO interviewee noted, “the government has already decided which areas to put forward without any real public scrutiny.” Interviewees described the situation as one in which “industry controls everything regarding oil and gas” and repeatedly referred to the “powerful industry” and its “powerful influence.” A scientist in Australia articulates this situation, stating, “From the highest echelons in Australia, in our federal parliament and our federal politics, the oil and gas industry is very powerful in this country”, and an ENGO said, “The influence of the industry is crippling; it is completely undemocratic.”

5.3.2.2.2 Aotearoa-NZ: Promotional Industry Engagement and Legislative Shaping

Similarly, in Aotearoa-NZ, the promotional consultation and the on-demand model (e.g., the 2025 Open Market Competitive model[10]) give the industry the chance to identify petroleum-prospective areas before Māori are even aware of these decisions (NZP&M, 2025b). Although public scrutiny and activism are present, ENGOs and community interviewees highlighted longstanding concerns about the fossil fuel industry’s influence on legislation and policy (Bond et al., 2023b; Loomis, 2017). Aotearoa-NZ’s fossil fuel industry shows that industry actors have shaped policy and legislative development since the early 2000s (see for example Bond et al., 2019; Bond et al., 2023b; Loomis, 2017; Widener, 2022; Chapter 4). Recent investigations showed that prior to the reversal of the 2018 ban in 2024, fossil fuel companies gained

[9] In Australia, NOPTA formally invites the industry to nominate areas of interest, giving industry players the opportunity to suggest specific parcels or locations prior to the regulator finalising the acreages (DISR, n.d-b).

[10] In Aotearoa-NZ, an NZP&MM promotional team consulted the industry to nominate areas of interest prior to the block offers, and under the current 2025 policy, industry can request areas of interest at any time through the ‘Open Market Competitive’ process (see NZP&M, 2025).

privileged access to confidential drafts of legislation, enabling them to shape regulatory outcomes (Johnston, 2025).

5.3.2.2.3 Technical Expertise and the Revolving Door

A key reason for these structural asymmetries is the technical expertise and information required for economic and spatial decisions about petroleum development (Holley et al., 2021). Governments in both countries rely heavily on industry for geological and survey data, and there is frequent movement of personnel between industry and regulatory agencies (Morton, 2023). Regulatory staff often have strong industry backgrounds, which can create conflicts of interest (Bond et al., 2023a; Carter and McKenzie, 2020). An Aotearoa-NZ regulatory interviewee explained that having "experience working in petroleum exploration" improves collaboration with industry and helps in evaluating permits. Loomis (2017, p. 7) describes this as the 'revolving door arrangement', where industry representatives take up regulatory roles and politicians engage with industry organisations (Holley et al., 2021). The NZP&Ms petroleum promotional team exemplifies this trend. Carpenter (2014, p. 59) terms this a potential "statutory capture mechanism," where legislation is shaped to prioritise "industry or special interest" over environmental or societal concerns.

In both countries, this reliance on industry data and limited public involvement leads to criticism and distrust when public and Indigenous voices are ignored (Aitken et al., 2016; Bruce et al., 2024). An Australian ENGO group's response to the 2022 offshore petroleum acreage release emphasises the critical role of public engagement, stating, "The consultation process is a pivotal aspect of Australia's democracy, allowing members of the public to influence proposed projects" (Friends of the Earth, 2021).

5.3.2.3 Performative & Procedural Consultation in Initial Licensing Decisions

Across both Australia and Aotearoa-NZ, interviewees—including ENGOs, fishers, civil society groups, government officials, academics, and Indigenous communities—consistently characterised official consultation processes as performative exercises. These perceptions reflect a widespread view among the interviewees, and scholars have reaffirmed that consultation in resource extraction is treated as a legal or administrative requirement rather than an opportunity for meaningful engagement in offshore petroleum development. (see Darling et al., 2023; Olsen and Hansen, 2014; Sinclair et al., 2022; Verón et al., 2022).

5.3.2.3.1 Australian Regulatory Consultation Gaps

The introduction of the 30-day public comment period (post 2018) for acreage release in Australia was intended to improve public input and address concerns regarding the selected areas (DISR, 2018; Schofield, 2018). However, interviewees consistently raised concerns about the superficiality of the process. One Australian ENGO described it as functioning more as a "notification service" than a "genuine consultation

or two-way dialogue," while another ENGO representative described it as "a rubber-stamp type process of going through the motions," highlighting the disconnect between the formal opportunities for comments and meaningful influence on outcomes.

This limitation is reinforced by the absence of mandatory requirements to demonstrate how public input shapes decisions (Table 5-2), rendering consultation mainly symbolic and weakly accountable (Aitken et al., 2016; Schillemans, 2022). As Yates (2018) distinguishes, consulting oriented toward procedural compliance—rather than demonstrable influence—tends to operate as top-down, one-way processes, with little evidence that input (e.g., public submissions) shapes decisions, particularly in early planning stages (pp. 174-175). Australia illustrates this clearly: despite receiving 433 submissions, mostly opposing, the 2020 acreage release, the proposed areas proceeded to bidding with minimal changes, leading to critics and interviewees describing the processes as performative rather than a genuine platform for public comment (DISR, 2020; Friends of the Earth, 2021).

5.3.2.3.2 Australia's Indigenous Engagement Gap - Legal Enabler

In petroleum extraction, scholars note the importance of distinguishing between people with an interest in the decision (stakeholders and the broader public) and rights-holders, those who have treaty or legal rights, meaning they are entitled to be directly involved in decision-making (ANTAR, 2024; Bruce et al., 2024; Kittinger et al., 2024; Weiand et al., 2021; Winther et al., 2023). In the offshore area allocation and acreage release, there is no legal mandate to consult Australian First Nations prior to these decisions (ANTAR, 2024). This is in part because Australia's laws, although they do provide some recognition under the Native Title Act 1993 (Cth), do not reflect the international legal principle of [11]'Free, Prior and Informed Consent' for Indigenous Peoples (FPIC) (ANTAR, 2024; Office of High Commissioner for Human Rights, 2013). Recent legal disputes, such as Tipakalippa v NOSEMPA (2022) and Cooper v NOPSEMA (2023), underscore this, in which Traditional Owners challenged the lack of meaningful consultation before offshore projects (Environmental Defenders Office, 2024). These cases highlighted limitations in Indigenous engagement and sparked debate about equity in decision-making (JSCATSIA, 2023; Lawrence and Westland, 2024).

[11] Under international law, the rights of Indigenous Peoples include the principle of "Free, Prior and Informed Consent" (FPIC), which requires that Indigenous communities are adequately consulted and can give or withhold consent to projects that may affect their lands, territories, or resources. This principle is embedded in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which establishes standards for meaningful consultation, participation, and respect for Indigenous Peoples' self-determination. (Office of High Commission, 2013).

5.3.2.3.3 Aotearoa-NZ: Treaty Obligations

While legal obligations exist to consult Māori on pre-identified petroleum block offers, these obligations are grounded in the Treaty of Waitangi (Te Tiriti o Waitangi) and reflected in statutes such as the Crown Minerals Act (1991, s. 4). However, interviewee perspectives, and literature (e.g., Boyd and Lorefice, 2019; Bruce et al., 2024; Coombes et al., 2012) indicates that consultations are more procedural rather than a partnership in block offer decisions. An iwi interviewee argued, "The current legislation is built on consultation, which is very different to partnership. If the Treaty is about a partnership arrangement of equality, then surely the decision-making that falls around these important resources should equally be done collectively and in a partnership arrangement."

Inadequacies in consultation are further highlighted by the lack of genuine co-decision authority, and the absence of policies requiring the government to demonstrate how Indigenous people and the broader public contribute to outcomes. In Aotearoa-NZ's case, the Treaty partnership rhetoric is thus contradicted by the Crown retaining authority over resource extraction, reinforcing a persistent power imbalance (Barton, 2022; MacArthur and Matthewman, 2018). For example, Māori input is often overridden by the Crown, as noted in the block offer decision between 2012 and 2017, where iwi concerns were acknowledged but did not significantly alter the final block selection (see Chapter 4; NZP&M, n.d.-a).

As Boyd and Lorefice (2019) demonstrate, divergent worldviews on the meaning of "duty to consult" influence consultation outcomes in resource development, where governments and industry view consultation as procedural, whereas Indigenous Peoples seek consensus and co-decision processes (p. 1 and 4). This gap perpetuates frustration and legal disputes, as Māori and other Indigenous groups are forced to continually 'prove' their rights in processes designed around Western legal constructs rather than partnership principles (Bruce et al., 2024; Talbot-Jones et al., 2025). An iwi interviewee noted, "Indigenous people shouldn't be in a position to have to prove who they are. It is difficult to prove who they are as evidence in a Western construct. […] You have to prove that you were there, and you have a right and interest." These distinctions between consultation and partnership highlight why these processes fail to meet Treaty obligations or conduct meaningful engagement with Indigenous peoples; rather, they reinforce the historical and structural inequities (Bruce et al., 2024; Darling et al., 2023).

5.3.2.3.4 Intersecting Barriers - Signalling the Need for Reforms

The limitations of consultation are not isolated; instead, they intersect with broader structural barriers discussed previously. Temporal sequencing and regulatory dependence on industry expertise (Section 6.3.2.1), means that consultation becomes reactive to predetermined decisions (Boyd and Lorefice, 2019; Silvius and Schipper, 2019). For example, the timing of consultation, after industry interests have shaped

area allocation decisions, ultimately limits the influence the broader public has on acreages selected for petroleum development (Carrick et al., 2022).

In summary, the distinction of participation, consultation, and partnership is key to understanding the barriers for inclusive Indigenous engagement within offshore petroleum development in Australia and Aotearoa-NZ (Crown Law, 2019; Yates, 2018). Performative consultation, grounded in procedural compliance and regulatory weaknesses, fails to meet Indigenous Treaty obligations, ultimately undermining legitimacy, generating frustration and distrust (Aitken et al., 2016; Talbot-Jones et al., 2025).

5.3.3 Different Approaches – Indigenous Rights, Participation & MPA Outcomes (Table 5-3)

In this section, key structural divergences are explored and illustrated, demonstrating how structural differences in offshore petroleum approaches shape consultation processes, licensing, and marine conservation (Table 5-3). These differences are analysed in three key areas: legal frameworks for Indigenous participation rights, public participation during area selection, and the management of overlaps between marine protected areas (MPAs) and petroleum activities. Since Indigenous rights and public consultation were discussed above (5.3.2), the focus in the section below is on MPAs with respect to acreage release decisions.

Table 5-3. Different approaches & outcomes – Comparative applicability focused on the Indigenous rights, public consultation, and MPAs with respect to acreage release decisions. The bold text indicates differences.

Theme Dimension	Australia	Aotearoa NZ	Significance for Outcomes & Consultation
Indigenous Rights Frameworks: Treaty Partnership vs. Stakeholder Consultation	**Indigenous consult = NO** First Nations 'stakeholders', not rights-holder in acreage release (no rights in EEZ) **No official 'duty to consult'** acreage release Consultation reactive to pre-determined areas – no direct co-governance Recent case law challenging consultation rights through the Native Title Act 1993 (Cth) (DISR, n.d.-b; Lawrence and Westland, 2024)	**Indigenous consult = Yes** **Legal duty to consult** iwi/hapū before block offer; **Māori–rights holders** under Treaty of Waitangi (Te Tiriti o Waitangi, 1840). Partnership principles in question – Crown (government) retains the final authority and little evidence that Māori concerns influence the final block offer decision (MBIE, 2013; NZP&M, n.d.-b)	**AUS:** Reforms will be challenging, requiring legislative and constitutional changes (noting 2023 Indigenous Voice Referendum results). (Reconciliation Australia, n.d.) **ANZ:** The foundation is constitutionally stronger, yet practical issue of partnership and government veto rights, remains **Comparatively:** Despite different legal status (stakeholder vs Treaty partner), does not equate to genuine early power-sharing in reality; both systems restrict Indigenous rights and influence at the initial area selection process (Bruce et al., 2024; Howard-Wagner et al., 2018)
Public Participation	A 30-day **public comment period** (2018) on acreage releases. The public submits comments alongside government agencies. Relatively transparent: comments are available online for 5 years. Access requires a subscription to public notification for AR No response document requirement (unclear impact on decisions) (DISR, 2018, 2022, n.d.-b)	**No public consultation** at block offer stage (deferred to specific activities in the environment approval stage -see Chapter 4, Figure 4-5) Māori (iwi/hapū) consulted, with 40 days to respond, but broader public excluded (NZP&M, n.d.-b; Widener, 2021)	**AUS:** Reactive consultation and a lack of regulatory accountability—integrated planning prior to any acreage selection could reconcile this. **ANZ:** Exclusion of public – opportunity to adopt public comment process before block offers. The recent 'Open Market' process could further reduce the opportunity for the public to engage, limiting environmental scrutiny and social license. **Comparatively:** Both systems restrict public influence and meaningful consultation; Australia's public comment period comes too late, with limited transparency on outcomes; Aotearoa-NZ exclude public consultation, limiting scrutiny and social license during early area selection. (Sinclair et al., 2022; Yates, 2018)
MPA Design & Petroleum Intersection	**Petroleum allowed = Yes with restrictions** Petroleum permitted in some MPAs via zoning (IUCN-aligned MPA categories);. 8 Commonwealth (EEZ) Marine Management Plans MPAs (IUCN Ia, II) prohibit petroleum Special/multipurpose zones (IUCN IV, V, VI) allow petroleum with Parks Australia's approval (NOPSEMA and Parks Australia, 2024; Phillips et al., 2025) Ocean Policy: Sustainable Ocean Plan[12] 2025 possible future integration (DCCEEW, 2025c; Vince, 2018)	**Petroleum allowed = Yes (no official restrictions in EEZ)** Restrictions are activity-based (stronger in the territorial seas; EEZ mostly open with limited restrictions) Official restriction in marine reserves (Type I & II in territorial seas) Ad hoc EEZ MPA implementation (e.g. BPA under the Fisheries Act 1996) EEZ is essentially open for petroleum (restriction on seamount closures) No comprehensive spatial planning for EEZ, yet petroleum integration with Regional Marine Management Plans (Territorial Seas) (Clark and Kingdon-Bebb, 2025; DOC, 2025; Environment Foundation, 2025; EPA, 2018a; Peart and Koolen-Bourke, 2025)	**AUS:** There is a slight degree of petroleum integration with the Commonwealth management plans IUCN zoning provides clarity but legitimises "paper parks" with petroleum allow in multi-purpose MPAs (Fitzsimons and Wesco, 2018)- creates criticism and confusion at areas selection. Review of classification allowance recommended. **ANZ:** Regional MMP provide a degree of MPA & petroleum integration and is more flexible approach due to limited petroleum restrictions in its EEZ; yet results in conflicts **Comparatively:** Both jurisdictions enable petroleum and MPA overlap through different mechanisms (MPA zoning and activity-based) yet, petroleum area selection proceeds independently and neither provide overarching integrated planning mechanism that ensures consistency with protection and petroleum licensing. This leads to fragmented governance, highlighting the need for coordinated planning in both jurisdictions. Institutional silos further prevent integrated governance, resulting in a lack of collaboration and communication, between stakeholders (Cockerell et al., 2020; Policzer, 2024; Weiand et al., 2021)

[12] Australia's Sustainable Oceans Plan 2025 – see DCCEEW webpage https://www.dcceew.gov.au/environment/marine/sustainable-ocean-plan

5.3.3.1 MPAs and Petroleum Intersection

The intersection of MPAs and petroleum extraction in Australia and Aotearoa-NZ reveal considerable governance challenges. Australia's IUCN-aligned MPA zoning allows for petroleum activities within MPAs designated as multi-use and special purpose (IUCN IV, V), rather than prohibiting all industrial activities within designated MPA zones (Fitzsimons and Wesco, 2018; NOPSEMA and Parks Australia, 2025). By contrast, Aotearoa-NZ uses an activity-based approach that restricts petroleum activities in marine reserves (limited to the territorial seas) but allows exemptions in the EEZ, where petroleum permits can be granted (DOC, n.d.; EPA, 2018b). The activity-based approach means that decisions are made based on what petroleum activities are allowed or prohibited in the areas, not the presence of a protected status—such as permitting activities within marine mammal sanctuary zones (Environment Foundation, 2025; EPA, 2018a; see also Chapter 4, section 4.3).

Despite Australia having eight marine management plans for Commonwealth waters (marine areas between 3nm from the coastal baseline to 200nm), both countries demonstrate weak integration between protection and petroleum development (Cockerell et al., 2020; Parks Australia, 2025; Phillips et al., 2025). This lack of integration, linked to fragmented governance in which decision-making is split among various government departments, has resulted in inconsistent policies and unclear priorities between petroleum development and marine protection (Renaldo et al., 2024; Stephenson et al., 2023). An Australian ENGO interviewee stated, "There is very little prioritisation of areas of high ecological value being prioritised over areas of prospectivity." They emphasised a widespread concern with Australian representation of MPAs, where even in areas of high ecological importance are not protected from oil and gas extraction if they have been deemed of interest to the petroleum industry (Cockerell et al., 2020; Meeuwig, 2017; Phillips et al., 2025).

In both countries, the allowance of petroleum operations within MPAs has resulted in ambiguous marine protection, creating confusion about what is being protected (Cockerell et al., 2020; Horizon Research, 2024; Raabe et al., 2024). An Australian interviewee ENGO noted, "Whilst they're [petroleum activities] inside marine parks' boundaries, the zoning is such that you would have to question what exactly is being protected from because vast areas are open to oil and gas development, industrial fishing practices and the like. In contrast, most of the community would assume that those areas are called marine parks because they're protected from those types of industrial practices that cause damage." This was a common theme among interviewees in both countries and is supported by recent literature, highlighting that allowing petroleum activities within MPAs creates uncertainty about the legitimacy and effectiveness of marine protection (see Cockerell et al., 2020; Horizon Research, 2024; Raabe et al., 2024; Roberts et al., 2020). A representative from Parks Australia explains this inconsistency: "They [MPA]were very much in alignment when the Australian IUCN principles were written in legislation back in 1999, but they have since evolved.

The reason why I'm mentioning that is that, currently, IUCN does not accept any industrial activity within a marine protected area, irrespective of the zoning."

Allowing overlapping priorities between resource extraction and protected areas is a common approach in many countries and aligns with MPA classification (Day et al., 2019; Grorud-Colvert et al., 2021). However, this policy of combining extraction and protection has eroded public trust in the effectiveness of protection efforts in both countries (Horizon Research, 2024; Raabe et al., 2024).

5.4 Pathway Forward: Opportunities for Improved Integration

This section explores solutions for more collaborative processes through the utilisation of broader area-based management tools (e.g., SEAs, MSP, and EBM) and support of more overarching intergenerational ocean policies (Fisher et al., 2022; Policzer, 2024; Saunders et al., 2024). Three reform opportunities are considered: procedural, institutional, and rights-based (Indigenous), in the context of widespread agreement on the immediate steps required to adhere to climate change policies, including the suspension of future licensing rounds (AMCS, 2025; Carter and McKenzie, 2020; Green et al., 2024; Gupta, 2024).

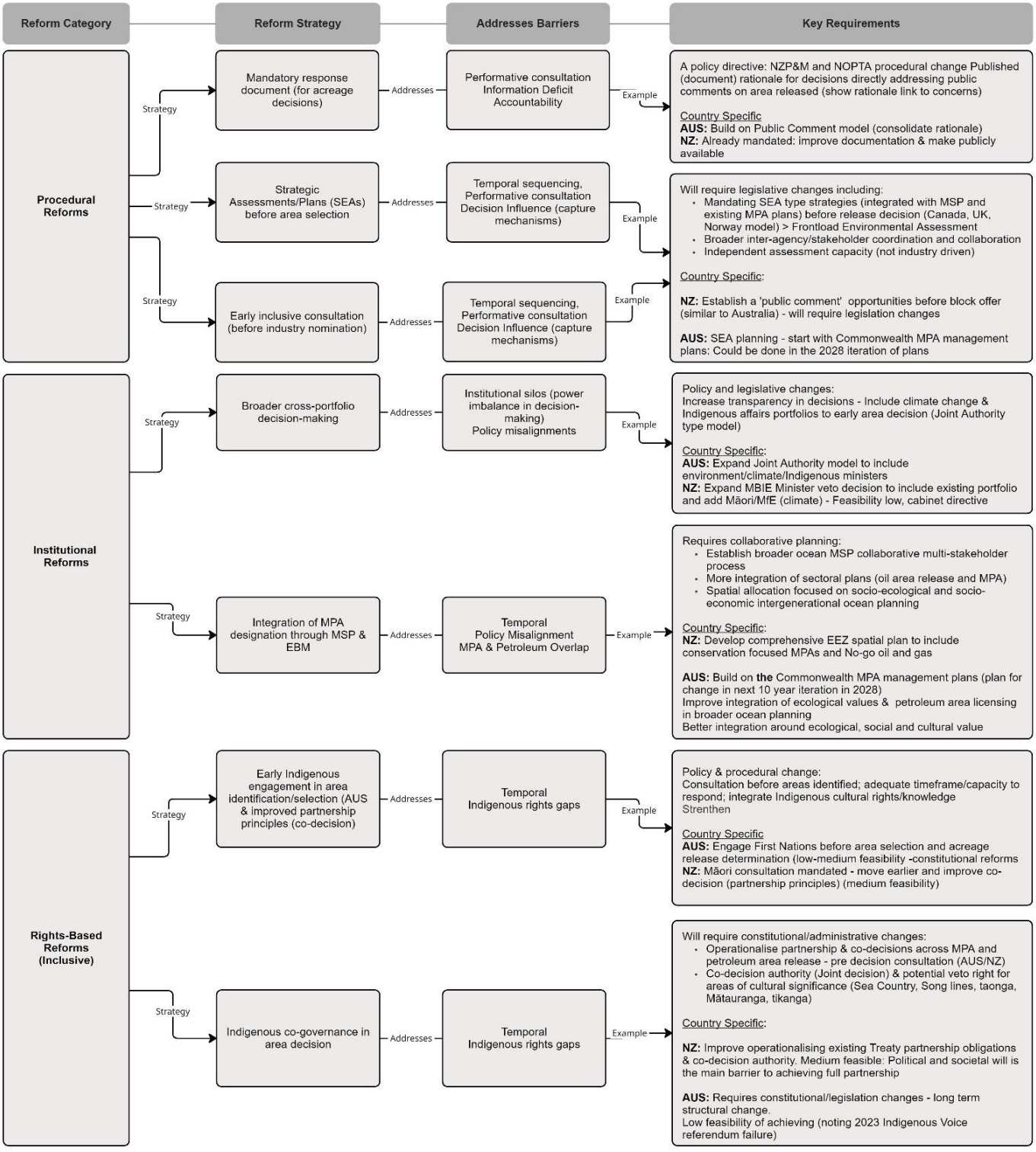

Figure 5-2. Reform pathways illustrating three key areas of reform—procedural, institutional, and rights-based (including Indigenous inclusivity). The figure outlines associated strategies, connecting the barriers each strategy addresses, and presents recommended requirements for achieving these reforms. Image created using Miro.

5.4.1 Procedural Reforms: Mandatory Response Documents

A publicly available, mandatory response document is one that describes the intragovernmental and public consultations undertaken and how they influenced the final decision of an area release. Mandatory response documents on area release decisions represent a high-impact, high-feasibility intervention that would require minimal legislative changes (Figure 5-2). This reform would address the performative consultation, information transparency, and democratic weaknesses in decision-making (Carrick et al., 2022). Particularly, it would partially address the concerns around consultation effectiveness, legitimacy, and transparency in area release decisions (Gillgren et al., 2019; Weiand et al., 2021). Yates (2018, p. 174) highlights that while consultation frequently demonstrates a commitment to receiving stakeholder feedback, without mechanisms or genuine intent to integrate this feedback into decision-making, the process is rendered ineffective. By requiring publicly available response documents, regulatory accountability and trust in the consultation system could be restored, particularly in Australia, ensuring that stakeholder concerns and viewpoints (e.g., climate change cumulative impacts) are considered in final decisions (Socrate et al., 2024; Yates, 2018).

Regulatory and accountability mechanisms for decisions regarding social concerns are recognised as a core element to ensure trust and legitimacy (Bobbio, 2018; Carrick et al., 2022). Scholars highlight the importance of incorporating "forms of operational accountability" (Schillemans, 2022, p. 474) into regulatory decision-making to ensure that societal concerns are addressed and stakeholder consultation is legitimate (Ortiz-Riomalo et al., 2023; Souza et al., 2024). Incorporating mandatory response documents directly addresses operational accountability by requiring regulators to publicly demonstrate whether societal concerns influenced final area release decisions (Aitken et al., 2016; Schillemans, 2022). Without transparent documentation linking public submissions to decision outcomes, it is unclear how public input affects area selection outcomes (Flannery, 2023; Tang and Brody, 2009).

For instance, in 2020, Australia's public comment period for offshore acreage releases received over 433 submissions; there was no available documentation referenced to any comments in the final decision (DISR, 2020). Particularly, Parks Australia, noted 15 MPA proximity and overlap issues, yet there is no readily available documentation noting if this was taken into consideration in the final decisions (Director of National Parks, 2020). This lack of transparency demonstrates the need for mandatory response documents to ensure all viewpoints are acknowledged and documented (Weiand et al., 2021).

5.4.2 Institutional/Procedural Reforms: Strategic Planning Prior to Area Selection

In addition to the immediate actions necessary to comply with climate change policies—such as suspending future licensing rounds and limiting the issuance of petroleum exploration permits (Carter and McKenzie,

2020; Green et al., 2024; Gupta, 2024)—the procedural and institutional reforms (Figure 5-2) provide pathways to facilitate the integration of marine conservation and climate strategies within petroleum development frameworks for Australia and Aotearoa-NZ. These reforms include adapting early integrated strategic planning before acreage selection (see also Chandler, 2022, section 6.5) and aim to promote more meaningful and inclusive engagement, address cumulative environmental and social impacts, and align resource extraction decisions with broader societal values and climate commitments (Renaldo et al., 2024; Stephenson et al., 2023).

5.4.2.1 Strategic Environmental Assessment (SEA) in Early Decision-making

Employing a SEA before selecting acreage for petroleum extraction provides a proactive evaluation of environmental, social, and cultural impacts (Fidler and Noble, 2012; Partidario, 2022; see also Chapter 1). This early assessment allows the identification of sensitive areas, the assessment of cumulative effects, and the support of spatial planning, thereby facilitating broader stakeholder, public and Indigenous engagement (Fidler and Noble, 2012; Kapoor et al., 2021b; Partidario, 2022). Unlike project-specific environmental assessments that occur after licensing decisions, SEAs facilitate informed debate about the suitability of entire regions for extraction and create opportunities for meaningful stakeholder and Indigenous engagement (Noble, 2022; Partidario, 2022; Vespa et al., 2017). Emerging scholarship in the field of extractive resource management recognises the limitations of strategic assessments alone, advocating for more integrated ocean management approaches that incorporate MSP and EBM as strategies (Kapoor et al., 2021b; Kusters et al., 2024; Stephenson et al., 2023; Verón et al., 2022).

5.4.2.2 International Best Practices and Lessons for Reform

Internationally, countries such as Norway and Canada have demonstrated practical results of embedding SEA, MSP, and EBM into their offshore resource management regimes (Fidler and Noble, 2012). In Norway, integrated management plans for marine areas mandate public hearings before area nominations for petroleum activities, and written submissions are published, providing a summary of comments and explaining how they affected the final decision (Fidler and Noble, 2012; Hauge, 2025; Sander, 2018). In Canada, SEAs are conducted before resource extraction activities, specifically before opening new offshore areas for petroleum licensing and involve engagement with Indigenous communities, environmental groups, fishers, and other key ‘stakeholders’, whose concerns are reflected in subsequent marine planning decisions (Kapoor et al., 2021b; Noble et al., 2013). Moreover, while not exclusively related to SEAs, successful instances of incorporating EMB, MPS, and marine conservation have demonstrated the potential for inclusive and socially accepted results in the execution of community-led MPA management plans across different areas of Aotearoa-NZ, which may offer guidance for reforms in the block offer process (Box 5-1).

By incorporating SEAs, MSP, and EBM as an integrated planning strategy, addresses barriers around the temporal sequencing of decisions and the dominance of industry and economic priorities in petroleum area selection (

Box 5-2). With impact assessments at the beginning of the area selection processes, would provide opportunities for public participation and greater collaboration among sectors, including those responsible for climate change, Indigenous matters and NGOs with marine and climate portfolios (Kusters et al., 2024; Sinclair et al., 2022). This cross-portfolio approach supports diversity of perspectives on environmental and societal values being considered, leading to more equitable, transparent, and inclusive decisions (Kapoor et al., 2021b; Sinclair et al., 2022).

As one Australian ENGO observed, a more inclusive process would involve presenting prospective areas for public and third-party input, stating, “Rather than saying here are some areas, one way to do it is: Here are some areas that we think might be prospective. What are some of the values in these areas.” This reflects scholarly consensus that early, transparent, and collaborative consultation with interest groups, public and Indigenous communities is important, sustainable, and meaningful in marine resource governance (Policzer, 2024; Renaldo et al., 2024; Sinclair et al., 2022).

Recent research repeatedly highlights that project-based assessments have limitations, especially when it comes to tackling broad societal challenges like climate change, ecological degradation, and the rapid growth of marine resource extraction (Stephenson et al., 2021; Urlich et al., 2022; Winther et al., 2023). In response, there is a growing consensus that combining SEA with EMB and MSP offers a more comprehensive and adaptable approach. These integrated frameworks help better manage marine resources, reduce conflicts, promote collaboration among stakeholders, and support both socio-economic and socio-ecological sustainability (Fisher et al., 2022; Kusters et al., 2024; Macpherson et al., 2024b; Stephenson et al., 2021; Tafon et al., 2022; Winther et al., 2023).

Together, these reforms demonstrate how earlier, integrated, and rights-based engagement could assist area-selection decision-making toward greater legitimacy, accountability, and alignment with marine protection. Initially, Australia and Aotearoa-NZ could adopt early assessment frameworks by incorporating elements from other countries. This might include the use of spatial assessments that blend MSP and EBM principles, involving interest groups, organisations, the public and Indigenous groups from the outset of the planning process, and clearly documenting how their input influences the final outcomes (Boyd and Lorefice, 2019; Enright and Boteler, 2020; Talbot-Jones et al., 2025). In Australia, aligning petroleum acreage selection with the regional marine management plans—as Australia prepares for its next marine planning cycle in 2028—could provide a timely opportunity to institutionalise these reforms (Cockerell et al., 2020; Phillips et al., 2025).

Box 5-1 Case Study: Successful integration of MSP and EBM for marine conservation in Aotearoa-NZ

Interviewees in Aotearoa-NZ highlight examples of' bottom-up community-driven" MSP and EBM integrated MPA initiatives that successfully established effective integration and collaborative decision-making, resulting in positive outcomes for development and conservation (Macpherson et al., 2024b; Talbot-Jones et al., 2025). For example, Aotearoa interviewees directly involved in some of these exemplary bottom-up, community-led projects highlight the success of key regions such as the Kaikōura MPA Management Plan, the Fiordland Management Plan, and the Hauraki Gulf Marine Park (Macpherson et al., 2024b; Peart and Koolen-Bourke, 2025). These achievements were perceived by ENGOs, community members, and government interviewees as successful because of the "collaborative stakeholder" approach. Interviewees directly involved in the creation of Kaikōura MPAs and Guardians emphasise that success resulted from collaboration and co-development with Māori groups, following their unique collaborative governance model known as the "Egg Model," where core community stakeholders made collective decisions in the centre, supported by surrounding government departments (Talbot-Jones et al., 2025). Additionally, a fisher interviewee highlights the "importance" of the success was ensuring they "brought the whole community" along with the project, from the initial decision scoping to implementation and monitoring for adaptation. These examples illustrate how many of Aotearoa's MPA successes depend on collaborative, community-led initiatives, yet also show that limitations exist in the EEZ protection (Chapin et al., 2012; Macpherson et al., 2024b; Talbot-Jones et al., 2025).

5.4.3 Structural Reform Pathways: Indigenous Partnership in Petroleum Area Release

The structural reform pathways highlight the need for fundamental changes in Australia's and Aotearoa-NZ's area release processes (Figure 5-2). Central to these reforms is meaningful engagement with Australia's First Peoples in offshore petroleum acreage selection (when areas are being identified and discussed with industry)—building on the approach to the Māori consultation requirements in the block offers. Involving Indigenous communities at the earliest stages of area selection acknowledges their rights and views, while ensuring that their interests and concerns are considered from the outset, rather than relying on industry consultation efforts later in the petroleum approval stage (Bruce et al., 2024; Burdett and Sinclair, 2024a).

5.4.3.1 Upholding Treaty Principles and Advancing Co-Decision Arrangements

Reform pathways include improvements in upholding Treaty of Waitangi partnership principles, specifically advocating for co-decision arrangements regarding block offers with Māori in Aotearoa-NZ (Hale et al.,

2024). Emphasising partnership underscores the importance of integrating Indigenous worldviews and values into the governance of offshore petroleum resources, leading to outcomes that are more equitable and inclusive across both jurisdictions (Burdett and Sinclair, 2024a; Rioux-Gobeil and Thomassin, 2024).

The integration of meaningful Indigenous partnership into offshore petroleum governance and acreage release decisions will require not only policy changes (e.g., Australia First Nations peoples' inclusion in pre-acreage release discussions), but also structural and constitutional reforms that recognise and uphold sovereignty and rights (Bruce et al., 2024; Wilson, 2021). In Australia, the failure of constitutional recognition through the 2023 'First Nations Voice to Parliament' referendum meant to provide First Peoples of Australia—Aboriginal and Torres Strait Islanders—a voice in parliament (McAllister and Biddle, 2024; Reconciliation Australia, n.d.), and three[13] recent precedent-setting federal court cases (see Lawrence and Westland, 2024) highlights the significant political, social, and legal barriers to meaningful engagement prior to acreage release. Conversely, Aotearoa-NZ's Treaty framework, despite lacking the political will to fully operationalise a partnership across resource extraction policy, provides the foundational legal framework for the government to adhere to Treaty partnership participation (Hale et al., 2024).

5.4.3.2 International Comparisons: Lessons of best practice internationally

Looking internationally, jurisdictions such as Canada have advanced Indigenous participation by embedding co-management and partnership arrangements, which require free, prior, and informed consent for resource development on Indigenous lands (Aitken et al., 2016; Bruce et al., 2024). These comparative insights and legal cases necessitate that Australia move beyond its performative consultation, take a page from Aotearoa-NZ, and embed First Peoples' voices in early resource planning decisions, a notion also highlighted in Samuel (2020) and Stephenson et al. (2023). Such procedural reform could include First Peoples representative agencies in the Joint Authority, such as the [14]National Indigenous Australians Agency. These measures would help to address existing challenges, ensure that the Indigenous perspective is central to resource governance, respect Indigenous worldviews and knowledge systems and foster more equitable and effective engagement in petroleum acreage allocation (Boyd and Lorefice, 2019; Bruce et al., 2024; Burdett and Sinclair, 2024a).

[13] In Australia three precedent-setting federal court rulings between 2022-2024, highlight First Nations rights and interests in relations to offshore petroleum development: *Santos NA Barossa Pty Ltd v Tipakalippa* [2022] FCAFC 193; *Cooper v NOPSEMA (No 2)* [2023] FCA 1158; and *Munkara v Santos NA Barossa Pty Ltd (No 3)* [2024] FCA 9 (Lawrence & Westland, 2024)

[14] National Indigenous Australians Agency (NIAA)

5.4.3.3 Addressing Systemic Failures and Building Genuine Collaboration

Genuine collaboration with broader public and Indigenous communities must address systemic failures in current consultation practices, which frequently lead to legal challenges and community mistrust (Chapters 3 and 4). An Australian NGO interviewee from the Northern Territory stated, "There's been a very real, live intersection between the industry and traditional owners [Australia First Peoples rights holders], industry saying we're doing all our consultation, we're doing all the right things. The Aboriginal people are saying, 'No, they're not', and taking them to court over and over."

5.4.3.4 Towards Shared Decision-Making and Procedural Justice

Collectively, these reforms provide opportunities for both jurisdictions to move beyond tokenistic consultation and to adopt genuine collaboration and shared decision-making in petroleum development (Bruce et al., 2024). Embedding meaningful Indigenous partnership principles and public participation through integrated consultation processes and equal decision-making rights would not only enhance procedural justice (Suiseeya, 2020). It also acknowledges that societal and Indigenous consent is a prerequisite, not an afterthought to resource planning, ensuring a more inclusive approach to early petroleum planning decisions (Darling et al., 2023; Tang and Brody, 2009). An Australian ENGO interviewee concluded, "In an ideal world, consultation would be genuine, and if Aboriginal people said, actually, no, we don't want this pipe going through our country, then it wouldn't happen. That would be an ideal world."

The prevailing regulatory framework's inability to ensure meaningful engagement reflects broader issues of regulatory capture and predominance of industry interests, undermining social license, where public trust and acceptance are essential for responsible and sustainable resource development (Luke et al., 2018; Malin and Ryder, 2023). As a result, both countries compromise sustainable ocean management, with decision-making processes disproportionately favouring industry priorities over broader societal and environmental considerations (Kapoor et al., 2021a; Kisubi and Sanni, 2024; Stephenson et al., 2023). In response to the DISR (2024) offshore petroleum environmental approvals consultation review, Ryan and Ogge (2024), representing the Australian Institute, emphasise the importance of social license: "Offshore gas must not bypass genuine consultation with Traditional Owners or the wider community. Adequate consultation will always challenge the crumbling social license of fossil fuel operations."

5.5 Summary Synthesis - Comparative Insights

The challenges of achieving genuine participatory involvement in offshore petroleum area release processes stem from the regulatory frameworks, not just the execution of consultations. Using the 'participation

spectrum', Yates (2018, p. 173) argues that 'to consult' is a one-way engagement process that inherently does not offer opportunities to influence decisions. Yates advocates for inclusivity in resource decisions, stating that public participation needs to sit within the 'collaboration and empowerment' spectrum for it to be meaningful (see also Burdett and Sinclair, 2024a).

These finding aligns with previous research highlighting that regulatory and institutional structures often limit effective participation, creating power-dominance and limited integration with marine conservation and climate change priorities (see for example, Kapoor et al., 2021a; Kisubi and Sanni, 2024; Luke et al., 2018; Meissner, 2025; Verón et al., 2022).Scholars argue that addressing these barriers requires both procedural reforms and a shift towards more inclusive participation, collaborative governance, and integrated marine planning approaches (Policzer, 2024; Reimer et al., 2025; Stephenson et al., 2023).

The timing of consultation limits the capacity for organisations, the public and Indigenous groups to meaningfully affect decision on areas designated for petroleum (Burdett and Sinclair, 2024a; Yates, 2018). Industry influence over area nomination processes further entrenches power imbalances and erodes public trust (Gillgren et al., 2019; Kapoor et al., 2021a). Both countries continue to struggle with the challenges of ensuring consultation is more than a procedural formality, rather than a genuine opportunity for to shape decisions on what areas should be open for petroleum (Burdett and Sinclair, 2024a; Sinclair et al., 2022). Yates (2018, p. 174), argues that participation is only meaningful when stakeholders have an impact or influence on the decisions, and that consultation is only effective when 'stakeholders' input demonstrates influence.

Box 5-2 Why do Australia and Aotearoa opt out of pre-assessment licensing models – No SEA?

Understanding why Australia and New Zealand opt out of SEAs and integrated management plans—delaying environmental assessments until after acreage selection and licensing—is complex (Burdett and Cameron, 2021; Morgan and Taylor, 2021). It was also challenging to fully discern the rationale within the scope of this research. However, Chandler (2022) provides some insights highlighting weaknesses in Australia's core environmental protection legislation, the Environment Protection and Biodiversity Conservation Act 1999 (Cth*)* (EPBC Act). The EPBC Act provides provisions for impact assessments meant to apply SEAs and impact assessments at the policy level in Commonwealth waters. (Chandler, 2022) notes that these provisions are weak and have hardly been used in offshore petroleum, despite their intended use to assess environmental impacts on policies and Commonwealth decisions. This means that Australia operates without an overarching strategic plan for offshore petroleum development, and consequently, environmental effects and intergenerational cumulative impacts are not addressed in early offshore petroleum decisions (Chandler, 2022; Samuel, 2020).

In Aotearoa-NZ, several government interviewees shared their views on why SEAs are not conducted prior to activities or area selection. Firstly, they noted that, compared to countries such as the UK and Norway, Aotearoa-NZ marine environments have “little multi-use pressure”—meaning there are fewer competing demands on marine space from different industries or activities. The interviewees also explained that, as a small country with “limited” capital, broad planning or SEAs are not considered feasible. They suggest that conducting SEAs would likely require industry funding, which would involve “frontloading all the environmental assessment”—that is, completing all required environmental assessment before any economic activity begins. This process would occur prior to 'offering blocks', and may result in environmental assessment costs being incurred without a guaranteed economic return (Morgan and Taylor, 2021). One government interviewee suggests that this could lead to industry self-assessment, potentially creating conflicts of interest. Additionally, Morgan and Taylor (2021) highlight this lack of SEA and emphasise missed opportunities to integrate SEA requirements into EEZ legislation, particularly with the creation of the EEZ Act in 2012.

5.5.1 Concluding Insights: Why Barriers Persist?

This analysis shows that participation barriers in petroleum area selection persist primarily due to fragmented governance, siloed decision-making, and the weak integration of marine conservation objectives and climate commitments (Kittinger et al., 2024; Policzer, 2024; Souza et al., 2024). In both Australia and Aotearoa-NZ, political, economic, and institutional factors reinforce these challenges. Previous research in offshore petroleum extraction also noted that existing frameworks often prioritise economic interests over environmental and societal concerns, echoing previous research (e.g., Chandler, 2022; Elias-Roberts, 2020; Loomis, 2017; Meissner, 2025; Verón et al., 2022). A key issue is the reliance on industry-supplied geological data for area selection. This creates information asymmetries: industry actors are engaged early, while other interest groups have limited opportunities to participate in these significant decisions and must react to predetermined areas (Tang and Brody, 2009; Yates, 2018). Offshore industries also tend to have greater resources and political support, which can marginalise public and Indigenous rights—a pattern well-documented in fossil fuel extraction studies (Boyd and Lorefice, 2019; Carter et al., 2017; Loomis, 2017; Mackelworth et al., 2019; Policzer, 2024; Widener, 2021).

Additionally, established regulatory structures have reduced regulatory discretion, raising concerns about oversight of climate and environmental issues during acreage releases (Chandler, 2022). The sequencing of area selection decisions—committing marine areas to petroleum development before comprehensive environmental, social, and Indigenous assessments—creates expectations that the project will proceed, generating political and regulatory momentum that is difficult to reverse (Lamorgese et al., 2015).

Issues around performative consultation process in both jurisdictions gives the appearance of democratic legitimacy without genuinely restricting industry privilege or allowing for meaningful public input, particularly in Aotearoa-NZ, where there is no public input (Aitken et al., 2016; Lamorgese et al., 2015; Sinclair et al., 2022). The separation of fossil fuel development decisions from marine conservation and climate agencies creates policy conflicts, where ambitious climate goals coexist with continued expansion of the fossil fuel industry (Campbell et al., 2023; Shapovalova, 2023). Often leading to policy misalignment and undermining efforts to meet marine protection and climate commitments—a disconnect the International Court of Justice identified in 2025, as a plausible international offence (ICJ, 2025).

Other factors that reinforce these barriers include:

- Political economy: Both countries' dependence on fossil fuel extraction, influenced by industry, employment concerns, and revenue generation, plays a significant role in the barriers identified. Specifically, Aotearoa-NZ's evolving policies, currently favouring economic growth through fossil fuels, along with Australia's deep-rooted dependence on the fossil fuel sector—strongly influenced

by lobbying from the oil and gas industry—complicate efforts to make inclusive, collaborative decisions that balance environmental concerns with economic interests (Chandler, 2021b; Johnston, 2025; Newton, 2025).

- Institutional path dependency: In both countries, historical frameworks for oil and gas development in the 1960s were established before climate and ecological concerns were prominent, resulting in regulations that prioritised industry interests over the environment (Loomis, 2017; Samuel, 2020).
- Ideological influence: The view of the ocean as a resource frontier, shaped by neoliberal governance and capitalist priorities that emphasise economic growth and technological progress. This perspective frequently takes precedence over acknowledging the cumulative impacts associated with the fossil fuel industry (Barros-Platiau et al., 2024; Klein, 2022; Vithanage, 2017; Widener, 2021).

As one DISR interviewee from the Australian government noted, "oil and gas development has been occurring in offshore Australia since the 60s, before marine protection came along." This historical context helps explain why the current frameworks, in both jurisdictions, are more aligned with fossil fuel development than with environmental protection (Samuel, 2020; Widener, 2021).

Chapter 6 | Concluding Discussions & Future Directions

As anthropogenic pressures on the ocean ecosystems intensify, so does the contention between resource extraction and marine conservation. This research examined the complexities and inadequacies of selecting marine areas for offshore oil and gas licensing in Australia and Aotearoa-NZ. Both liberal democracies are recognised for productive fossil fuel sectors, expansive marine territories and established MPA strategies. The research examined whether and how marine protection efforts, consultation processes involving key petroleum actors, including often marginalised organisations, the public, and Indigenous communities, shape offshore area selection decisions. It identified power dynamics and gaps in area selection processes that enable conflicts, and evaluated the extent to which broader ocean planning strategies inform this early policy decision. Such decisions carry generational implications for ocean health, societal well-being, and the planet (Tafon et al., 2022).

This chapter highlights the significance of the primary findings, synthesises the case-study (Chapters 3 and 4), and summarises the comparative outcomes (Chapter 5). It then examines how research limitations were managed and identifies opportunities for future research. These future directions aim to support more inclusive and integrated ocean management that prioritises socioecological values and the long-term, sustainable use and conservation of marine environments.

6.1 Significance and Key Findings

Early-stage marine area selection remains underexplored, particularly the institutional, political, and procedural mechanisms through which petroleum licensing and marine conservation decisions are made and integrated (Kapoor et al., 2021a). This gap in the research on upstream acreage release decisions is significant given the global extent of petroleum extraction and its environmental impact on marine ecosystems and cumulative effects on climate (Venegas-Li et al., 2019).

Drawing on interviews triangulated with policy and literature reviews, this qualitative interpretative investigative comparison of Australia (Chapter 3) and Aotearoa-NZ (Chapter 4) reveals shared inadequacies in offshore area selection decisions: marine conservation decisions are deferred, while consultation processes are absent, performative or occur too late to influence marine area selection. Across both cases, marine conservation, climate change concerns and Indigenous perspectives and rights are poorly integrated, with limited opportunities for public and Indigenous input to shape decisions. Neither country provides a published record of how input shapes the area selection process. The significance of these findings is that they highlight institutional and procedural gaps at this early decision point, when marine areas are selected for petroleum development. They resonate with previous critiques of marine resources management

frameworks that identified failures in the integration of marine conservation priorities, cumulative impacts contributing to climate change, and Indigenous perspectives in licensing decisions (e,g., Chandler, 2022; Darling et al., 2023; Kapoor et al., 2021a; Meissner, 2025; Shapovalova, 2023).

Taken together, these findings underscore the need to connect early area selection with integrated ocean management, ecological protection, equitable participation, including meaningful inclusion of societal input and Indigenous rights (Bruce et al., 2024; Mackelworth et al., 2019; Yates, 2018). This supports calls for inclusive, collaborative, and ecologically centred frameworks that integrate environmental objectives, socioecological considerations, climate policies with equitable intergenerational ocean governance (Macpherson et al., 2023; Policzer, 2024; Saha et al., in press 2026; Saunders et al., 2024).

6.2 Summary of Results

6.2.1 Intensifying Regulatory Challenges in Australia (Chapter 3)

Australia's offshore petroleum regulatory framework involves a complex interaction between federal (oversees EEZ) and state jurisdictions (Chandler, 2022). Western Australia and the Northern Territory are the main oil and gas development regions (Geoscience Australia, 2014, 2021), but opposition to acreage release proposals is also present elsewhere. Australia allows petroleum activities within the national MPA network in Multiple Purpose Zones and Special Purpose Zones (IUCN Category VI), subject to a class approval by the Director of Parks Australia (NOPSEMA and Parks Australia, 2024).

Based on 22 interviews with government, organisations, the public, and Aboriginals First Nations this study revealed that Australia's offshore petroleum regulatory framework depends on consultation processes that fail to adequately consider public input in acreage release decisions and weakly integrate marine conservation through ineffective MPA designation that still allows offshore petroleum activities (Cockerell et al., 2020; Raabe et al., 2024). Specifically, the offshore petroleum framework faces four key issues: inadequate regulatory frameworks characterised by fragmentation and lack of transparency; perceived credibility gaps in consultation practices by ENGO, Indigenous, and community stakeholders; mobilisation efforts for stronger environmental protections; and the overwhelming influence of powerful fossil fuel actors in decision-making.

Australia's multi-jurisdictional regulatory framework is too complex. The Joint Authority's decision-making processes span federal, state, and territory jurisdictions, with the federal resources minister retaining final decision-making rights (Miranda et al., 2020). Added to this are perceptions that industry interests influence regulatory frameworks and the regulators within the Joint Authorities, NOPTA, NOPSEMA, and the government (Senator Whish-Wilson, 2025). Further, a lack of transparency in the offshore acreage release

decisions undermines public confidence that the regulatory framework adequately considers marine ecosystems.

The 30-day public comment period for acreage releases is seen as a step forward. Yet interviews suggest it serves more procedural purposes, with no accountability, while Aboriginal First Nations are treated as one of many "stakeholders" (DISR, n.d.-b). A common tendency documented in resource extraction and Indigenous rights scholarship (Boyd and Lorefice, 2019; Bruce et al., 2024; Grote, 2024; Policzer, 2024).

Despite the formal public comment process, these procedures do not seem to influence final acreage release decisions, with industry interests prioritised and environmental and climate concerns deferred. Interviewees contend that offshore decision-making frameworks (e.g., Joint Authority) are disproportionately swayed by powerful fossil fuel actors, reinforcing the perception of predetermined acreage releases (Wilkinson, 2025). With no publicly available documentation on how public comment shapes final acreage release decisions, the chapter highlights the lack of transparency and accountability in the process, recommending documentation that demonstrates how public input contributes to final acreage decisions (Aitken et al., 2016; Burdett and Sinclair, 2024a).

Public opposition has intensified in recent years, as concerns around the fossil fuel industry's direct impact on climate change and the environment have grown (Great Australian Bight Alliance, n.d.; Kurmelovs, 2021) and legal challenges and campaigns have, at times, successfully influenced acreage release outcomes (see Chapter 3, section 3.3.3). Interviewees emphasised that the acreage release has become a focal point for the public to assert their opposition. Interviewees in this research advocate for stronger environmental protections, arguing that the continuation of the offshore permitting is in direct conflict with the country's net-zero climate change policy, a critique also expressed in scholarship, media and society (Climate Council, 2025; van Asselt, 2021; Welsby et al., 2021; Wilderness Society, 2021).

A prominent theme highlighted by interviewees was the influence of the "powerful" oil and gas industry on MPA boundaries and the loopholes in permitted activities, which allowed the design to include multi-use zones that permit petroleum development activities. This raised concerns about the effectiveness of marine conservation (Cockerell et al., 2020; Cook et al., 2021). Australia has one of the world's most comprehensive MPA networks, with over 43% under some form of protection (Parks Australia, 2025). However, the zoning characteristics and legislative loopholes allow oil and gas activities in multipurpose MPAs, conflicting with IUCN MPA standards and public expectations (Day et al., 2019; Raabe et al., 2024). Furthermore, interviewees and researchers call for robust, inclusive legislation that addresses the cumulative impacts of fossil fuel activities on marine environments (Raabe et al., 2024; Samuel, 2020). Australia needs to review its IUCN designations before updating regional marine management plans in 2028. This would

help address public attitudes toward MPAs, align marine conservation efforts with current IUCN standards, and resolve conflicts with petroleum activities (Grorud-Colvert et al., 2021; Raabe et al., 2024).

Overall, the area selection consultation process fails to effectively include broader public or First Nations concerns regarding climate change, cultural issues, and impacts on valued marine ecosystems. Recommendations include reviewing opportunities for more balanced and collaborative marine planning, notably formal SEAs or integrated planning strategies conducted prior to allocating areas for licensing or energy planning, a concept expanded on in Chapter 5 (section 6.4.2; Chandler, 2018, 2022).

6.2.2 Public Exclusion and Limited Protection in Aotearoa-NZ (Chapter 4)

Compared to Australia, Aotearoa-NZ's offshore petroleum industry is smaller and federally managed. Yet, Aotearoa-NZ has an extensive coastline/EEZ and a strong Māori governing presence. Aotearoa-NZ's historic 2018 fossil fuel ban (Ardern, 2018; Carter and McKenzie, 2020; van Asselt, 2021) was considered to place the case study as one of best practices. However, this was overturned in 2025 with a change of political leadership.

Aotearoa-NZ's offshore petroleum licensing operates under a centralised government ministerial decision that included Māori engagement, yet excludes public input and climate concerns. Offshore petroleum licensing is overseen by NZP&M under the Crown Minerals Act 199 (NZP&M, 2025c). Currently, the West Coast Taranaki Basin is the only operational area, with 8 active permits (NZP&M, 2025a). Within the territorial sea, activities under the Resource Management Act are managed by regional and local authorities. Aotearoa-NZ's offshore petroleum regulations have two sequential processes that manage the access rights to an area (permit regime) and environmental approvals of activities (consent regime) (NZP&M, n.d.-c). A key aspect is Māori involvement in decision-making about resource extraction and conservation (NZP&M, 2017).

The Aotearoa-NZ case study includes the analysis of 21 interviews. Key findings revealed: 1) credibility and inadequacies of the regulatory framework; 2) stakeholder concerns regarding the legitimacy and credibility of consultations within this regulatory system; 3) how the limited scope of marine conservation and economic growth policies has historically prompted communities to advocate for stronger environmental protections; and 4) conflicting sustainability perspectives in relation to the evolving political power dynamics and equity, particularly in relation to Māori Rights.

The credibility of the offshore petroleum regulatory system is underscored by its complex legislative structure, in which multiple agencies share overlapping regulatory responsibilities, yet permit decisions are independent from climate and conservation portfolios, thereby enabling economic interests to take

precedence in block offer decisions (Kapoor et al., 2021a; NZP&M, n.d.-c). While ad hoc and piecemeal legislation exposes weaknesses in the MPA legislative frameworks, particularly for the EEZ, with no mechanism to establish high-level MPAs, the EEZ is relatively unprotected from petroleum development. This underscores the need for legislative reforms to enable high-level marine protection in the EEZ and to integrate climate impacts into environmental assessments and the block offers (Jefferson et al., 2023; Peart and Koolen-Bourke, 2025).

Māori consultation is mandated by the Treaty of Waitangi (Te Tiriti o Waitangi), while public input and climate concerns are excluded from block offer decisions; integrated ocean protection policies are notably absent, especially within the EEZ (Macpherson et al., 2024a; NZP&M, n.d.-a; Peart and Koolen-Bourke, 2025). With policy shifting toward fossil fuel development, unresolved Māori resource rights, and insufficient EEZ protection, there is a risk of future conflict. Iwi (Māori tribes) interviewees argue that they are often considered "stakeholders" rather than genuine Treaty partners, reinforcing the colonial power imbalance and inequity—a recognised trend in resource extraction sectors (Darling et al., 2023; Rewi and Hikuroa, 2023).

Interviewees point to the Crown Minerals Act, which defers public input and environmental concern in the block offer, as a key enabler for prioritising economic interests over environmental and societal concerns. Removing space for debate and dissent via legislation, a point emphasised in previous research (Bond et al., 2019; Loomis, 2017). Aotearoa-NZ has a long history of opposition (see Bond et al., 2023b; Greenpeace NZ, n.d.; Loomis, 2017; O'Brien, 2013; Widener, 2018a, 2021; 2022; Chapter 4). However, reinstating fossil fuel development under the pretext of economic growth and energy security, alongside intensifying concerns about climate change, is likely to renew opposition.

Integrated ocean management is needed. A foundational approach (section 5.4) would build upon the work of Fisher et al. (2022), Talbot-Jones et al. (2025), Macpherson et al. (2023), and others involved in offshore petroleum resource management. This pathway would aim for more climate-focused intergenerational marine planning, as described by Chandler (2022), Tafon et al. (2022), and Stephenson et al. (2023). For example, the establishment of a unified Ministry for the Ocean, in partnership with Māori, is recommended to drive ecosystem-based management and integrated marine governance (Macpherson et al., 2024b).

6.2.3 Cross-Case Comparison (Chapter 5)

The cross-case comparison identified five systemic barriers to credible, inclusive consultation, regulatory accountability, and integration of marine conservation and Indigenous rights in offshore petroleum area selection (section 5.3.2, Table 5-2; Kittinger et al., 2024; Yates, 2018): 1) industry dominance in early area selection; 2) limited or performative public and Indigenous consultation; 3) inconsistent in Indigenous

engagement and recognition of rights: 4) the absence of strategic environmental assessments before licensing, with implications of temporal sequencing and path dependency; and 5) policy misalignment with climate change and MPAs. These findings align with other studies linking regulatory, procedural, and institutional structures to restricting participation, unequal power and limiting integration of marine conservation priorities (see Kapoor et al., 2021a; Kisubi and Sanni, 2024; Luke et al., 2018; Meissner, 2025; Verón et al., 2022).

Industry influence before public or Indigenous consultation limits debate about environmental suitability and perpetuates predetermined outcomes (Holley et al., 2021). When consultation occurs too late to influence area selection, and there is no mechanism to determine whether broader public input influences the outcomes, it questions the democratic principles and the legitimacy of decisions in offshore petroleum licensing (Boyd and Lorefice, 2019; Sinclair et al., 2022).

Poor integration of Indigenous rights in early policy decisions in both countries reflects persistent shortfalls in the fossil fuel regulatory frameworks, and the government's genuine dialogue and partnership in resource decision-making, despite growing scholarly support for reconciliation (e.g., Boyd and Lorefice, 2019; Bruce et al., 2024; Yates, 2018). Together, these issues raise questions around democracy and power: how can consultation be meaningful without restricting industry privilege or allowing for public input, particularly in Aotearoa-NZ, where there is no public input (Aitken et al., 2016; Sinclair et al., 2022).

The absence of strategic assessments before selecting offshore petroleum areas is an overarching barrier (Chapter 5, sections 5.3 and 5.4.2) that limits the contributions of societal and Indigenous groups to discussions about whether petroleum development is suitable at all—a question critical to procedural environmental justice (Carrick et al., 2022; Suiseeya, 2020). Both countries lack comprehensive, overarching ‘Ocean Policies’ addressing intergenerational interests, cumulative pressures and foundational Indigenous rights issues in marine domains, particularly in their EEZs (Macpherson et al., 2023; Samuel, 2020).

Reform opportunities (see section 5.4., Figure 5-2) include mandatory consultation response documents, adopting early strategic planning, and genuinely integrating Indigenous rights, knowledge and input in acreage selection decisions. Implementation of these reforms will require overcoming entrenched neoliberal political-economic structures and an industry-focused regulatory culture that sustains these barriers (AMCS, 2025; Chandler, 2022; Loomis, 2017; Policzer, 2024).

This comparative study recommends integrated, inclusive, and ecosystem-based approach to marine governance (Macpherson et al., 2023; Saunders et al., 2024). For climate-consequential offshore oil and gas projects, this means replacing siloed, industry-driven processes and climate-misaligned laws with decision-

making that integrates marine conservation, climate objectives, and diverse public and Indigenous perspectives (Bruce et al., 2024; Fisher et al., 2022; Reid and Rout, 2020).

6.3 Recognising and Overcoming Limitations

This thesis had several limitations, some of which are noted (Chapters 3 and 4); here, I provide broader considerations.

First, the 48 interviews and discussions that contributed to the analytical results (Chapters 3, 4, and 5) provided a substantial area of scholarly exploration and analysis with multiple thematic areas, which meant that some topics fell outside the scope of these research aims. However, topics not included provide areas for future exploration. Specifically, how the continuation of offshore fossil fuel development aligns with climate policy in both countries, a topic briefly noted in Chapter 5 (section 5.3.1, Table 5-1, Box 6-1). Especially since both countries have opened up their offshore petroleum area release process after a pause, citing the importance of economic and energy security (Climate Council, 2025; Crawley and Chapman, 2025).

Box 6-1 Climate Target vs Fossil Fuels – Alignment or Misalignment?

"Failure of a State to take appropriate action to protect the climate system from greenhouse gas emissions — including through fossil fuel production, fossil fuel consumption, the ***granting of fossil fuel exploration licences*** *or the provision of fossil fuel subsidies — may constitute an internationally wrongful act which is attributable to that State."* (ICJ, 2025, p. 4)

This advisory opinion, issued by the International Criminal Court in July 2025, outlines important considerations about future fossil fuel development. From this perspective, it is enough to ask whether Australia's and Aotearoa NZ's policies are consistent with their emission-reduction targets.

While both countries have set strong targets, their alignment of oil and gas production differs significantly and changes constantly with government policy, trending toward continued granting of offshore petroleum permits. Aotearoa NZ, with its significant emission targets that are tracking toward net-zero before 2050, has recently seen changes with the government's policy, with the pulling out of the international agreements to phase out fossil fuels - Beyond Oil and Gas Alliance (Gibson, 2025). This policy extended to overturning the offshore petroleum ban, with new permit application submitted in October, 2025 (Daalder, 2025), and the implementation of laws for fast-track approval for petroleum, and changing biogenic emission limits to the emission totals (reduction from 24-47% to 14-24% from 2017 by 2050) has been criticised for undermining the Paris Agreement climate goals, questioning the countries' alignment with its climate targets (CCPI, 2025; Ministry for the Environment, 2025).

Although Australia has made substantial changes to its previous 43% target by 2030, with the target now set to 62-70% below the 2005 level (CCPI, 2025; DCCEEW, 2025a; Ministry for the Environment, 2025), and no offshore acreage has been released since 2022, there is criticism of the government's current support for fossil fuel development, particularly natural gas (Climate Council, 2025). For example, the recent 45-year approval in 2025 for the Woodside Northwest Shelf gas project in Western Australia, along with the 'Future Gas Strategy' that supports ongoing fossil fuel production and export until 2050 (Battersby, 2025; Climate Council, 2025). Additionally, even though Australia requires oil and gas companies to report their emissions through the Safeguard Mechanism[1], there is growing criticism of the government's commitment to expanding gas development (Campbell et al., 2023; DCCEEW, 2025a). This situation raises questions about whether such measures are consistent with international climate agreements and objectives.

Second, the interview analyses revealed that interviewees held differing perceptions of whether consultation was inclusive and democratic (Boyd and Lorefice, 2019; Carrick et al., 2022). While a brief survey to capture interviewees' views on consultation and consent would have provided valuable context for better understanding the consultation barriers identified in this research (Chapter 5) and why they persist, it was beyond the scope of this project. Future research could examine how people involved in offshore petroleum

and marine conservation understand meaningful participation, consultation, and consent. A starting point would be to explore how these strategies are described in scholarship on resource management and environmental assessment (e.g., Burdett and Sinclair, 2024a; Policzer, 2024; Yates, 2018).

Third, this thesis indicates notable power imbalances and potential regulatory and governmental capture by the industry (Chapter 3, section 3.4.2.2; Chapter 5, section 5.3.2.2). Notably, as economic interests take precedence over marine conservation and climate considerations in decision-making (Samuel, 2020; Wilkinson, 2025). While this was more evident in Australia, power imbalances and path dependency on industry were also observed in Aotearoa-NZ, (Chapter 5; Holley et al., 2021; Rosenbloom et al., 2019). This was highlighted in recent events that questioned industry influence on legislative changes to the Crown Minerals Act (Johnston, 2025) and the approval of the Woodside Scarborough LNG project in 2025 (Wilkinson, 2025). Ultimately, when federal senators regularly criticise the capture, as Senator Whish-Wilson (2025) states, “Sadly, offshore oil and gas corporations have been buying their influence in the corridors of power with hefty political donations for decades and have had governments eating out of the palms of their hands,” further investigation is necessary. Given additional time, future research should investigate the degree of industry capture and influence.

Despite these limitations, they offer promising avenues for future research that build on the expanding scholarship on more inclusive, equitable, and integrated marine management, which is discussed in the following sections.

6.4 Future Direction -Recommendations for Integrated Ocean Planning & Governance

Based on the findings and limitations identified in this thesis, this section outlines recommendations (future research opportunities) for advancing integrated, inclusive, and ecosystem-based ocean planning and governance in Australia and Aotearoa-NZ.

6.4.1 The Need for Broader Ocean Planning

Looking forward, scenario-based studies should focus on long-term, intergenerational ocean planning frameworks that prioritise ecological value, address cumulative problems and account for various knowledge systems, support inclusive, collaborative, and deliberative decision-making (Macpherson et al., 2023; Renaldo et al., 2024).

Macpherson et al. (2023) present a pathway for operationalising integrated ocean governance, advocating for marine laws that prioritise ecosystem health and people, and recognise the ocean is a "living entity" that maintains "reciprocal relations" with the people it interacts with (p. 242). Their approach supports cross-sector and spatial-scale management, supported by the EBM principle implemented through collaborative governance and power-sharing, and Indigenous partnerships that leverage local and Indigenous knowledge.

With the increasing focus on the emerging and elusive 'blue growth economy,' initiatives such as wind farms, seabed mining, and carbon capture and storage are currently, and are likely to continue to escalate, the conflicting imperatives of previous marine uses, including conservation, fishing, and tourism (Saunders et al., 2024; Tafon et al., 2022). Tafon et al. (2022) emphasise that procedural conflict frequently emerges when rights and values are overlooked, especially in regions where ocean and coastal government priorities, such as those of offshore fossil fuel industries, are already economically entrenched in the country (Carter and McKenzie, 2020). As a result, Australia and Aotearoa-NZ should consider the social and ecological inequalities highlighted by this study in fossil fuel-free energy transition policies. In particular, fostering inclusive and collaborative decision-making processes at the outset would support a more equitable transition for the often-marginalised communities and marine ecosystems (Matovu et al., 2024; Policzer, 2024).

6.4.2 Recognising the Cumulative Effect in Early Licensing and Marine Planning

Australia and Aotearoa-NZ are not effectively addressing the cumulative environmental impacts associated with offshore petroleum licensing decisions. Notably, there is no strategic assessment before acreage is released, despite key environmental laws—Australia's EPBC Act (s136 and s146) and the Aotearoa-NZ EEZ Act (s29 and s39)—mandating the consideration of cumulative impacts. These legal requirements are

not generally considered in petroleum licensing decisions, a concern also raised by other researchers (see Burdett and Cameron, 2021; Chandler, 2022; Nelson, 2019; Stephenson et al., 2023).

Future studies could examine the socio-economic and socio-ecological impacts—both positive and negative—of planning, or failing to plan, for cumulative impacts on future generations, including issues related to ongoing offshore fossil fuel development. Investigating why these critical resource extractive decisions overlook cumulative impacts remains a key recommendation for future research (Noble, 2022; O'Hara et al., 2024). An initial starting point for exploration could be the recent work on cumulative assessment by Noble (2022). Chandler (2022) also offers specific pathways for integrating environmental protection into offshore petroleum development to achieve intergenerational socio-economic equity in Australia. While the innovative solution-based approach proposed by Nelson (2025) would provide a foundation for exploring how the cumulative effect could be incorporated into early marine planning, particularly in relation to existing and emerging offshore energy development.

Nelson (2025) characterises cumulative environmental problems (effects) as the common "insidious, slow-moving tragedy" of resource use and extraction on ecosystems and humanity, making them difficult to fully comprehend or identify (p. abstract). Nelson (2025) also proposes a model based on Conceptualisation (clearly defined the matter of concern/impact), Information (gathering and sharing data regarding the concern), Regulatory intervention (the action to prevent and deal with the cumulative impact) and Coordination (the collective collaboration decision-making across all actors), which they call the "CIRCle Framework" (p. 4). Future efforts could focus on operationalising these concepts and conducting a scenario-based study centred on broader intergenerational ocean planning. Specifically, examining the cumulative impacts on marine conservation efforts arising from the continuation of offshore petroleum licensing in Australia and Aotearoa-NZ, and the legal requirement for cumulative assessment prior to licensing to determine the true effects of its continuation (Noble, 2022).

6.4.3 Review Feasibility of Integrated Strategic Planning – SEAs for Acreage Release

A compelling observation of this research is the absence of strategic assessments (e.g., SEAs) prior to petroleum licensing decisions in Australia and Aotearoa-New Zealand. Given the persistent barriers to inclusive and effective marine governance in resource extraction identified in this research, a critical area for future exploration is the role of integrated strategic planning approaches—particularly the SEAs, in offshore petroleum licensing in these two jurisdictions. SEAs incorporate social, environmental, and economic considerations early in project planning, enabling participation and public input, supporting more inclusive decision-making (Fidler and Noble, 2012; Kusters et al., 2024; Lamorgese et al., 2015).

While conducting SEAs before granting petroleum licenses is routinely conducted in other international jurisdictions, such as Norway, Canada, and the United Kingdom—Australia and Aotearoa-NZ historically have prioritised promoting investment and energy security, at the expense of early environmental assessment (Burdett and Cameron, 2021; Chandler, 2022; Morgan and Taylor, 2021). This research gap presents opportunities to explore why SEAs have not been adopted before offshore petroleum licensing, assess the feasibility and potential benefits of their implementation, and draw on international practices that inform reform policies for SEAs in offshore petroleum licensing (Burdett and Cameron, 2021; Hauge, 2025).

6.4.4 Adopt Ecosystem-based and Collaborative Marine Governances

Recognising the limitations of SEAs (see Fidler and Noble, 2012; Kapoor et al., 2021c; Partidario, 2022), future studies could explore and test how management tools (e.g., EBM, MSP, and SEA) can be integrated in practice, and assess the outcomes of their integration to balance economic, social, and conservation objectives and improve intergenerational marine conservation and resource outcomes (Kusters et al., 2024). They could also examine pathways to more inclusive, participatory, and collaborative ocean governance models, with particular emphasis on centring marine ecosystems and recognising Indigenous knowledge and rights (see Fisher et al., 2022; Macpherson et al., 2023; Tafon et al., 2022; Talbot-Jones et al., 2025).

In addition to the integrated cross-sectoral and cross-scale ocean-centric approach suggested by Macpherson et al. (2023), recent work by Talbot-Jones et al. (2025) and Fisher et al. (2022) provides practical starting points to incorporate Indigenous knowledge systems and marine spatial planning to effectively implement ecosystem-based management through community-driven initiatives and decision-making. Pegorelli et al. (2026) emphasise the importance of operationalising the integration of MPA and MSP by establishing clear socio-economic and governance criteria—promoting more cohesive frameworks for marine planning and MPAs, and encouraging adaptive, sustainable growth alongside conservation objectives. As the research highlights, the importance of collaborative engagement and adaptive management is emphasised, aligning with Macpherson et al. (2023), who argues for placing ecosystems at the core of socio-ecological systems.

6.4.5 What is Adequate and Meaningful Consultation - Strengthening Public Consultation

This research revealed several concerns about consultation processes, including performative practices and a lack of accountability, creating confusion and distrust in the area selection outcomes. Future research could examine how individuals involved in petroleum extraction and marine conservation define credible consultation, participation, and consent—addressing the discrepancy in the consultation process identified by the interviewees of this research. Interpretations of what constitutes adequate engagement and consent appear to vary. For instance, as Bruce et al. (2024) note, the meaning of consultation differs significantly

across government, industry, and Indigenous communities, and is often central to conflicts in resource management. Verón et al. (2022) highlight this issue in Argentina, focusing on the wider implications of public participation in areas designated for protection and extraction (see Box 6-2).

Box 6-2 Public Input on Societal Decisions

Reflecting on barriers to meaningful public input and the broader implications of public participation in decisions about areas designated as marine protected areas and petroleum extraction zones, within these contexts, we can examine a paper by Verón et al. (2022) that explores this issue in Argentina.

Argentina has strong legislation that requires public consultation for offshore oil and gas projects. Specifically, two main acts require that when decisions are made to exploit offshore resources, a public inquiry must be held, allowing anyone to comment on and share their thoughts on the project. This feedback is then assessed against public consensus (Socrate et al., 2024; Verón et al., 2022). In 2018, Equinor sought to exploit an area in the Argentina basin for deep offshore oil and gas. This proposal faced significant public backlash. The Verón et al. (2022) study included a survey to gauge community awareness and support for the project. They found that only 53% were aware of the project, yet 94% of respondents opposed it. This indicates a significant disconnect between public sentiment and project awareness (Verón et al., 2022). Based on the survey results, the Argentine government initially decided to halt the project. However, in 2021, under a new right-leaning government that emphasised capitalist economic policies, that decision was reversed, allowing the project to proceed.

This situation highlights a critical issue relevant to this research: even with established legislation intended to secure social license for projects, such measures can still be deemed ineffective. This is also relevant in Australia. Results shown in Chapter 3 demonstrate that community members, ENGOs, Indigenous groups, and fisheries interviewees argued that their contributions do not significantly influence decision-making processes. In Aotearoa-NZ, the wider public is entirely absent from these early, consequential environmental and social decisions. Scholars have noted that for participatory efforts to be meaningful and effective, all stakeholders must have a genuine influence on decisions, and this influence should be documented to show its impact (Burdett and Sinclair, 2024a; Policzer, 2024; Sinclair et al., 2022; Yates, 2018).

In Argentina, public consultations did not yield meaningful outcomes for the communities involved (Socrate et al., 2024; Verón et al., 2022). Australia and Aotearoa-NZ interviewees' comments regarding ‘input into decision’ underscore the need to reevaluate how public input is integrated into these processes, regardless of the legislative frameworks in place.

6.4.6 Indigenous Involvement in Petroleum Decision-Making in Australia

This research underscores differences in Indigenous engagement and decision-making between Australia and Aotearoa-NZ—Aboriginal First Nations are viewed as one of several ‘stakeholders’ while Māori

consultation is mandated by treaties and laws (DISR, n.d.-b). Future research could explore how to integrate Indigenous rights in Australia's offshore petroleum development, drawing comparisons with Aotearoa-NZ, and considering case studies such as the Tiwi Islanders in the Northern Territory to examine barriers to meaningful partnerships. It would be advantageous to analyse how the Treaty of Waitangi fosters cohesion and provides safeguards to ensure Māori participation and influence in decision-making processes (Hale et al., 2024). This could then lead to considerations of how similar principles might be applied to Australia's resource extraction policies concerning First Nations.

Interestingly, Reo et al. (2017) et al (2017, p. 67) raise an intriguing concept, stating "What would cooperative environmental stewardship look like if non-Indigenous agencies and organisations looked up to and respected their Indigenous partners (existing or potential) as elder siblings, each sibling having equal importance but different roles and responsibilities that help maintain healthy relationships"(p. 67). It is 2026, nearly a decade following the Reo et al. (2017) publication, and our research highlights the persistent marginalisation of Indigenous peoples in both Australia and Aotearoa-New Zealand, particularly in the context of their roles and recognition as critical knowledge holders (Fisher et al., 2022; Rioux-Gobeil and Thomassin, 2024).

Despite advancements across sectors, the Indigenous and First Nations communities and the public continue to be excluded from collaborative decision-making processes regarding offshore oil and gas development—particularly pronounced in Australia. Furthermore, the consultation issues in this research following licensing decisions are also noted and highlight inequities deeply rooted in colonial policies that undermine Indigenous sovereignty and agency (Burdett and Sinclair, 2024a). Nonetheless, this ongoing marginalisation underscores the urgent need for reforms that ensure genuine participation and respect for Indigenous voices in marine governance and offshore energy decisions (Bruce et al., 2024).

Taken together, these recommendations offer a focus for future research to assist policy in Australia and Aotearoa-NZ in moving beyond the current fragmented, industry-driven regulatory approaches toward more inclusive, socioecological-based, and conservation-aligned marine management.

6.5 Concluding Reflections

This thesis examined a pressing and controversial issue of our time—the continuation of fossil fuel extraction despite the well-documented recognition of the urgency of drastically reducing emissions and protecting the ecosystems on which the survival of humanity and the planet depend (IPCC, 2023; Pellegrini et al., 2024; SEI et al., 2023; Wolf et al., 2025).

Despite policies promoting reduced global reliance on fossil fuels, democratic engagement, Indigenous knowledge and rights, and marine protections, this research found fragmented governance, disproportionate influence over marine acreage selection, inadequate consultation and poor integration of conservation and climate in Australia and Aotearoa-NZ (Carrick et al., 2022; Kittinger et al., 2024; UNFCCC, 2015). Policzer (2024) describes how fossil fuel industry influence can lead governments to priorities resource development and jobs over conservation (also see, Carter, 2020; Carter and McKenzie, 2020; Malin and Ryder, 2023). Like this research, these accounts identify top-down decisions and institutional siloes between environmental, energy or industry agencies as barriers to integrated decision-making. An Australian government official interviewee illustrates this tension: "Our agencies have distinct mandates, and while we aim for collaboration, the drive for economic growth can sometimes overshadow conservation objectives."

More broadly, scholars locate these conflicts around fossil fuel extraction and marine conservation within neoliberal economic ideals, in which global economic priorities favour short-term profits over environmental and intergenerational socio-economic and socio-ecological responsibility (Carter, 2020; Chandler, 2022; Mattei, 2026; Rees, 2023). Political and economic structures reinforce these priorities by enabling powerful actors, including the fossil fuel industry, to influence key decisions and obstruct meaningful long-term change (Carter, 2020; Malin and Ryder, 2023; Wilkinson, 2025; Winton, 2022). This research and previous studies associate the neoliberal capitalist model with immediate resource gains taking precedence over long-term environmental health and petroleum reserves (see Bond et al., 2023b; Chandler, 2022; Loomis, 2017; Mattei, 2026; Rees, 2023; Widener, 2022).

Both Australia and Aotearoa-NZ operate under the current model of economic growth while externalising environmental costs, burdening future generations (Rees, 2023). The problem is that the growth of private capitalism is increasingly shaping economic policies through countries' laws and regulations, often placing profits above conservation (Barros-Platiau et al., 2024; Rose et al., 2018). This trend is amplified when there is a political shift towards authoritarianism, as we are witnessing now, particularly in the United States, as in Aotearoa-NZ and Australia, fossil fuel agendas are prioritised in national economic policies and projects are fast-tracked for approval (Johnston, 2025; Morton, 2025; Thomas et al., 2023; Widener, 2021). These are generally short-sighted objectives that lack intergenerational planning and fundamentally neglect equity in socio-ecological and socio-economic priorities (Chandler, 2022).

This study shows Australia and Aotearoa-NZ struggling to reconcile petroleum extraction with protecting their marine environments and climate commitments (Yaghi, 2024), falling short of their intergenerational responsibilities—ensuring that future generations will have healthy marine environments and an abundance of resources (Brundtland and Khalid, 1987). Ultimately, transparent decisions incorporating public interests and aligning economic, climate, and sustainability goals could help address these tensions. Integrated

marine planning that prioritises ecosystem health and reciprocal relationships with the ocean offers a pathway towards inclusive intergenerational ocean management, as advocated in the literature (Barros-Platiau et al., 2024; Chandler, 2022; Lukambagire et al., 2024; Macpherson et al., 2023; Pegorelli et al., 2026; Stephenson et al., 2023; Winther et al., 2023).

Reimer et al. (2025) remind us, "Target 1 of the Kunming-Montreal Global Biodiversity Framework requires all areas to be under participatory, integrated, and biodiversity-inclusive spatial planning and/or other effective management processes by 2030" (p. 165). Against this benchmark, limited MPA networks, fragmented regulatory frameworks, continued offshore petroleum licensing, and the global political landscape pose significant challenges to the energy transition and meeting emission commitments in Australia and Aotearoa-NZ. An inclusive, collaborative and ecosystem-centred transition must support equitable intergenerational marine planning (Gillgren et al., 2019; Macpherson et al., 2023). Ultimately, achieving ecological and energy balance necessitates a rapid transition away from fossil fuels, with the marine environment taking priority over short-term economic gains.

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Appendix A | Ethical Approvals and Consent Agreement Document Package

Appendix 1 contains ethical documentation for this doctoral research. It includes the ethical agreements and the endorsements (A2.1), the template for interview recruitment invitation regarding the ethics protocol for research participation (A2.2) and the interviewee consent agreement (A2.3).

A1.1 Ethical Agreements – York University and University of Waikato Endorsement

YORK
UNIVERSITÉ
UNIVERSITY

Certificate #:	**e2019-231**
Initial Approval:	**07/11/19-07/11/20**
Amendments:	
Renewals:	**07/10/20-07/10/21** **07/07/21-07/07/22** **07/13/22-07/13/23** **07/13/23-07/13/24**
Current Approval Period:	**07/13/23-07/13/24**

OFFICE OF RESEARCH ETHICS (ORE)

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Toronto ON
Canada M3J 1P3
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ETHICS RENEWAL

To: **Professor Gail Fraser**
Faculty of Envoronmental Studies
gsfraser@yorku.ca

From: Alison M. Collins-Mrakas, Director, Research Ethics
(on behalf of Janessa Drake, Chair, Human Participants Review Committee)

Date: Thursday, July 13, 2023

Title: **Offshore oil exploratory drilling: leasing decisions and marine protected area**

Risk Level: ☒ Minimal Risk ☐ More than Minimal Risk

Level of Review: ☒ Delegated Review ☐ Full Committee Review

I am writing to inform you that this research project, **"Offshore oil exploratory drilling: leasing decisions and marine protected area"** has received ethics review and renewal by the Human Participants Review Sub-Committee, York University's Ethics Review Board and conforms to the standards of the Canadian Tri-Council Research Ethics guidelines.

Note that renewal is granted for one year. Ongoing research – research that extends beyond one year – must be renewed prior to the expiry date.

Any changes to the approved protocol must be reviewed and approved through the amendment process by submission of an amendment application to the HPRC prior to its implementation.

Any adverse or unanticipated events in the research should be reported to the Office of Research ethics (ore@yorku.ca) as soon as possible.

For further information on researcher responsibilities as it pertains to this approved research ethics protocol, please refer to the attached document, **"RESEARCH ETHICS: PROCEDURES to ENSURE ONGOING COMPLIANCE".**

Should you have any questions, please feel free to contact me at: ore@yorku.ca

Yours sincerely,

Alison M. Collins-Mrakas M.Sc., LLM
Director, Office of Research Ethics

YORK
UNIVERSITÉ
UNIVERSITY

Certificate #:	**e2019-231**
Initial Approval:	**07/11/19-07/11/20**
Amendments:	
Renewals:	**07/10/20-07/10/21** **07/07/21 - 07/07/22** **07/13/22-07/13/23** **07/13/23-07/13/24** **07/17/24-07/17/25**
Current Approval Period:	**07/17/24-07/17/25**

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ETHICS RENEWAL

To: **Professor Gail Fraser**
Faculty of Environmental Studies
gsfraser@yorku.ca

From: Alison M. Collins-Mrakas, Director, Research Ethics
(on behalf of Gillian Parekh, Chair, Human Participants Review Committee)

Date: Wednesday, July 17, 2024

Title: **Offshore oil exploratory drilling: leasing decisions and marine protected area**

Risk Level: ☒ Minimal Risk ☐ More than Minimal Risk

Level of Review: ☒ Delegated Review ☐ Full Committee Review

I am writing to inform you that this research project, **"Offshore oil exploratory drilling: leasing decisions and marine protected area"** has received ethics review and renewal by the Human Participants Review Sub-Committee, York University's Ethics Review Board and conforms to the standards of the Canadian Tri-Council Research Ethics guidelines.

Note that renewal is granted for one year. Ongoing research – research that extends beyond one year – must be renewed prior to the expiry date.

Any changes to the approved protocol must be reviewed and approved through the amendment process by submission of an amendment application to the HPRC prior to its implementation.

Any adverse or unanticipated events in the research should be reported to the Office of Research ethics (ore@yorku.ca) as soon as possible.

For further information on researcher responsibilities as it pertains to this approved research ethics protocol, please refer to the attached document, **"RESEARCH ETHICS: PROCEDURES to ENSURE ONGOING COMPLIANCE".**

Should you have any questions, please feel free to contact me at: ore@yorku.ca

Yours sincerely,

Alison M. Collins-Mrakas M.Sc., LLM
Director, Office of Research Ethics

The University of Waikato
Private Bag 3105
Hamilton, New Zealand, 3240
0800 WAIKATO (924 528)

HECS Human Ethics Committee
Brett Langley
Telephone +64 77 838 4060
Hecs-ethics@waikato.ac.nz

THE UNIVERSITY OF WAIKATO
Te Whare Wānanga o Waikato

3 April 2023

Joanne Ellis

Jessica Rutherford

Re: HECS Ethics Committee Endorsement of York University, Canada, Office of Research Ethics (ORE) Approval "Certificate# e2019-231 - Offshore oil exploratory drilling: leasing decisions and marine protected"

Dear Joanne and Jessica:

Thank you for submitting a copy of the York University, Canada, ORE application and approval certificate# e2019-231 for endorsement consideration. We are pleased to provide formal endorsement of this approval. For your records, the HECS Ethics Committee endorsement ID is HREC(HECS)2023#19.

Please contact the committee by email (hecs-ethics@waikato.ac.nz) if you make changes and receive subsequent approvals as your project unfolds, quoting your application number with your future correspondence.

We wish you all the best with your research.

Kind regards,

Brett Langley, PhD

Chairperson
HECS Human Ethics Committee
University of Waikato

A1.2 Research Project Information Statement

Title of Project: Offshore oil exploratory drilling: leasing/permit decisions and Marine Protected Areas You are invited to participate in a research study led by researchers at York University, Memorial University of Newfoundland, Canada, and the University of Waikato, Aotearoa New Zealand. To help you make an informed decision regarding your participation, this letter will explain the details of our data collection and your rights as a research participant. If you do not understand something in the letter, please ask one of the investigators prior to consenting to the study. If you choose to participate, you will receive a copy of the information and consent form.

Purpose of the Project and Interviews

This research seeks to understand how regulators identify parcels of the ocean floor as possible areas for exploratory drilling, the consultation processes undertaken with stakeholders, and the tendencies and constraints of each regulator around permit/leasing decisions.

These interviews will inform scholarly and public-facing presentations, publications written by the principal investigators in collaboration with student investigators, and the doctoral dissertations of the graduate student, Jessica Rutherford, who is working on this project.

What are the possible benefits of the study?

The aim of this research is to better inform societies on the processes involved in identifying areas of the ocean for permits/leasing (Offshore Block Offers) for oil and gas activities and reducing the conflicts associated with those decisions. Therefore, the benefits may result in reduced conflict for the regions identified for case studies.

What does participation involve?

This study involves participating in an interview with a member of our research team. Interviews typically last one hour and will consist of semi-structured questions regarding your or your organisation's experience with offshore permit/leasing decisions (Offshore Block Offers) and marine protected areas in your region.

Your rights as a participant

Your participation in this study is voluntary, and you may decline to answer any question(s) you prefer not to answer by requesting to skip the question. You may also decide to end the interview at any time by communicating this to the researcher.

Will I receive anything for participating in the study?

You will not receive remuneration for your participation in the study.

Will my information be kept confidential?

Your participation will be considered confidential. Identifying information will be removed from the data that is collected and stored separately. Your name and your organisation's name will not appear in any paper or publication resulting from this study. However, with your permission, anonymous quotations may be used with an assigned code, categorised by organisation type [e.g., policy maker, elected official, environmental organisation, social justice organisation, fisheries group, tourism association, etc.] and case study location (e.g., "NZ15E" will refer to the 15th interviewee

representing an environmental organisation from the New Zealand case study). The records of this study will be kept private, with *names of interviewees recorded on a separate sheet using code numbers*. In any publications, we will not include any information that will make it possible to identify you unless you prefer that we identify with you directly.

Research records will be held for a ten-year period; the research team and students associated with the project will have access to the records.

What are the risks associated with the study?

Beyond the cost of your time, participating in this research has no foreseeable risks. Participating in the research also does not offer direct benefits. However, some interviewees might find the published research to be useful in clarifying the current environmental issues surrounding oil development policies.

Who is sponsoring/funding this study?

This research is funded by the Government of Canada's Social Science and Humanities Research Council.

Who should I contact if I have questions regarding my participation in the study?

If you have questions about the research in general or about your role in the study, please feel free to contact any one of us: Gail Fraser either by telephone at +1 (416) 736-2100, extension 44564, or by email (gsfraser@yorku.ca); Angela Carter either by telephone at +1 (709)864-8178 or by e-mail (avcarter@mun.ca); Joanne Ellis by telephone 64 7 262 0504 or by email (joanne.ellis@waikato.ac.nz); and Jessica Rutherford by cell phone 64 021 0877 3502 or by email (jmr.rutherford@gmail.com).

This research has been reviewed and approved by the Human Participants Review Sub-Committee, York
University's Ethics Review Board, and endorsed by the University of Waikato HECS Human Ethics Committee, and conforms to the standards of the Canadian Tri-Council Research Ethics guidelines and
New Zealand's Code of Professional Standards and Ethics.
If you have any questions about this process or about your rights as a participant in the study, don't hesitate to get in touch with the Office of Research Ethics, 309 York Lanes, 4700 Keele St., Toronto, ON, York University (telephone 416.736.2100 ext. 5520 or e-mail ore@yorku.ca) or the University of Waikato Ethic Committee (telephone +64 77 838 4060 or email Hecs-ethics@waikato.ac.nz).

A2.3 Consent Form for Participants

Interview Consent Form

Date: February 2024

Study Name: *Offshore oil exploratory drilling: permit decisions and marine protected areas*

Researchers: Gail Fraser, Faculty of Environmental Studies, York University; Angela Carter, Memorial University of Newfoundland; Joanne Ellis University of Waikato, Tauranga; PhD candidate Jessica Rutherford, University of Waikato, Tauranga NZ.

Purpose of the Research: This research seeks to understand how regulators identify parcels of the ocean floor as possible areas for exploratory drilling, the consultation processes undertaken with stakeholders, and the tendencies and constraints of each regulator around permit/leasing decisions.

What You Will Be Asked to Do in the Research: We are seeking to understand the criteria used in identifying and determining offshore oil and gas permitting. To this end, we are requesting an interview, which would take approximately one hour, but we will respect any time constraints. Would you agree to speak to us about this subject? If yes, what is your preference regarding how we cite you? Do we have your permission to audio record our conversations? At the end of the interview: Is there any information you shared that you would prefer we eliminate from our notes or recordings?

Risks and Discomforts: Beyond the cost of your time, participating in this research has no foreseeable risks. Participating in the research also does not offer direct benefits. However, some interviewees might find the published research useful in clarifying the current environmental issues surrounding oil development policies.

Benefits of the Research and Benefits to You: This research aims to better inform societies on the processes involved in identifying ocean floor areas for leasing oil and gas activities and reducing the conflicts associated with those decisions. Therefore, the benefits may result in reduced conflict for the regions identified for case studies.

Voluntary Participation: Your decision as to whether or not to participate will not affect your current or future relations with us, the University of Waikato, or York University. If you agree to be interviewed, you are free to end the interview or request that certain information not be cited at any time without affecting those relationships.

Withdrawal from the Study: You can stop participating in the study at any time, for any reason, if you so decide. Your decision to stop participating or to refuse to answer particular questions will not affect your relationship with the researchers, York University, the University of Waikato, or any other group associated with this project. In the event you withdraw from the study, all associated data collected will be immediately destroyed wherever possible.

Confidentiality: Your participation will be considered confidential. Identifying information will be removed from the data that is collected and stored separately. Your name and the name of your organisation will not appear in any paper or publication resulting from this study. However, with your permission, anonymous quotations may be used with an assigned code, categorised by organisation type [e.g., policy maker, elected official, environmental organisation, social justice organisation, fisheries group, tourism association, etc] and

case study location (e.g., "NZ15E" will refer to the 15th interviewee representing an environmental organisation from the New Zealand case study).

Your data will be safely stored in a locked facility or under password-protected computers using pseudonyms, and only research staff will have access to this information. Confidentiality will be provided to the fullest extent possible by law.

The records of this study will be kept private with *the names of interviewees recorded on a separate sheet using code numbers*. In any publications, we will not include any information that will make it possible to identify you unless you prefer that we identify you directly. Research records will be for a ten-year period; the research team and students associated with the project will have access to the records.

Questions About the Research? If you have questions about the research in general or about your role in the study, please feel free to contact any one of us: Gail Fraser either by telephone at (416) 736-2100, extension 44564, or by e-mail (gsfraser@yorku.ca); Angela Carter either by telephone at +1 (709)864-8178, or by e-mail (avcarter@mun.ca); Joanne Ellis by telephone 64 7 262 0504 or by email (joanne.ellis@waikato.ac.nz); and Jessica Rutherford by mobile phone 64 210 877 3502 or by email (jmr.rutherford@gmail.com).

This research has been reviewed and approved by the Human Participants Review Sub-Committee, York University's Ethics Review Board, and endorsed by the University of Waikato HECS Human Ethics Committee, and conforms to the standards of the Canadian Tri-Council Research Ethics guidelines and New Zealand's Code of Professional Standards and Ethics. If you have any questions about this process or your rights as a participant in the study, please contact the Office of Research Ethics, 309 York Lanes, 4700 Keele St., Toronto, ON, York University (telephone 416.736.2100 ext. 5520 or e-mail ore@yorku.ca) or the University of Waikato Ethic Committee (telephone +64 77 838 4060 or email Hecs-ethics@waikato.ac.nz).

Legal Rights and Signatures:

I *(_____)* consent to participate in *Offshore oil exploratory drilling: leasing decisions and marine protected areas* conducted by Gail Fraser, Angela Carter, Joanne Ellis or Jessica Rutherford. I have understood the nature of this project and wish to participate. I am not waiving any of my legal rights by signing this form. My signature below indicates my consent.

Signature _____ **Date** _____

Participant

Signature _____ **Date** _____

Researcher

Appendix B | Interview Questions Documents

Questions for interviewees for *community members* involved in offshore oil, marine protected areas, and marine spatial planning.

Core Questions	
Please tell me your name, your organisation and your role.	Prompts and Additional Questions
1) MPA What can you tell me about marine protected areas (or other designations) in your region, and what important things should I know about MPA efforts in your area?	▪ What is your experience with establishing, operating, or managing MPAs? ▪ In your experience or knowledge, are there broader regional planning or MPS efforts in this region - how have you/your organisation been involved - if at all? ▪ Have you or your organisation been involved in any regional planning? MSP or EBM efforts in this region? When was MSP in your region initiated? Is MSP still active? ▪ Whether regional planning or MSP has been linked to ecosystem-based management. ▪ Has Indigenous knowledge been incorporated into MPA, MSP, or EMB planning? If so, how was this accomplished? ▪ From your perspective, what are some impacts of oil and gas in the region? Especially in terms of MPAs.
2) Offshore Petroleum: What are the important things I should know about offshore oil and gas activities in your region? How does this impact you and your company?	▪ I understand that you have some involvement in offshore petroleum. Can you tell me the type of involvement? ▪ Do different members (if organisation) participate in various stages of oil development (e.g., leasing vs EAs)? ▪ Are there any specific environmental concerns with offshore Oil & Gas activities in your region that stand out?
3) Acreage Release: Can you please share your insight and experience on the consultation processes for offshore petroleum acreage release, particularly regarding marine protection and the consultation processes?	▪ Can you explain your experience contributing to or understanding of the O&G sector's Acreage Release and Environmental Plans (EP) processes, specifically around public consultations/comments? Have you contributed through the AR public comments process? ▪ Were there instances in the acreage release process that were particularly contentious or problematic? ▪ I am aware that there has been some oil and gas acreage area in proximity to MPAs. Can you tell me if issues arose because of this proximity? Do you recall the names or locations of the MPAs? ▪ Was there anything different about those instances compared to leasing that did not include MPAs? ▪ In instances of MPA proximity, was there any distinction in the consultation where MPAs were involved? Do you recall the outcome of the consultation(s)?
Are there changes you would like to see made for your region's acreage release process, for example, regarding consultation, timing, or engagement?	
What am I not asking? What have we not talked about that might be of importance?	
Who else should I talk with to better understand this issue?	

Questions for interviewees for *government officials* involved in offshore oil, marine protected areas, and marine spatial planning.

Questions	
Please tell me your name, your organisation and your role.	Prompts and additional questions
1) Acreage Release: Can you please share your insight and experience on the **regulatory consultation processes** for offshore petroleum **acreage release**, particularly regarding marine protection and the consultation processes?	▪ Experience with O&G acreage release and/or industry environmental plan (EP) ▪ What are the most important things I should know about public consultation around offshore oil and gas activities specific to acreage release? ▪ I am aware that the government publishes acreage releases for public comments in the newsletter APN. Can you explain your experience and perspectives on the Public Comment process? Are you aware of any other way that stakeholders are informed about the consultation? ▪ What are the key challenges or opportunities you've observed in these consultation processes regarding AR or Env Plan consultations? ▪ I know there have been significant changes to the AR processes since 2014. However, can you share your thoughts on this change? ▪ Were there instances in the acreage release process that were particularly contentious or problematic? ▪ How might the acreage release process change in the future?
2) MPA, MSP, EBM: What are the top things I should know about **MPAs**, conservation areas, marine spatial planning **(MSP**) or ecosystem-based management **(EBM) efforts** in your area? Particularly your insight or experience in terms of …?	▪ Establishing or managing MPAs in general. ▪ In your experience or knowledge, are there broader regional planning or MPS efforts in this region - how have you/your organisation been involved - if at all? ▪ What branch of government is undertaking these efforts? When were MSPs in your region initiated? What criteria are used to define their geographic scope? ▪ Whether regional planning and/or MSP have been linked to ecosystem-based management. ▪ In what way do Aboriginal groups contribute to and have Indigenous knowledge been integrated into MPA, MSP, or EMB planning efforts? If so, how was this accomplished? ▪ Can you tell me what the most critical impacts of oil and gas in the region are? Especially in terms of marine conservation.
3) Broader Planning Strategies: How are MSPs, regional planning, and EMB **linked to the acreage release processes** in your region? Are they linked? (Identifying proximity issues)	▪ Can you tell me if MSP and/or regional planning processes identify areas that would exclude oil and gas development? ▪ Do these broader planning processes identify areas that would exclude oil and gas development? ▪ I am aware that there has been some areas where there has been proximity to MPA. Can you tell me what issues arose because of this proximity issue? ▪ Can you tell me about it? When did this occur? (names, locations)? Were there special mitigation measures identified? If yes, explain how mitigation was determined. ▪ Was there anything different about those instances compared to acreage release processes that did not consider MPAs? ▪ In instances of MPA proximity, how were communities consulted? Do you recall the outcome of the consultation(s)?
Are there changes you would like to see made for your region's acreage release process in your region?	Future directive in ocean planning?
What am I not asking, what have we not talked about that might be of importance?	
Who else should I talk with to better understand this issue?	▪ Who might offer another important perspective?

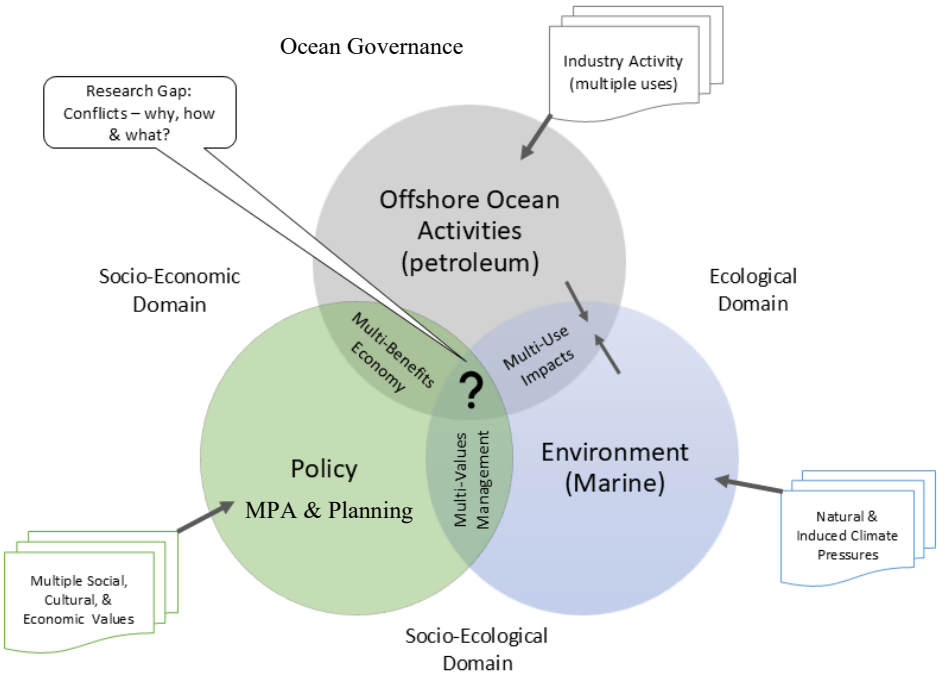
Appendix C | Theoretical Framework – Environmental Planning Theory

This supplementary section outlines the theoretical framework underpinning interpretative analysis of the study. The following sections detail the foundational philosophical and epistemological positions as a backdrop to the methodological approach and interpretative analysis. Subsequently, outlining the elements of the qualitative analysis within three main theoretical pillars of environmental planning theory.

Securing my theoretical position

The process of establishing the philosophical position and theoretical framework was somewhat challenging but valuable, providing the foundational structure within which to work. The line of inquiry has primarily focused on the interplay between marine area allocation and the regulatory bidding process for offshore oil and gas resources in the context of marine conservation. The participants interviewed in this research were key actors (individuals from government, industry, organisations, public and Indigenous groups) operating at the intersection of marine protected areas (MPAs) and offshore fossil fuel resource development. Interview questions were designed to gather insights into these individuals' perspectives on environmental governance, regulatory processes, participatory engagement, and broader implications of offshore fossil fuel extraction and marine protected areas.

Nonetheless, methodologies for establishing a theoretical framework suggest that theory (theoretical approach) can emerge from the data collection and analysis phases (Collins and Stockton (2018). The theoretical foundation of this thesis was developed using the conceptual model (Appendix Figure C-1), supplemented by literature reviews (policy analysis), the analysis of interview data, and participation in professional qualitative research workshops. These experiences and activities helped me understand key aspects of qualitative research and confirmed the theoretical framework rooted in the paradigms of resource and environmental planning, outlined in the following sections.



Appendix Figure C-1 Foundational research spheres within ocean governance

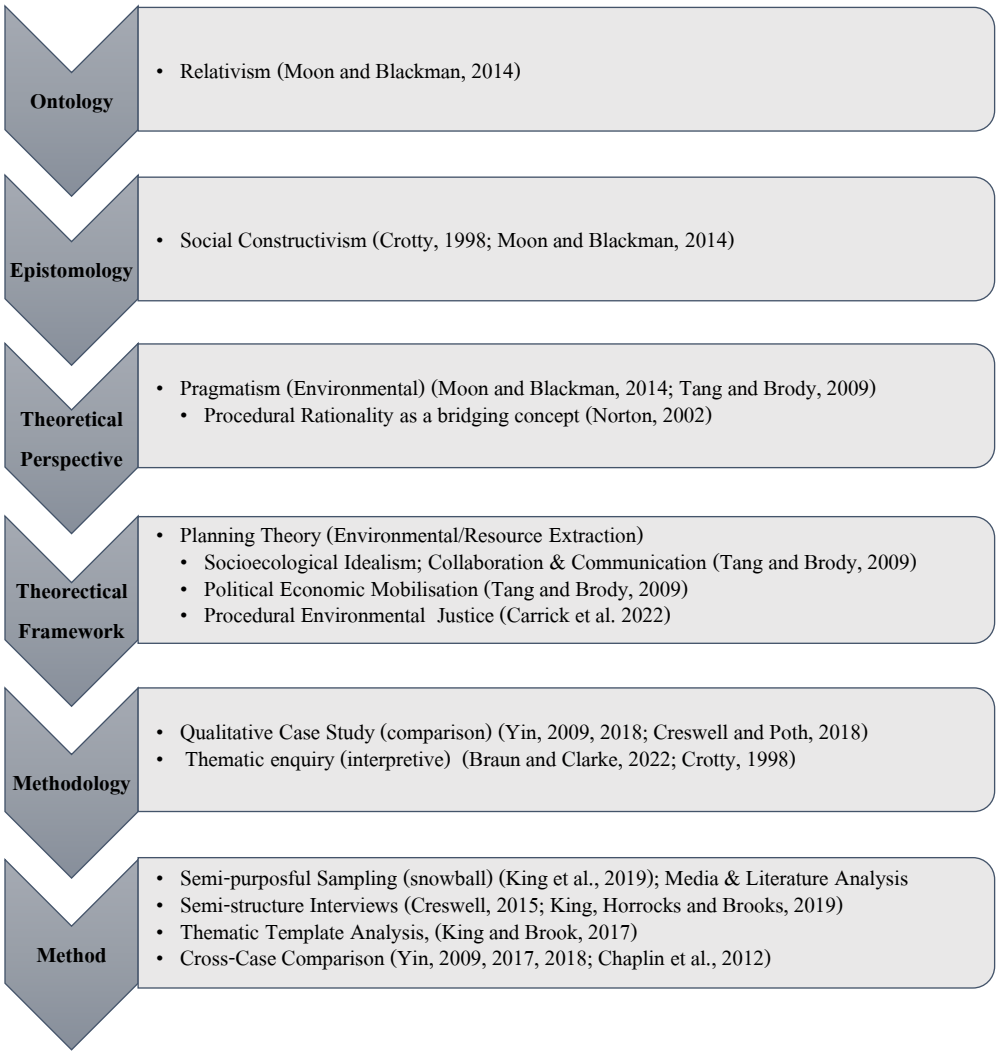
The initial familiarisation with the interview data revealed a focus on the 'processes' related to offshore fossil fuels and marine conservation planning, as well as participants' perceptions of these processes. Exploring this intersection within environmental and resource management planning allowed me to review processes and frameworks to understand the challenges and opportunities for reconciling contentions at this intersection.

I drew on social science literature about ontology, epistemology, and theoretical frameworks, as well as literature on environmental management and resource extraction, to define this research (Collins and Stockton, 2018; Crotty, 1998; Creswell, 2022; James and Busher, 2009). The literature scoping involved keyword searches—including terms such as conservation theory, environmental planning, epistemology, offshore fossil fuels, marine conservation, MPA, and marine conflict—across multiple search engines, including Google Scholar, ProQuest, and SAGE, via the university search engines. New web-based tools such as Litmaps helped visualise recent literature trajectories, while SciSpace helped get an overview of key papers. Abstracts were read for relevance, and key papers were critically reviewed. The following concepts were explored: conservation, resource extraction, environmental management, social movements, intergenerational climate equity, community engagement, participatory decision-making, and environmental justice.

Outlining my philosophical position

Through repeated reflection and extensive literature reviews, I clarified my research approach and positionality—my philosophical standpoint as a researcher. Works byMoon and Blackman (2014; Moon et al., 2019), Crotty (1998), Lawrence (2000), and Tang and Brody (2009) helped me navigate the literature and identify relevant planning theory paradigms. They also informed my understanding of environmental pragmatism as an approach that remains open to data and seeks practical solutions (Crotty, 1998; Lawrence, 2000; Moon and Blackman, 2014). This exploration, and insights from several authors (see for example Collins and Stockton, 2018; James and Busher, 2009) clarified two aspects of my standpoint: a relativist ontology, recognising multiple realities shaped by individual experiences (Crotty, 1998) and a social constructionist epistemology, understanding that kowledge and meaning is cconstrcuted through peoples experiences and beliefs (Crotty, 1998; Moon and Blackman, 2014; Norton, 2002).

Appendix Figure C-2 outlines the theoretical and practical framework of my research, including my ontology, epistemology, theoretical perspective/framework, methodology, and methods that directed my study. Based on interview data and the initial theoretical model within my thesis proposal (Appendix Figure C-1), and guided by the works of Lawrence (2000) ,Tang and Brody (2009), Moon and Blackman (2014), and Carrick et al. (2022), this research draws on three theoretical frameworks (Appendix Figure C-2) to anchor my research within planning theory (Appendix Figure C-3): 1) socioecological idealism (SEI); 2) collaboration and communication; and 3) political-economic mobilisation (PEM) with procedural participatory justice (Carrick et al., 2022; Moon and Blackman, 2014; Moon et al., 2019; Tang and Brody, 2009).



Appendix Figure C-2 My research philosophical framework outlines the ontology, epistemology, theoretical framework, methodology, and methods that underpin my research

Recognising that there are various ways to consider the intersection of resource extraction and socio-ecological systems of marine protection, I appreciate that other researchers may have approached this topic differently (Chandler, 2022; Kapoor et al., 2021). However, after reflecting on the themes identified from my familiarisations and analysis of interview data, along with the questions posed to the interviewees, I assert that these three theories align with the research question. It is worth noting that interviewees were not asked to reflect on the quality of planning, resource management, or environmental planning; the focus of my questions was mainly on the societal contributions to decisions related to marine conservation and regulatory processes for fossil fuel extraction. Therefore, the following section below provides details of the elements of my theoretical framework as mapped in Appendix Figure C-2.

Relativism Ontological Perspective

Ontology delves into the nature of reality and existence, involving a philosophical enquiry of what it means to exist, with a particular focus on knowledge (Crotty, 1998). It defines ‘what’ constitutes knowledge and, in the context of qualitative social research, enables researchers to shape their understanding of how knowledge is generated (Moon and Blackman, 2014). This, in turn, allows researchers to structure their studies and interpret data from a philosophical position. Adopting a relativist ontological stance acknowledges the social construction of reality and the multiple perspectives that exist (Moon and Blackman, 2014). This understanding enabled an exploration and appreciation of the participants' (interviewees) views on marine conservation and offshore fossil fuel extraction, recognising that individuals and various groups will interpret regulatory and consultation processes differently (Lawrence, 2000; Moon and Blackman, 2014).

Epistemology Position - Social Constructivism

Epistemology is linked to ontology in that it refers to the study of ‘how’ knowledge is produced or acquired and to the extent of ‘how’ knowledge can be determined (Moon and Blackman, 2014). In social science research, epistemology enables researchers to construct a theoretical framework for their study, thereby facilitating the discovery of knowledge about the phenomena under investigation (Crotty, 1998). Social constructivism (Crotty, 1998; Moon and Blackman, 2014) guides an understanding of knowledge creation, recognising that interviewees' understanding of offshore fossil fuel regulatory and consultation processes are influenced by their social interactions and experiences and, to some extent, their positions at the intersection of marine conservation and resource extraction. Regulations themselves are viewed as a social system created through discourse and policy, with individual (participants) experiences varying considerably. It also acknowledges that “stakeholders” perspectives represent valid sources of knowledge that help construct solutions at the confluences of marine conservation and resource management (Moon and Blackman, 2014).

Theoretical Perspective - Pragmatic (Environmental) Thinking

The pragmatism paradigm, in essence, seeks to evaluate issues to find workable solutions while considering consequences (Crotty, 1998; Moon and Blackman, 2014), such as impacts from fossil fuel development having an intergenerational effect on climate. According to Moon and Blackman (2014, p. 9), the pragmatist’s research is not confined to a single perspective and employs various approaches to comprehend the problem. The pragmatist approach allowed an assessment of the credibility of offshore

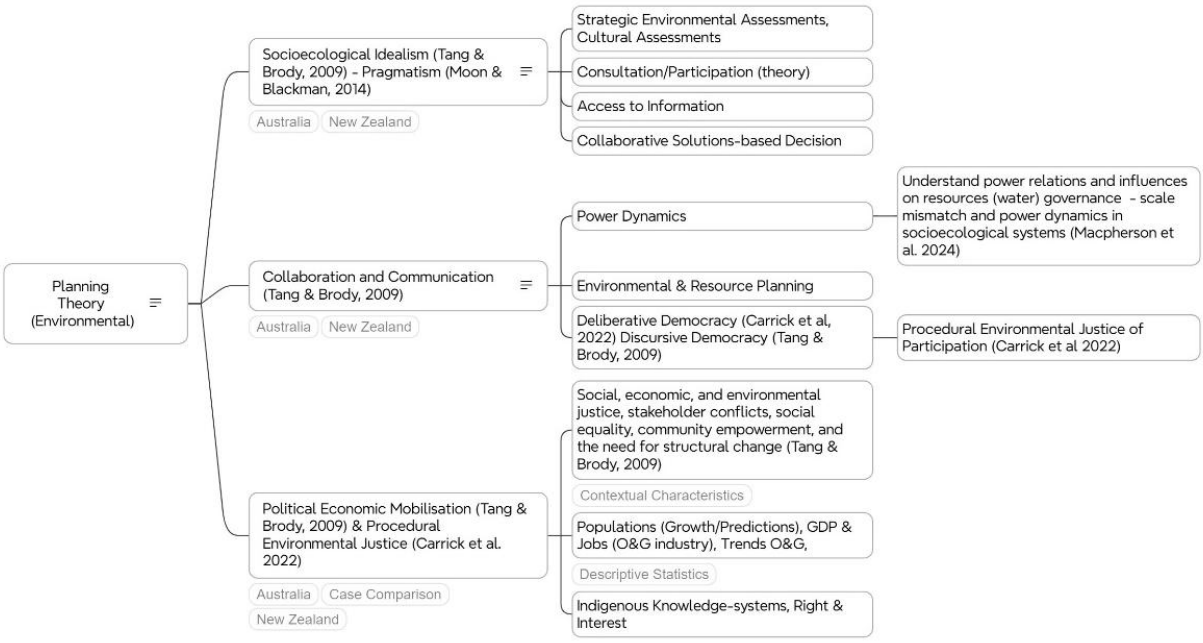
petroleum regulatory and consultation processes, how these processes operate in practice, and their capacity to deliver legitimate, practical solutions (Moon and Blackman, 2014).

Incorporating the approach of environmental pragmatism (Lawrence, 2000; Moon and Blackman, 2014) connects philosophical foundations with practical research needs, emphasising collaborative decision-making. This is particularly relevant for understanding regulatory processes and conflicts, as stakeholders construct different meanings and values around marine spaces (Carrick et al., 2022). This was relevant as my focus was on understanding the concerns through the perspectives of the participants (key actors, organisations, the public and Indigenous groups) within the context of marine conservation and offshore fossil fuel extraction, which allowed me to approach this issue from a solutions-based perspective (Moon and Blackman, 2014).

Theoretical Framework - Resource and Environmental Planning

Incorporating enviornmental planning through the theoretical perspective of pragmatism (Moon and Blackman, 2014; Tang and Brody, 2009) provided a valuable approach to investigate the often-overlooked, understudied dynamics of marine exploitation and protection. Employing a pragmatic approach allowed me to use various methodologies and viewpoints, enhancing my understanding of this complex issue (Moon and Blackman, 2014; Moon et al., 2019). These approaches enabled a nuanced understanding of the socio-ecological and political dynamics and their implications for sustainable marine governance.

Planning elements include diverse forms of knowledge, perspectives, and objectives, encompassing the practical realities of ecological, social, and political factors, which are vital components outlined in Lawrence (2000). More specifically, planning theory, as described by Tang and Brody (2009), Carrick et al. (2022), and (Moon and Blackman, 2014), emphasises two primary domains: the quality of environmental planning (Tang and Brody, 2009) and the principles of participatory environmental planning (Carrick et al., 2022; Day, 1997). Integrating these concepts, the analysis was anchored around the three theoretical pillars (Appendix Figure C-3): 1) socioecological idealism (SEI), 2) collaboration and communication and 3) political-economic mobilisation and environmental justice (Carrick et al., 2022; Tang and Brody, 2009).



Appendix Figure C-3 Illustrating my theoretical framework within the planning theories of Tang and Brody (2009) and Carrick et al. (2022), emphasising three main elements of their planning theories: 1) sociological idealism, 2) collaboration and communication, and 3) political economic mobilisation & procedural justice. Figure created in XMind software.

Socioecological Idealism

Socioecological idealism (SEI), within planning theory is the integration of social, ecological and economic elements aimed at achieving equitable and sustainable outcomes (Berger, 2015; Fainstein and DeFilippis, 2016; Friedmann, 1998; Tang and Brody, 2009). It theorises that humans and nature are interconnected, requiring balanced processes, systems and practices that incorporate social and ecological elements into planning (Lawrence, 2000; Moon and Blackman, 2014; Tang and Brody, 2009). Assuming resource extraction and environmental planning processes aim to align with SEI provides a way to examine MPA implementation and fossil fuel development in Australia and New Zealand through the interpretive lenses of social constructivism (Crotty, 1998) and pragmatism (Moon and Blackman, 2014; Moon et al., 2019).

Building on normative planning theory, Tang and Brody (2009) presented their five-theory conceptual model used to evaluate environmental plan quality, with SEI and *pragmatism* as key components to assess the quality of environmental planning through a socioecological lens. Their approach emphasises integrating social and environmental (ecological) considerations into planning (Lawrence, 2000) through elements such as social, economic, and environmental justice alongside stakeholder consultation and

equitable decision-making (Tang and Brody, 2009). These evaluation components—viewed through SEI and pragmatism—are pertinent to this research (Appendix Figure C-3 and Appendix Figure C-4), specifically, encompassing the assessment of participation quality, consultation, and accessibility within environmental and cultural consent (approval) processes related to resource extraction (such as offshore oil and gas) and marine protection initiatives (including Marine Protected Areas).

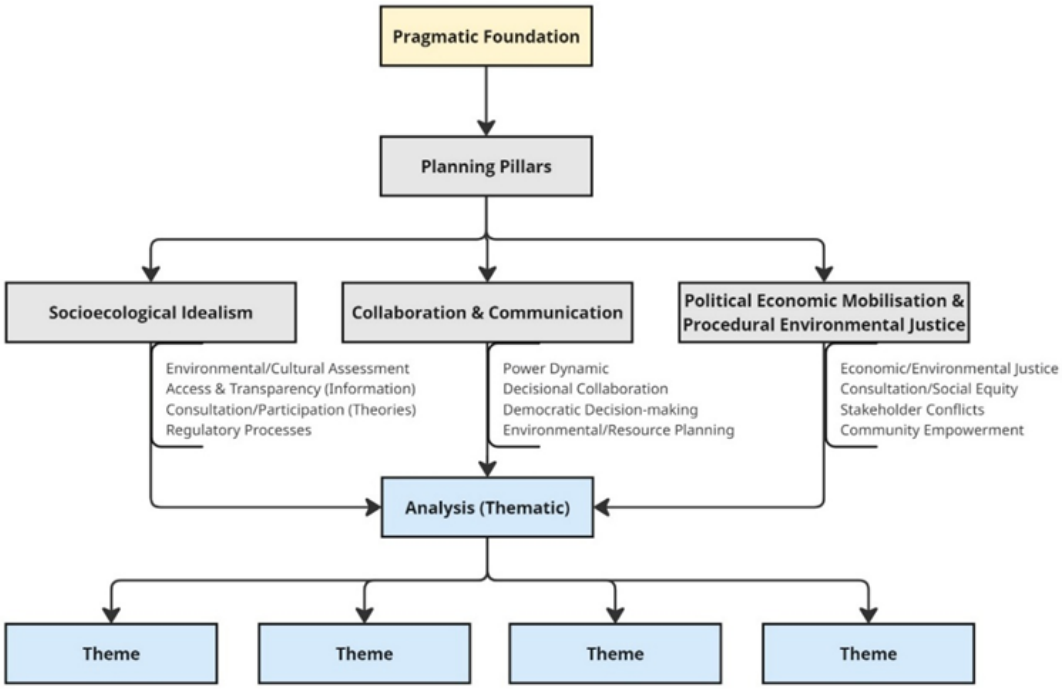
SEI elements were employed as outlined by Tang and Brody (2009), whose approach highlights the need to address competing interests and values (Lawrence, 2000) within environmental and cultural assessments. They examined the quality of procedural integration, participation, consultation and accessible information provisions (also see Lawrence, 2000)—elements fostering inclusive planning that values diverse perspectives and produces equitable and sustainable environmental outcomes (Tang and Brody, 2009). SEI address the research questions of how regulatory processes integrate marine conservation and climate ideals into acreage release decisions. Specifically, it assisted in evaluating process quality (e.g., offshore acreage selection and MPA designation) and the extent and fairness of participation, consultation, and accessibility related to the acreage releases decisions, environmental assessments and cultural consent frameworks for offshore fossil fuel extraction and development in both countries (Appendix Table C-1 and Appendix Figure C-4).

Collaboration and Communication

In their theoretical model of environmental plan quality Tang and Brody (2009) examined plan quality through the lens of *collaboration and communication* theory (Carrick et al., 2022), with a particular focus on public participation in planning (Appendix Figure C-4). They explain the foundation of this theory in terms of principles of discursive democracy and 'communicative rationality' (Tang and Brody, 2009, p. 6). Positioning the main themes that emerge from participant interviews and public documents around *collaboration and communication* (Tang and Brody, 2009), provided a strong theoretical framework to anchor the thesis (Appendix Figure C-4). The concepts of *collaboration and communication* (Tang and Brody, 2009), through the perspective of "procedural environmental justice", participation, and "deliberative democracy" (Carrick et al., 2022), helped structure the two case studies by highlighting equity and democratic justice in decision-making processes. This perspective also facilitated the identification of power relations and the governance of resources (Macpherson et al., 2024), and helped illuminate the dynamics of power and the consultation processes. More specifically, Norton (2002) concept of procedural rationality aided in analysing how barriers to consultation processes in resource extraction decisions impact actual outcomes for environmental sustainability. The pillar of *collaboration*

and communication relates to the research question around credibility and inclusivity in the offshore petroleum regulatory consultation process and the transparency of decisions.

Appendix Figure C-4 illustrates the relationships and their link to the thematic analysis and themes identified—emphasising the complex interaction of resource extraction, marine conservation objectives, and marine planning and policy. Highlighting the connection between the theoretical pillars and the data analysis (Appendix Figure C-4), the following provides context on deliberative and discursive democracy and its relationship to collaboration in decision-making.



Appendix Figure C-4 Illustrating the components of our three planning theories: socioecological idealism, collaboration and communication, and political economic mobilisation with procedural environmental justice, highlighting their connections to the thematic analysis of the interviews.

Deliberative Democracy

The political theory of *deliberative democracy* (Eagan, 2016) points to the significance of deliberation and consensus in decision-making, with inclusion and equal representation of society, with discussion grounded in 'rational discourse' (Fillet, 2024). On these key principles, deliberative democracy aims for inclusive participation and dialogue (Dryzek et al., 2019; Smith, 2003), focusing on the outcomes and the quality of the decision-making process (Eagan, 2016). Carrick et al. (2022) proposed a framework for

implementing participatory environmental decision-making around three guiding theories, including *deliberative democracy* (Smith, 2003). Carrick et al. (2022) highlighted that deliberative democracy focuses on "procedural ideals rather than striving for an ideal outcome" (Carrick et al., 2022, p. 4). This approach promotes making "decisions with people rather than on behalf of them, fostering a sense of ownership" (Carrick et al., 2022, p. 4) instead of forcing individuals to live with imposed decisions (Smith, 2003 as cited in Carrick et al., 2022). Directly, deliberative and discursive democracy provided a lens to examine whether democratic decision-making is part of MPA and offshore acreage selection processes in Australia and Aotearoa-NZ.

Discursive Democracy

Discursive democracy appears in deliberative democracy literature as the 'process of deliberative democracy (Dryzek, 2000; Sharlamanov, 2024; Smith, 2003), where decision-making is inclusive and utilises deliberation and equitable participation to achieve societal consensus (Carrick et al., 2022; Dryzek, 2002; Dryzek et al., 2019; Smith, 2003). Tang and Brody (2009) discussed the concept of discursive democracy in their research on the quality of environmental plans. They proposed a framework for effective environmental planning and implementation and used 'discursive democracy' to explain the origins of the 'collaboration and communication' theory. They highlight discursive democracy as part of evaluating 'public participation capacity' in environmental plan quality (Tang and Brody, 2009).

Political-Economic Mobilisation and Procedural Environmental Justice

In their conceptual model of environmental plan quality, Tang and Brody (2009) included a fifth theory element related to normative planning theory: *political-economic mobilisations* (PEM) (Lawrence, 2000). Using Lawrence (2000)—who critically evaluated five planning theories to address the limitations of the Environmental Impact Assessment (EIA) theory, Tang and Brody (2009) explained the principles of the PEM lens that guide political actions and advocacy by individuals. This perspective focuses on social, economic, and environmental justice issues, examines unequal power relations, addresses "stakeholder" conflicts, promotes community empowerment, and advocates for structural change (as cited in Lawrence, 2000; Tang and Brody, 2009, p. 7; Appendix Figure C-4).

Procedural Environmental Justice

Procedural environmental justice is central to this research: evaluating the credibility, inclusivity, and democracy of offshore petroleum acreage selection decisions, and its intersection with marine conservation, climate change, and participants' ideals around environmental management, and adequate contribution to decision-making. Carrick et al. (2022) outlined *procedural environmental justice* as a

framework of participatory ideals for environmental planning and decision-making (Appendix Figure C-4), based on four key principles: inclusivity, process orientation, empowerment, and reflection. These principles define several criteria for effective participatory planning (Carrick et al., 2022). Carrick et al. (2022) further emphasised the criteria of procedural environmental justice to include the importance of disseminating information via transparent, inclusive, and respectful engagement, the deliberation and adaptability of procedures and organisational structures, and highlighting intrinsic values of the environment, procedures, and non-human actors (ecological values) (Carrick et al., 2022, p. 5). Additionally, they highlighted the concept of empowerment under the criteria of trust and respect through a fair distribution of power and a diversity of voices (Carrick et al., 2022, p. 6).

Application to Research Design

demonstrates how these perspectives align with the research questions, particularly concerning stakeholder consultation, providing insight into the underlying dynamics within my two case studies. This alignment underscores the importance of integrating theoretical frameworks into interpretative inquiry, ensuring that participants' voices are effectively incorporated throughout the research analysis and interpretation process (Gibbs, 2021).

Appendix Table C-1 Illustrating the theories directly linked to the focus line of inquiry and insights gains from interviews

Theoretical Pillar	**Focus**	**Example**
Socioecological Idealism	Interviewees' ideal visions for marine resource management and conservation	Questions exploring interviewees' views on balancing conservation with resource development – environmental sustainability perceptions
Collaboration and Communication	Analysis of offshore O&G regulatory and consultation processes	Examining barriers to effective engagement, transparency in information and how input influences decisions
Political Economic Mobilisation	Resource and power dynamics (“stakeholders” & decisions) Economic vs Environmental Justice Civil mobilisation	Investigating how different decision-making and key actors access and influence regulatory consultation processes
Procedural Justice	Examination of regulations and consultation on equity and inclusiveness	Analysing the equity of participation opportunities and decision-making processes

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Appendix D | Template Analysis Exposition – Methods

This appendix is a detailed description of the thematic template analysis approach used in this research, following the procedures described by (King and Brooks, 2017b). As Chapter 2 summarises the analytical approach used to code and synthesise 48 interviews into five main themes, this appendix provides a comprehensive account of the methodological procedures. The following outlines the steps from data familiarisation and initial coding to developing and applying the code template across the interview dataset, as well as synthesising code content into five overarching themes. It documents the tools used in the analysis (e.g., NVivo qualitative coding software and visual mapping software via XMind and Miro), as well as collaborative coding validation to reduce and refine codes, subthemes, and themes. This section demonstrates the reflexivity, rigour, and processes that support the analysis discussed in Chapters 3-5.

Navigating Qualitative Analysis –Thematic Template Approach

Deliberating on a thematic analysis approach

Choosing the most suitable analytical approach was challenging and required reviewing several qualitative approaches (Bazeley, 2021; Braun & Clark, 2021; Charmaz, 2014). I selected thematic template analysis (TA), following the framework by King and Brooks (2017b), to accommodate the large interview dataset. The method needed to be robust, transferable, and suitable for use across other SSHRC study sites in the UK, Canada, and Scotland. At the same time, the analysis needed to remain flexible and open to emerging insights. This flexibility aligned with my pragmatic, social constructionist to interpretation, which recognises that social contexts shape regulatory processes and participans' perspectives (Moon and Blackman, 2014). The method enabled me to examine participants' perspectives on oil and gas regulatory processes and marine protection, while acknowledging that interview data are shaped through interaction and that my background, perspective, and assumptions influence their interpretation (Lune and Berg, 2017).

Thematic template analysis

Thematic template analysis is a form of qualitative data analysis based on hierarchical coding, using a template that is revised, applied, and adapted through iterative engagement with the data (King, 2012). The template is generated from a subset of the dataset, then applied to the complete dataset, thereby facilitating a structured yet flexible approach to developing themes (Lim, 2025). Although this research adopted less of a hierarchical analysis than what the approach suggests, this analytical method proved effective because of its flexibility in adapting the data coding process to suit the project's needs and my capabilities (Tabari et al., 2020).

King and Brooks (2017b) approach emphasises the development of hierarchical themes without employing the term 'codes,' allowing flexibility to generate themes for both deductive (pre-determined categories, including a priori themes) and inductive (data-driven, emergent categories) (Saldaña, 2016). King and Brooks (2017b) support the use of '*a priori*' themes in the coding process, where research issues or aspects of the phenomena have been previously explored and can include themes established in previous studies (King and Brooks, 2017b, p. 6). Four themes (*a priori* themes) from Kapoor et al. (2021), Nova Scotia, Canada, research (see

Table 2-3), were utilised in the early template creation and final analysis.

The decision to use King and Brooks (2017b) thematic template analysis over other approaches, such as Braun and Clarke (2013, 2021a) reflective thematic analysis, was made for three key reasons. First, it is conducive to managing large datasets from multiple case studies; second, the template can be applied across multiple cases, importantly for those in the broader Canada SSHRC project; and third, using *a priori* themes from Kapoor et al. (2021) and a subset of interviews to construct the template proved appropriate, given the uniformity of context across SSHRC case studies (King and Brooks, 2017b).

Thematic template analysis can be organised around six procedural steps providing flexibility while maintaining rigour and credibility (King and Brooks, 2017a, p. 4).

1. Data familiarisation
2. Preliminary coding – from research questions, using a priori themes and a subset of interviews
3. Clustering codes
4. Creating the initial template
5. Applying and modifying the template – applying, revising, and re-applying
6. Final Interpretations and writing up

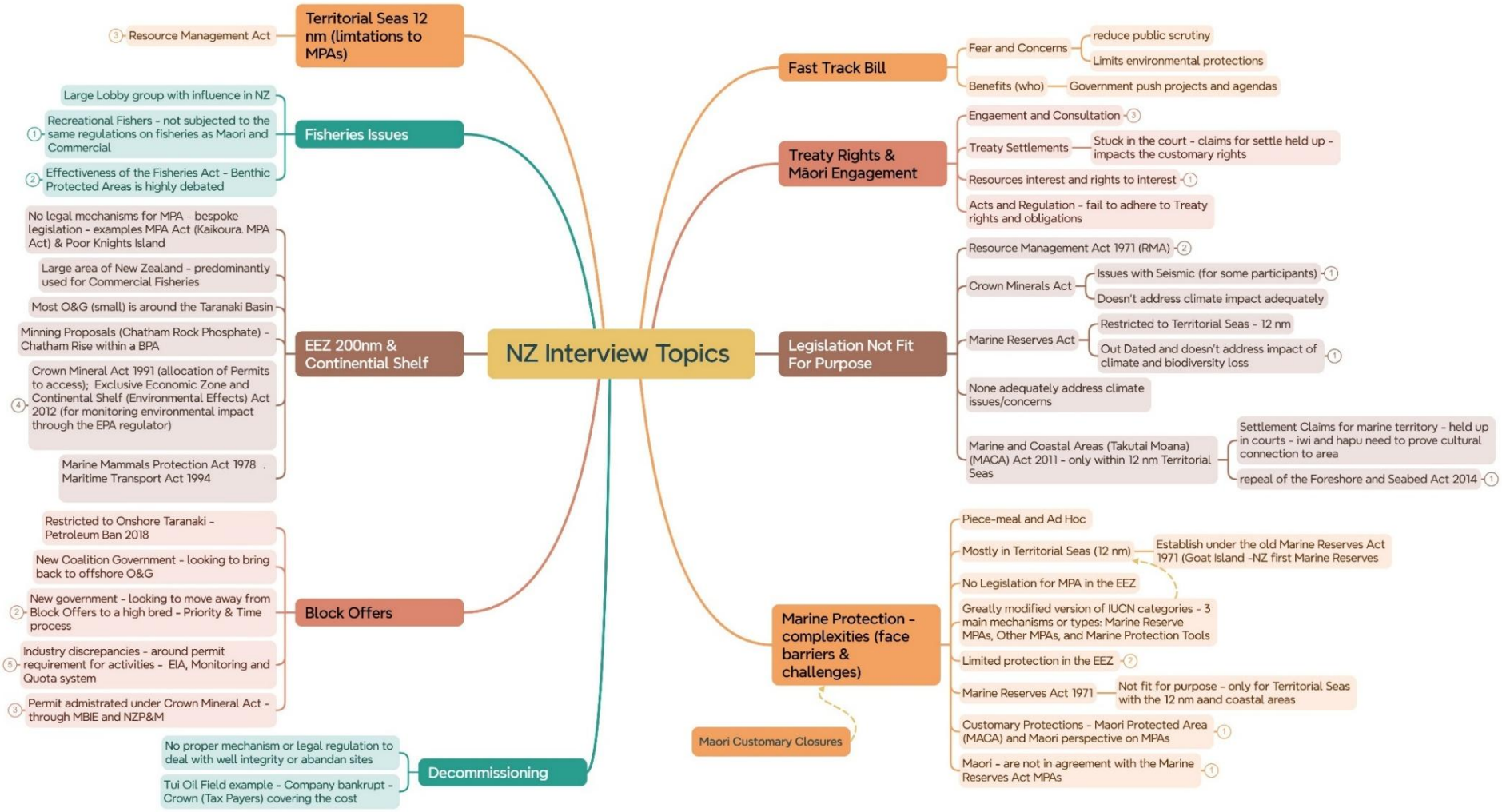
Although outlined sequentially, the process is adaptable and may involve repeated iterations during data examination (King and Brooks, 2017b). This approach allows for multiple reviews of the subset while modifying the code template to reflect new findings, ensuring that the analysis remains relevant to the research questions and grounded in the data (Gibbs, 2021). The first four steps involve developing the template, while subsequent interviews can skip these initial steps and proceed directly to coding against the template (King, 2012, p. 458). The following sections describe how these steps were incorporated to create the thematic template and organise findings into a compelling story or coherent argument, around participants' accounts (George, 2025).

Data Familiarisation

Data familiarisation began during the preparation of all 59 audio recordings, with interviews from 2023 and 2024 sent to Pacific Transcription in Australia for professional transcription by human transcribers. During this audio review, I made summaries of all 59 interview audio files, capturing general perspectives and interview-specific terminology. After professional transcription, I thoroughly reviewed all interview transcripts against the audio recordings to assess accuracy and relevance, then read them again, highlighting general references to the research questions and keywords in the margins of the Word document (Brooks et al., 2015). In line with established familiarisation techniques, Mind Mapping

(illustrations that depict text or images representing the researcher's thinking), visual doodling using Miro Board and XMind software, and reviewing field notes facilitated an in-depth initial exploration of the data (Braun et al., 2019). This phase served to identify keywords, ideas, concepts, and phrases, facilitating connections to the research questions and existing literature, and linking back to the broader research questions (Fearnley, 2022; George, 2025).

Mind mapping first involved an overview map of the key issue and context coming for the interviews in each of Australia and Aotearoa-NZ (see example Appendix Figure D-1). An example of visual familiarisation doodling (Appendix Figure D-2), illustrating the process of connecting initial concepts around the research focus and questions, and linking keywords, phrases, concepts, and categories (Fearnley, 2022). Creating these visual doodles helped identify issues or topics that could form initial codes. Considering the time required for familiarisation, not all interviews involved a mind mapping or visual doodling process; only a selected few from the initial code template process did.



Appendix Figure D-1 Visual mapping was utilised for data familiarisation to show emergent concepts and issues derived from the Aotearoa-NZ case study, with branches delineating the principal research areas. This image was generated using XMind for visual mapping purposes.



Appendix Figure D-2 Example of a familiarisation doodle of one interview transcript

Preliminary coding

In qualitative research, 'codes' are the foundational labels assigned to textual data, while 'themes' result from analysing the codes (Elliot, 2018; Saldaña, 2016). Codes are at the "primary level, while categories or themes are the "secondary level," formed from analysing the codes rather than the raw data (Elliot, 2018, p. 2852). The core research questions and objectives guided the main coding approach for this thesis, focusing on how initial policy decisions about offshore petroleum development area allocation and licensing relate to marine protected area initiatives (Lim, 2025).

Using a subset of seven interviews (three from Aotearoa-NZ and four from Australia), initial coding was carried out directly in MS Word documents, where relevant concepts, words, and irrelevant content were noted on the margins of the document (King and Brooks, 2017a, p. 4). Clean transcript versions were uploaded to the NVivo 14 programme, providing the functionality to categorise interview content into codes, subcodes (aspects of themes) and high-level themes processed across the transcripts in a structured code framework (Lim, 2025). Combining the initial coding in MS Word with further refinement in NVivo provided additional familiarisation, while identifying and grouping emerging concepts within the

interview transcripts that were meaningful and relevant to the research questions (King and Brooks, 2017b). For example, interview accounts (quotes) about participation or consultation processes formed the ‘Consultation and Engagement’ category.

TA enabled both deductive (literature-derived themes or concepts) and inductive (data-driven concepts) reasoning during the coding (Gibbs, 2021). Deductive preliminary codes were developed through a top-down approach (Naeem et al., 2023), using keywords from the interview questions and familiarisation, along with the four *a priori* themes. This process helped create categories such as ‘offshore oil & gas, regulatory processes, stakeholder consultation, marine protected areas, and marine spatial planning’.

The bottom-up approach created inductive code categories during NVivo coding, where keywords (see

Table 2-3) were organised into codes, illustrating initial patterns and trends in the interview data, thereby expanding the codebook (template) (Naeem et al., 2023). Using NVivo's organisational functionality, transcripts were coded to generate broad, descriptive code categories and subcodes, as the objective was to reduce this large data subset by categorisation into meaningful elements (Flick, 2014). The initial code template structure yielded 57 code categories and subcategories, including the four *a priori* themes with definitions (see Appendix E).

Clustering codes

Clustering in qualitative analysis allows researchers to step back and identify connections between coded categories and potential themes (Appendix Figure D-3). It involves combining codes into meaningful groups, higher-level concepts, or emerging themes, thereby creating a hierarchical structure (King and Brooks, 2017b). This initial overview organises coded categories into related concepts, identifying preliminary integrated themes (Brooks et al., 2015). The preliminary coded categories and themes were visually mapped using the Miro mind mapping software, which helped in restructuring code categories into broader thematic areas (Braun and Clarke, 2021b). Code categories were merged based on similarities or separated into new concepts, creating new code categories and themes (King and Brooks, 2017a).



Appendix Figure D-3 Visual mapping of code categories illustrates the relationships between key concepts, allowing for the restructuring and grouping of ideas to refine the template. The image was produced using Miro Board (2025).

Creating the initial template

Creating the initial template involved building upon the clustering of preliminary coding, where code categories and subcategories were arranged hierarchically (King and Brooks, 2017a, p. 4). This involved using NVivo's functions to merge and create new code categories—expanding through a detailed exploration of the interviews, noting emerging concepts and forming new code categories and subcodes (Saldaña, 2025). The initial template was developed by establishing code categories based initially on four interviews. Following reflection and review, several modifications were implemented, including merging similar codes and subcodes, removing redundant codes, whereby this template was applied and adapted through coding the remaining three transcripts (Brooks et al., 2015).

Analysing the seven transcripts, modifications and new categories increased the template to 57 codes and subcodes, including 4 *a priori* themes. These were later refined to 38 through reflexive revisions with a coding consultant. The modifications and new code categories were documented in memos, which tracked changes to the template and provided the rationale for these adjustments. The memos, serving as reflexive notes, were employed to monitor my coding of the subset of transcripts, highlighting significant or unique elements, as well as personal reflections on the coding process (Saldaña, 2025). This also included a summary of the participants' overall perspectives on the issues and topic areas, such as their views on consultation processes or climate change, enhancing the categorisation of interview data.

Refining and applying the template

Unlike more structured methods, such as Grounded Theory (Charmaz, 2014), thematic template analysis allows for flexibility in adjusting the template to develop analytical themes through iterative revisions (King and Brooks, 2017b). Refining the template was an iterative endeavour (Bazeley, 2021), requiring various adaptations as further high-level themes and sub-themes (aspects of themes) were developed after the complete interview dataset was coded.

Refining and applying the final template to the larger dataset involved consulting a qualitative coding expert and testing and redefining the code template during a coding workshop for the larger SSHRC project in Newfoundland, Canada, in July 2024 (see Table 2-4). This resulted in a code template with 16 code categories (10 top-level code categories and 6 subcodes), which was used to code the remaining 41 interviews (see Table 2-5). These "code categories" were used to organise all data corresponding to each category (Saldaña, 2025). For example, material concerning "consultations and engagement" related to topics such as marine conservation or offshore oil and gas regulations was classified under this consultation category. At the SSHRC workshop, coders tested the new template on four transcripts—two previously coded and two uncoded—to verify reliability and consistency (King and Brooks, 2017b).

Comparing coding results revealed strong agreement among all four coders, confirming the template's reliability and methodological rigour (Glas et al., 2025).

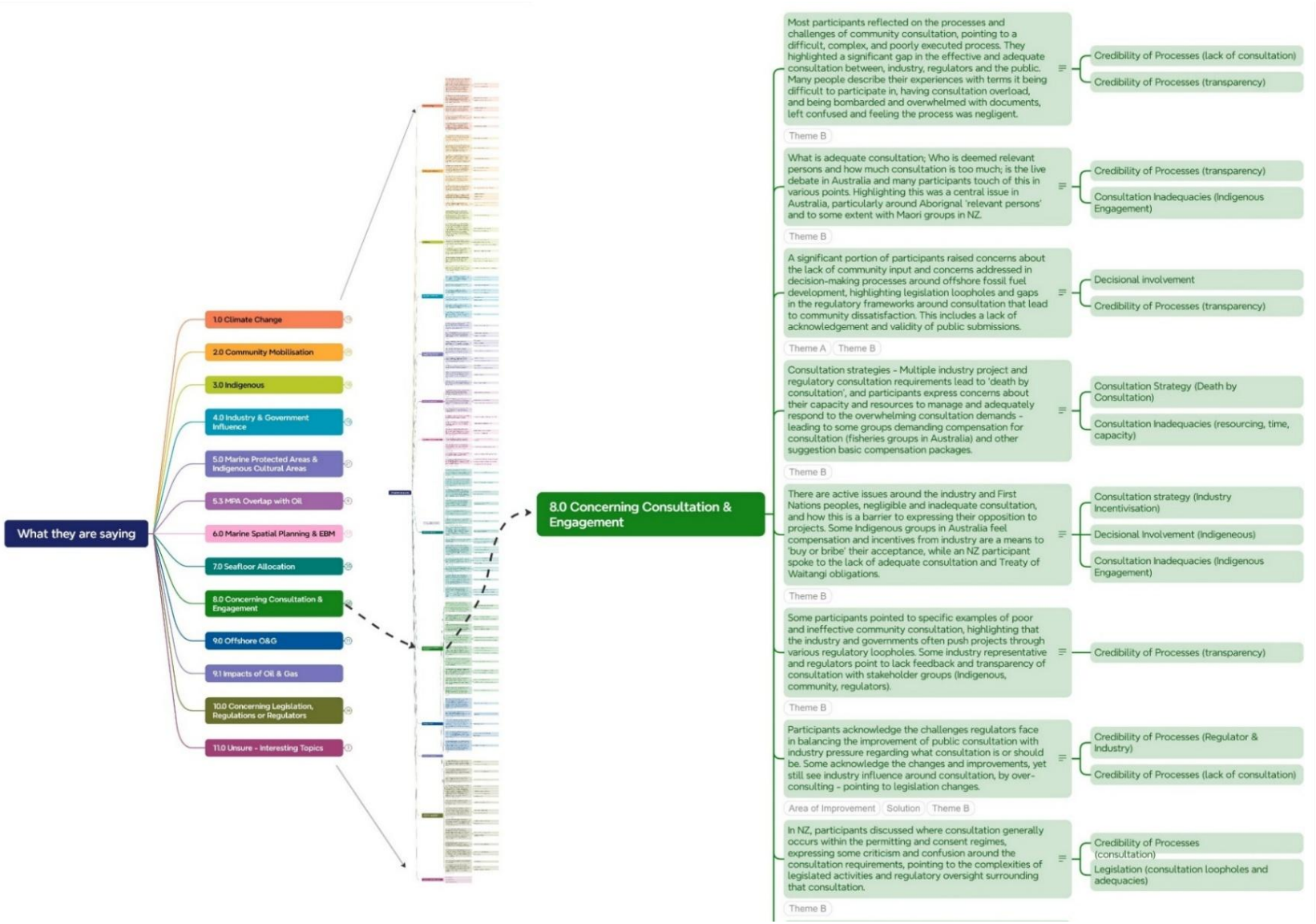
A total of 48 interviews were coded using the final template (see Table 2-5), thereby facilitating further thematic analysis and theme development. The final revision to my analytical code structure occurred during theme development and interpretation, resulting in the identification of the main themes (Saldaña, 2025). This refinement was made after all interviews had been coded, as it became apparent that my coding categories were too broad, necessitating the addition of more top-level themes and subthemes. Brooks et al. (2015, p. 204) contend that there is "never a final template" and that continued engagement with the data will necessitate further refinements even during analysis through theme development. Details on this final refinement approach are included in the analysis and interpretation step below.

Final Analysis and Interpretation

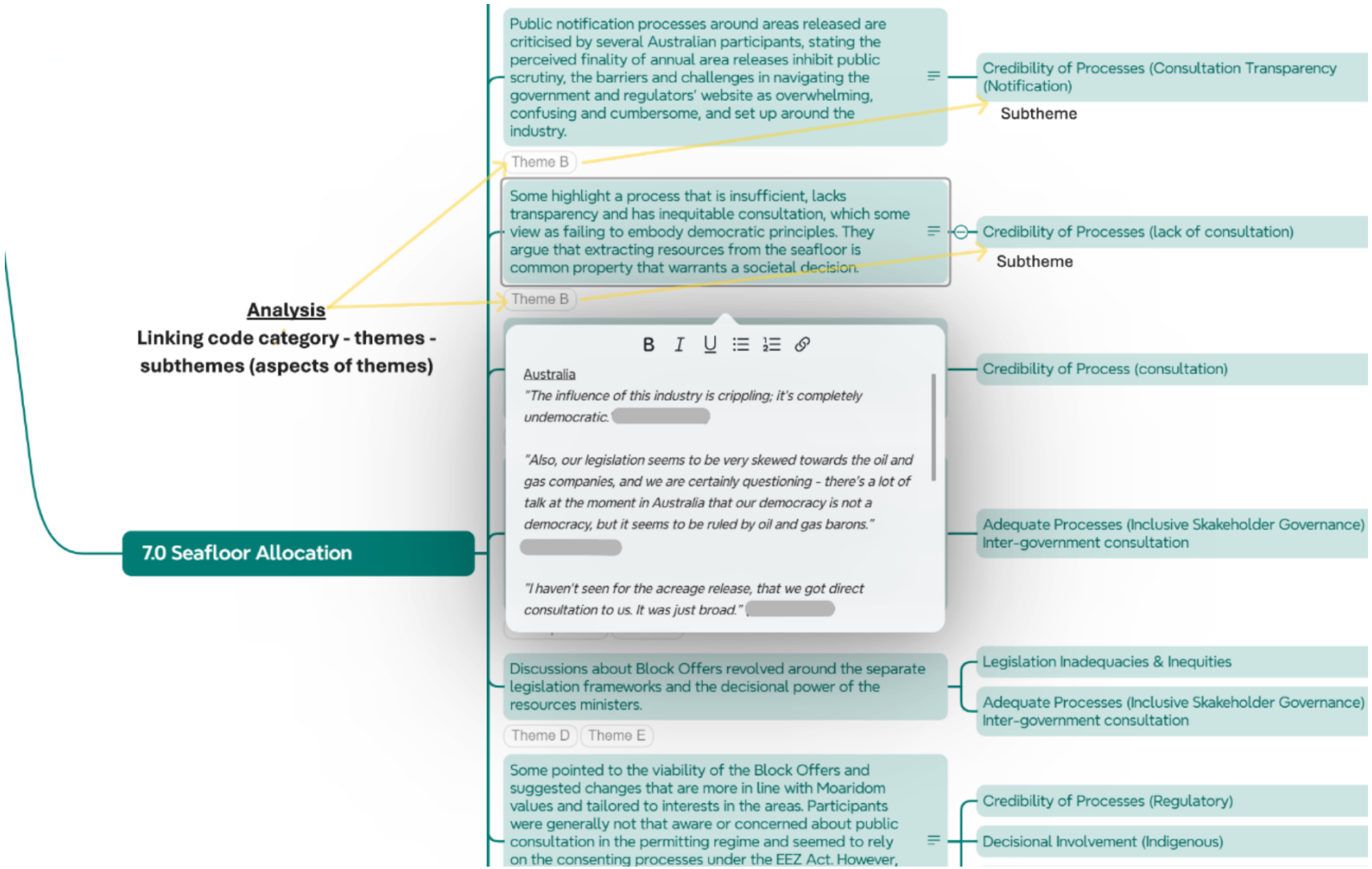
Utilising XMind mapping and MS Word documentation capacities assisted the final analysis and interpretation in identifying the overarching themes and subthemes. This iterative process required substantial reflection, deliberation, and collaboration with my supervisors to conceptualise the overarching themes (Braun et al., 2019). The final analysis began with a thorough review of the content coded under the 16 code categories from the 48 transcripts. The content of the 10 main code categories was first summarised into several short paragraphs with key quotes, capturing the essential elements of the interview data in a Word table format. Top-level themes and subthemes were then developed to facilitate theme conceptualisation, during a three day code categoriy interpretative workshop with my supervisors (Elliot, 2018).

For a more visual approach to explore the conceptual elements of the potential themes, XMind visual mapping tool was used to separate the code summaries into point form, branching from each of the 10 code categories (see Appendix Figure D-4). This involved a thorough review of the data and an in-depth analysis of what interviewees were saying, leading to the development of more sophisticated elements within the code categories (Wolstenholme, 2022). This involved reviewing the coded content within each of the 10 code categories and essentially 'recoding' within the code categories (Saldaña, 2016), generating target high-level code elements or subthemes—what I refer to as 'aspects of themes.' The summaries were linked to a subtheme based on the key points from the interview, with resulting branches expanding into different aspects of each theme (e.g. credibility of processes, regulatory transparency, inadequate consultation, power dynamics, legislation inequities) (Appendix Figure D-5). Lateral relationships across subthemes formed several integrative themes across the aspects of the themes and the 10 code categories (King and Brooks, 2017b). This XMind visual mapping process enabled me to connect

code categories with brief summaries of each, supported by a few key quotes that helped identify emerging themes and aspects of those themes (Appendix Figure D-4 and Appendix Figure D-5).



Appendix Figure D-4 Demonstrating the visual mapping analysis process, systematically categorising data, starting with code categories that are summarised around key quotes to identify emergent themes. This approach allowed a thorough examination of the aspects of these themes to further identify overarching research themes. Mind-Map created in XMind and image generated in Miro board.



Appendix Figure D-5 XMind visual mapping analytical process, showing the breakdown of the code category 'Seafloor Allocation' into constituent theme aspects and linking them to the theme. This iterative process facilitated the identification of nuanced subthemes within the broader coding categories.

The final step, conceptualisation of subthemes into overarching themes (Elliot, 2018), was an extensive process that required several days of collaboration with my supervisors (3-day code category interpretation workshop). After numerous discussions and iterations of potential themes, we identified five primary themes. During this stage, we compared the a priori themes from Kapoor et al. (2021) with our initial theme concepts, assessing subthemes (aspects of themes) for their implications and potential similarity to Kapoor's themes. Our analysis revealed a strong correspondence to three themes, as most of the points in my data echoed the themes present in Kapoor's work. However, two additional themes we identified based on consistent patterns among participants: advocating for more comprehensive ocean policies incorporating cumulative impacts into legislative decisions, and examining power dynamics and Indigenous rights (see Figure 2-2). The primary themes emerged from data analysis and synthesis of interpretations drawn from each summary and quotation. A complete description of the categories and themes is available in the Appendix E.

Template analysis proved effective for analysing my interview data including its demonstrated transferability and effectiveness when applied to the other case studies in Scotland/United Kingdom and Newfoundland and Labrador, Canada.

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Appendix E | Template Codebook with Code Descriptions

This codebook (code template) with definitions was used to code 48 interview transcripts for this thesis. They are organised into 10 main codes/themes (see below 1.0 to 10.0), which function as code categories. Each code category includes a description used to guide the coding of interview content. The five core themes are also included, as this was the complete template used by the researchers investigating the other SSHRC project cases (e.g. Canada and the UK). This codebook helps ensure consistency in the coding process across all case studies.

Name	Description
1.0 Climate Change	This code encapsulates participants' concerns, attitudes, and perceptions regarding fossil fuels & climate change, including the impact on the environment and society, awareness of climate change issues, perceived risks, and the urgency of addressing climate concerns. It covers opinions on climate policies and initiatives, feelings of urgency and scepticism around climate action. It provides insights into commonalities and differences, including wind farms, O&G Bans, and carbon capture storage.
2.0 Community Mobilisation	The code encapsulates instances and discussions surrounding the community's awareness of fossil fuel expansion, opposition, and mobilisation in shaping future developments. It highlights public awareness and opposition to the offshore acreage release (seafloor bid release), with opposition driven by communities or NGOs concerned and questioning the environmental impact. The discussion centres on community awareness and demands for transparent decision-making.
3.0 Indigenous	This code encompasses Indigenous people's rights, knowledge, and perspectives. It pertains to the mechanisms and barriers to Indigenous involvement in decision-making processes around marine planning. The text can include discussions around the importance of consulting Indigenous communities and recognising their rights in the decision-making process of seafloor allocation and marine planning. It can also relate to the challenges of Indigenous engagement and consultation.
4.0 Industry & Government Influence	This theme captures how the industry impacts policies, regulatory processes and community or Indigenous engagement. It explores the influence of industry incentives and prominence on regulatory processes (such as lobbying and campaigns), industry-driven community philanthropy, and the confidentiality surrounding commercially sensitive data transparency. It also considers the influence of the government on decisions and community mobilisation.

Name	Description
5.0 Marine Protected Areas & Indigenous Cultural Areas	The code encompasses MPA/conservation measures and designations, including various countries' interpretations of the UN's six high-level MPA categories. For example, zoning and other categories include sanctuary zones, national marine parks, marine reserves, and other restrictions, including Indigenous Cultural Areas. The text consists of conservation, knowledge, and challenges with establishing and advocating for marine protection in the face of competing O&G interests.
5.1 How Formed & Legal Mechanisms	This code addresses current MPA legislation, its foundational framework, and legislative instruments such as 'MPA management plans'. It also discusses the necessity for legislative reforms in marine protection, emphasising the importance of addressing climate and biodiversity loss in Marine Protection legislation and legislative instruments. It also provides a description of MPA, legal mechanisms, and strategies.
5.2 Barriers & Challenges to MPA Creation	This code refers to statements indicating challenges or opposition to establishing and protecting MPAs. This could include pushback from industries, government, fishermen, communities, and Indigenous groups (inadequate consultation issues). The content can also include barriers such as limited data, boundaries, and jurisdictional issues.
5.3 MPA Overlap with Oil	This code points to specific instances of overlaps or proximity issues, which underscores worries about the government's choices to grant leases for oil drilling in or near MPAs (a broad term) and environmentally sensitive areas such as the Great Australian Bight, Ningaloo, and Taranaki (NZ). It underscores the disparity between government actions and environmental hazards.
5.4 MPA Other	The text pertains to the historical timelines and the evolution of marine protected areas (MPAs) in Australia and New Zealand. It encompasses in-depth discussions on the establishment, growth, and management of MPAs, shedding light on their significance and impact on the marine ecosystems in both countries. It discusses the 30/30 and protection status.
6.0 Marine Spatial Planning	This code captures marine spatial planning (MSP) discussions and examples of MSP. It includes advocating for MSP in future planning and ensuring decisions for competing interests and activities in the marine environment are adequate, equitable and sustainable. It captures perspectives on the challenges and opportunities, including data availability, spatial prioritisation issues, financial constraints, political will, legislative barriers, stakeholder engagement, and planning tools (MARXAN)
6.1 Ecosystem-Based Management	This code documents discussions and examples of ecosystem-based management (EBM) applications in Australia and New Zealand. It also documents participants' perspectives and understanding of EBM.

Name	Description
7.0 Seafloor Allocation	This code pertains to the regulatory and legislation procedures for opening sections of the ocean floor for leasing by oil and gas companies, including offshore Acreage Release in Australia and offshore Block Offers in New Zealand. It examines the laws, regulations, and stakeholder input in the decision-making process, emphasising factors impacting seafloor allocation, the consultation process, and issues/concerns related to the allocation of seafloor. Text can include seismic concerns around the release.
8.0 Concerning Consultation & Engagement	This code covers all aspects of engaging and consulting with stakeholders regarding oil and gas expansion projects in Australia and New Zealand, including discussions, perspectives, and processes. It also covers discussions around the credibility & equitability of consultation, the consultation regulations and legislation, and public comments on fossil fuel activities and marine conservation -MPAs.
8.1 Issues with Public Comment Process	This is different from the issues around the consultation. It pertains to the public comment process of selection of seafloor allocation (Block Offers and Acreage release) and environmental plans or work plans (or the NZ marine consents public comment process). Discussion should be around adequate time to respond, transparency of the process, and criticism of response to public comments.
9.0 Offshore O&G	This code addresses the offshore oil and gas industry's frameworks, processes, and organisational structures. It explores the complexities that regulators face in making decisions that balance the protection of marine ecosystems with the impact of industry activities in Australia and New Zealand. Additionally, it delves into the knowledge and experiences of industry participants with regulatory processes and their perceptions and concerns regarding these processes and the regulators and industry involved.
9.1 Impacts of Oil & Gas	Code refers to the participants' perceived or actual impacts or effects of the fossil fuel industry. These can be environmental, social, cultural, or economic and can be positive (benefits) or negative.
10.0 Concerning Legislation, Regulations or Regulators	This code captures participants' perspectives on the legislation and regulations for MPA and offshore O&G exploration – looking at adequacy, loopholes and credibility of processes. Points to accountability and functionality of legislation, government, or processes, and transparency and accessibility to data & input. It points to power dynamics & barriers to involvement in decisions and the complexity of actors involved. Includes Royalties, Environmental Plans, EIA, Consents, etc.
11.0 Unsure - Interesting Topics	Could include Energy Transition, Species or Biodiversity Loss, Fisheries Concerns, Decommissioning

Name	Description
Theme A: Right, Power and Competing Sustainability Perspectives (Perceptions, Rights Inequities and Power Imbalances around Economic, Environmental, Indigenous & Community Sustainability)	This theme builds on the Nova Scotia, Canada case study (Kapoor, 2021). It illustrates how government objectives often are shaped by potential revenue opportunities in contrast to the Indigenous and community's environmental sustainability aspirations- highlighting decisions' inequities. This discrepancy highlights inequities in decision-making processes. The text includes participants' perspectives on the expansion of oil and gas development, the transition away from fossil fuels to address climate change, and the pursuit of social equality. It aims to capture discussions surrounding inequities related to power, interests, and Indigenous rights, knowledge, and interests while also pointing to community mobilisation and injustices associated with energy development.
Theme B: Consultation Processes Lacking Credibility	This theme aims to capture participants' perceptions of consultation and engagement processes, with a focus on how the credibility of these consultations is perceived. It builds on the themes from the Nova Scotia case study (Kapoor, 2021) and addresses issues related to consultation within legislative contexts, including loopholes, involvement in decision-making, and critiques of consultation strategies, such as incentivisation, information overload, and "death by consultation." Additionally, it emphasises the shortcomings in access, capacity, and time resources.
Theme C: Mobilisation for Stronger Environmental Protection (Legislation)	This theme reflects participants' views on environmental policies and legislation, as well as their advocacy for stronger protections. It highlights issues related to the designation of Marine Protected Areas (MPAs), including complexities, legislative barriers, and inadequacies, as well as power imbalances in decision-making processes. Building on the Nova Scotia case study (Kapoor, 2021), this theme captures the increasing awareness within the community and the push for more effective environmental policies. Discussions also focus on concerns about the risks of climate change, oil spills, seismic activity, and their impacts on marine-based industries such as fishing. Additionally, the conversation touches on future risks, generational rights, and Indigenous rights.
Theme D: Complex, Inadequate and Inequitable Regulatory Structure	This theme addresses issues related to offshore oil and gas regulatory frameworks, focusing on the credibility of processes, inadequacies in legislation, and inequities in regulations favouring the industry. It builds on the Nova Scotia case study by Kapoor (2021). Discussion points include challenges with impact assessments—both environmental and cultural—as well as power dynamics, community involvement in decision-making, understanding of regulations, barriers to participation, and the complexity of stakeholders involved. It also addresses issues related to seismic activity and the social license surrounding its environmental impacts.

Name	Description
Theme E: Greater Recognition of Cumulative Impacts across Broader Ocean Decisions	This theme centres on the participant's views of marine spatial planning (MSP), their acknowledgement of cumulative impacts within resource extraction legislation, and the formulation of more inclusive ocean governance frameworks. It picks up multifaceted challenges and barriers encountered by stakeholders in implementing MSP and developing comprehensive ocean policies. These challenges may encompass complexities surrounding marine spatial prioritisation, the interplay of political will, the influence of industry lobbying, existing power imbalances, and the imperative for inclusive stakeholder engagement in governance processes.
Memorable Quotes	

Code Template Progression to Final Template

Code Template Prior Canada Workshop & Restructure Codebook After Workshop (the 16 categories were utilised in the analytical coding process of 48 interviews)

Initial Template - 38 main code categories (from 7 interviews)	Refined 16 Code Template (coded interview dataset)
AP1.Differing Interpretations of Economic, Environmental & Community Sustainability AP2.Consultation Process Lacking Credibility AP3.Mobilisation for Stronger Environmental Protection AP4.Complex and Inequitable Regulatory Structure 1.0 Climate Change Concerns Critical of Government Policies & Commitment Fossil Fuel Expansion at Odds with Climate Concerns Concerns about Government Overreach Policies 2.0 Growing Community Awareness, Opposition & Mobilisation Awareness & Mobilisation Impacts Mobilisation & Industry SLO Decisions 9.1 Offshore Exploitation Impacts & Perceptions Other Awareness 3.0 Indigenous Rights & Interests, Engagement and Perspectives Advocating Partnership Decisions Engagement, Consultation, Barriers & Opportunities Indigenous Knowledge Contribution & Barriers Treaty Policies, Rights & Interests 4.0 Industry Contributions & Influence 5.0 Marine Protected Areas MPA Category Interpretations & Confusion MPA Legislative Tools, Processes & Reforms MPA Opportunities, Barriers, Challenges & Influences MPA Other 5.3 MPA Overlap, Proximity Discussions 6.0 Marine Spatial Planning Advocating for MSP Barriers & Challenges to MSP Example of MSP Opportunities Enabling MSP 7.0 Seafloor Allocation - Permitting Regime & Perspectives Decision Criteria & Factors Participants' Role & Certainty in Area Release Decisions Perceptions & Concerns of Area Release Permitting Regime Mechanisms, Tools & Requirements 8.0 Stakeholder Engagement & Consultation Consultation Issues & Fatigue Mechanism of Engagement and Consultation Other Consult 10.0 Offshore O&G Legislative Frameworks & Regulatory Processes Consenting Regimes & Operational Plans Environmental Legislative Framework 9.0 Offshore O&G Other Regulatory Decision Processes & Critique of 11.0 Unsure - Interesting topics Memorable Quotes	1.0 Climate Change 2.0 Community Mobilisation 3.0 Indigenous 4.0 Industry & Government Influence 5.0 Marine Protected Areas & Indigenous Cultural Areas 5.1 How Formed & Legal Mechanisms 5.2 Barriers & Challenges to MPA Creation 5.4 MPA Other 5.3 MPA Overlap with Oil 6.0 Marine Spatial Planning 6.1 Ecosystem-Based Management 7.0 Seafloor Allocation 8.0 Concerning Consultation & Engagement 9.0 Offshore Oil & Gas 9.1 Impacts of Oil & Gas 10.0 Concerning Legislation, Regulations or Regulators 11.0 Unsure - Interesting topics 11.1 Concerning Decommissioning 11.2 Concerning Fisheries 11.3 Concerning Marine Jurisdiction Memorable Quotes

Appendix F | Supplementary Documents for Chapter 4 (Aotearoa-NZ) Manuscript

Rutherford, J. M., Fraser, G. S., Carter, A. V., Pilditch, C. A., and Ellis, J. I. (2026). Examining inclusivity of participation and engagement in Aotearoa New Zealand's offshore petroleum governance. *The Extractive Industries and Society*, *26*, 101878. https://doi.org/https://doi.org/10.1016/j.exis.2026.101878

Supplementary Information accompanying manuscript:

Title: *"*Examining Inclusivity of Participation and Engagement in Aotearoa New Zealand's Offshore Petroleum Governance*"*

Supplementary Table, Figures & Box Information

Sup. Table 1. Illustrating the EEZ Act activity classifications, detailing the marine consent and consultation requirements for the three main activity classifications in the EEZ.

Activity Classification	Consent Requirements	Notification/Consultation	Activities (examples)
Permitted	No marine consent required	▪ No public notification ▪ No public submission ▪ Pre-activity notification to EPA, relevant iwi & hapū, and other authorities (Regional Councils, Maritime NZ, other government agencies)	▪ Prospecting & Exploration ▪ Low-impact discharge
Non-notified Discretionary	Marine consent required	▪ No public notification ▪ No public submission ▪ EPA provides a copy of the application to relevant iwi authorities & other authorities (Regional councils, Maritime NZ, and GOV agencies) ▪ EPA may hold a hearing (if required)	▪ Oil & Gas **exploration** drilling ▪ Low-impact seismic
Notified Discretionary	Marine consent required (from EPA or Board of Inquiry)	▪ **Publicly notified** ▪ Public consultation submissions (30 working days) ▪ Public hearings possible ▪ EPA can grant/decline with conditions	▪ Major oil & gas development (**production)** drilling ▪ Large-scale extraction
Note: Activity classifications for Resource Consents under the Resource Management Act are classified as: Non-notified & Notified (Publicly or Limited) (see MoE, 2018) https://environment.govt.nz/guides/making-an-application-for-resource-consent/#:~:text=Most%20resource%20consent%20applications%20are,be%20notified%20of%20the%20application			
Information from NZP&M webpage https://www.epa.govt.nz/industry-areas/eez-marine-activities/about-the-exclusive-economic-zone-and-continental-shelf/process-for-marine-consents/			

Sup. Table 2. Illustrating the timeline, location and elements of contentions that influenced legal changes and policies around A-NZ's petroleum agenda and legislation, focusing on events from the early 2000s to the 2018 ban.

Timeline	Location	Conflict	Key Elements	Outcomes	Reference
2008 - 2010	Nationwide (Taranaki Basin & Great South Basin)	General opposition to oil and gas development and a lack of iwi engagement /rights considered in decisions (2010 changes to Foreshore & Seabed Act) Direct action & research-based opposition (e.g., Forest & Birds, 360 Aotearoa, Greenpeace NZ)	Indigenous rights, climate change, and concerns around deep-sea drilling - impact from seismic & oil spills Other factors: Legislative changes and mining on conservation land, led to public opposition and street protests in Auckland	· Generated awareness of government O&G policy · Elevated environmental opposition to O&G · Coalition of Māori and environmental advocacy with a common goal	(Greenpeace NZ, n.d.; Loomis, 2017; O'Brien, 2013; Widener, 2018)
2010 - 2012	East Coast North Island: (Raukumara Basin off East Cape)	**Petrobras** 5 yr PEP vs Māori iwi (Te Whānau-ā-Apanui) opposition 'no iwi consultation/ consent' & oil spills concerns Māori-led (by iwi Te Whānau-ā-Apanui) campaigns, political and legal challenges, beach bonfires & direct action: 42 days Petrobras Flotilla Protest' swimmers and Māori fishers blocked seismic operations	Māori (Apanui & Ngāti Poruo) and non-Māori environmentalists (Greenpeace) coalition focuses activism in NZ Social opposition O&G (concerns of oil spills, climate, environmental impacts); Flotilla protesters arrested High-profile campaign: legal action and political lobbying 'Oil Free' campaign	· Petrobras rescinds permit · Legal action against protesters · Legal changes to the CMA, and enactment of the EEZ Act (consent regime) · Elevated discussion of Māori rights in environmental decisions · Increased coalitions b/w Māori and non-Māori environmental advocacy groups	(Abel, 2018; Bond et al., 2023; Grossman, 2018; O'Brien, 2013; Widener, 2018)
2013 - 2018	East Coast North & South Island: Kaikoura (Pegasus), Otago (Great South, Canterbury) and West Coast North Island, Raglan (Taranaki)	Texas oil company '**Anadarko**' offshore PEPs vs Māori (Ngai Tahu Kaikoura), several other iwi, communities, environmental advocacy groups (coalitions) PEP 2014 Statoil (Equinor) & Chevron (US) offshore Otago Nationwide campaigns 'Banners on the Beach';	Opposition to fossil fuel development, climate change, and oil spill impacts Concerns for Māori (treaty breaches-no consultation) Flotilla protesters arrested	· CMA 1991 (Anadarko Amendment) 2014, criminalising protest at sea · Anadarko leave NZ, claiming no viable finds · Statoil & Chevron relinquish permits (2019) · Restricting space for public dissent	(Abel, 2018; Bond et al., 2019; Gjerde, 2025)

		'Hands Across the Sands'; 'Oil Free Seas' flotilla Raglan (Greenpeace)			
2013 – 2016/17	Reinga-Northland: (Offshore Reinga Basin) North Island	Norwegian oil company **Statoil (Equinor)** & OMV PEP vs Māori iwi/hapu groups, and Northland (non-Māori) communities alliance "Waiho Papa Moana" (Leave the Ocean Alone) iwi-led campaign – waka paddle out & flotilla Māori & Northland reps voice opposition, travel to Norway to directly appeal to Statoil	Northland Māori iwi (Ngati Kuri, Ngati Kahu and Te Rarawa): cultural significance not being recognised, climate change and oil spill concerns (impacts to livelihoods, culture, and tourism economy) Significant opposition – 23000 signatures to the 2017 UN Ocean Conference opposing Statoil	· Statoil relinquished Northland permits in 2016 · Pressure builds on NZ government to stop fossil fuel development · International support for Māori with Norway's indigenous Sami people · Enhanced the Māori & Northland community collaboration	(Collins, 2015; Gjerde, 2025; Grossman, 2018)
2016 - 2018	National	"Oil Free NZ" campaign continued up to the 2018 offshore petroleum ban Climate change policies	Climate change concerns, climate justice, intergenerational equity,	· 2018 Offshore Ban · International oil companies pull out of NZ	(Abel, 2018; Greenpeace NZ, n.d.; Thomas et al., 2023)

Sup. Table 3. Geographical location of petroleum exploration permits (PEP) granted from 2012 to 2018, highlighting consultation and marine overlap concerns noted on the NZP&M website regarding consultation conducted for each block offer.

Year	PEPs Granted in that year	Location (petroleum basin)	NZP&M Consulted (onshore & offshore)	Submissions (offshore & onshore)	Concerns/Response
2012	5	Pegasus, Taranaki, Great Southern	n/a	25 (16 iwi/hapū, 9 local authorities)	No information on submission concerns or response
2013 *	5	2 Taranaki (large area) 2 Great Southern 1 Northland-Reinga	74 iwi/hapū; 42 local authorities	30 (15 iwi/hapū, 15 local authorities)	▪ Addressed iwi submission request: Added a six-mile buffer for blocks in Great Southern and Northland-Reigna (sensitive coastline) ▪ Taranaki iwi & hapu request blocks be removed: proximity to sites of significance and coastal rohe (tribal territory), and request including cumulative impact ▪ Taranaki iwi concerns: lack of royalty entitlements; oil spills; seismic impacts on marine life ▪ Block proximity concerns: active Māori settlement claims & oppose all O&G activity within 12 nm zone
2014	9	4 Pegasus, 4 Taranaki 1 Northland-Reinga	99 iwi/hapū; 63 local authorities	36 (15 iwi/hapū, 20 local authorities)	▪ Amended area offshore Canterbury, Great South Basin – proximity to Banks Peninsula Marine Mammal Sanctuary ▪ Amended area offshore Pegasus Basin, overlaps with the plan for the Kaikoura Whale Sanctuary
2015	6	Taranaki	189 iwi/hapū; 54 local authorities	32 (12 iwi/hapū, 20 local authorities)	▪ Seismic proximity to marine mammal sanctuary: The Minister requires permit holders to follow DOC's marine mammal seismic code of conduct ▪ Moved boundaries and reduced block offer area
2016	n/a	n/a	n/a	n/a	No offshore blocks offered
2017	2	Taranaki	177 iwi/hapū; 42 local authorities	Information n/a	▪ Court ordered 2017 permits to Greymouth updated 2023 ▪ 4 blocks removed after consultation ▪ Blocks removed: within 12 nm zone Great South Basin; 3nm in Hawkes Bay (Pegasus); 6 nm Gisborne coast (Pegasus)
2018	An offshore petroleum ban was mandated and reflected in the CMA amendments				

Note: * 2013 Block Offer was the only year a submission response document was publicly available
Source: Information from NZP&M webpage under 'Previous Block Offers' for each year 2012-2018: https://www.nzpam.govt.nz/permits/petroleum/block-offer/previous and validated through communication with NZP&M in 2025

Sup. Box 1 Detailed case study exploring the petroleum ban and fast-track approvals process.

Conflicting Sustainability Perspectives: From Petroleum Ban to Fast-Tracked Approvals

In just the last seven years, A-NZ has demonstrated two poles of positions on transitioning from fossil fuels: in 2018, A-NZ banned future offshore petroleum development to address the climate crisis; in 2025, a new government reversed the ban and fast-tracked approvals to promote economic growth.

All 21 interviewees expressed concerns about the government's plan to lift the offshore petroleum ban and incorporate permits into the proposed fast-track approvals bill. A marine scientist stressed this concern, stating, “The whole fast track thing scares me a little bit, and having enough time to do your due diligence.” Specifically, interviewees were concerned that the fast-track process could replace existing environmental accountability measures. A government interviewee summarised this stating that, “Including fast tracking consents to override all these processes…that's a very dangerous…because that could mean that these checks and balances that we're talking about right now—it will mean that these checks and balances potentially will be overwritten in some cases and that's a bit fraught with danger.” Furthermore, regarding the fast-track approval proposal, an interviewee from a government agency indicated the problems with political cycles, noting that “The government is really powerful. […] There's a lot of unchecked power there, which makes it difficult to make progress because every time the new party comes in that's different from the old party, it just unwinds everything that you've done, and you can change it overnight. As you have seen in the last 100 days of this government.”

While all interviewees agreed on the need for an energy transition, their views on its implementation differ. Māori interviewees emphasised a just transition for fair access to renewables. Others see fossil fuels as declining due to A-NZ’s remote location and advocate for grassroots changes to reduce reliance on fossil fuels by raising awareness of economic inequalities.

Interviewees expressed concerns about climate change impacts from fossil fuel use, with several ENGO’s, scientists, government officials, and Māori representatives supporting policies that emphasise climate action and moving away from fossil fuels. As one ENGO expresses, “We should not be digging up more fossil fuel and certainly not burning them because the climate and ocean are intimately linked and we’re buggering up both. I think that it is an industry we’ve got to exit away from.”

Interviewees' opinions on the sustainability and future fossil fuel development in A-NZ varied, but many, including Māori, EGNOs, community members, and a few government representatives, agreed on the need to shift away from fossil fuels to address climate change. One ENGO remarked, “from climate change implications and reducing emissions, it just doesn't make sense to continue moving in that direction. The world is moving away from it. New Zealand…should be at least keeping up with the rest of the world. But we should be leading.”

In contrast, other interviewees argued that economic growth and climate innovations rely on continued fossil fuel use. Specifically, regulatory and industry interviewees emphasised the economic benefits and potential technological advancements from ongoing exploration, which they contended could address climate change and enhance energy security, while investing in energy alternatives. One industry representative stated, “I don't think climate change is a supply problem. It's a demand problem. If New Zealand doesn't produce oil and gas, it doesn't mean we use less; it just means that New Zealand gets less money, which we could then spend on windmills or something or better cars or things.” This viewpoint reflects a narrative that using fossil fuels may support the transition to alternative energy.

The interviewees acknowledged the necessity of an energy transition, with support for energy transition among all participants; however, their perspectives on how to achieve it varied. For instance, a Māori interviewee emphasized the importance of a just transition, advocating for equitable access to alternative energy resources and warning against potential "power poverty" caused by high renewable energy costs. They stated, "You have to create a just transition that enables our people to participate in that transition." Conversely, another community interviewee encapsulates this debate, stating, "I think if we continued and if we could have found some oil and gas, then it could have helped our country, and it could have even perhaps led to investment in technology that could have had a global impact."

Providing a broader philosophical perspective on the inherent flaws in the current economic system's dependence on fossil fuels, a community member argued that genuine systemic change must come from within the community. They asserted, "I think the only way to reform the economic system is from the bottom up. The vast majority of people have to actually be able to see that the emperor has no clothes. The emperor definitely has no clothes." Underscoring the importance of public awareness and collective action to drive systemic change, they emphasised that this will reveal layers of economic inequities, ultimately altering our reliance on fossil fuels.

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