APPENDIX C: EUREKA MARINE SEISMIC SURVEY COMMERCIAL FISHER COMPENSATION PROTOCOL

EUREKA 3D MARINE SEISMIC SURVEY

COMMERCIAL FISHER COMPENSATION PROTOCOL

SEPTEMBER 2025

Loss of catch | Displacement | Fishing Gear Loss or Damage

Pilot Energy Ltd

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1. Compensation Protocol Overview

1.1. Purpose

This protocol establishes a baseline standard to underpin Seismic Survey adjustment for loss of catch, Displacement and Fishing Gear loss or damage, between the petroleum Titleholders and commercial marine operators including fishers.

The purpose of this protocol is to provide a practical, evidence-based process and reasonable monetary adjustment to a Commercial Fisher for loss of catch, Displacement, and Fishing Gear loss or damage. Adjustment is available during a Seismic Survey and as appropriate, for a specified period of time after the completion of a Seismic Survey conducted under an Environment Plan (**EP**) that references and is therefore subject to this protocol.

This protocol also serves as the mechanism for other marine operators (e.g. fishing co-operatives, fishing charters, dive schools) to initiate discussions with Titleholders on evidence-based monetary adjustment if they could potentially be impacted by the Seismic Survey.

1.2. Background

In 2018, National Energy Resources Australia (**NERA**), in consultation with an industry consortium, established the Collaborative Seismic Environment Plan (**CSEP**) Project, to seek approval from the National Offshore Petroleum Safety and Environmental Management Authority (**NOPSEMA**) for Seismic Survey activities in an area in Commonwealth waters off Western Australia (WA) and the Northern Territory (NT) from 2021 and beyond. The CSEP Project was aimed at achieving fundamental and long-term improvements to the way that seismic activities are planned with consideration for commercial fishing activities.

As part of this CSEP project, an adjustment protocol (the NERA compensation Protocol) was developed by the CSEP Project Steering committee in consultation with State, Territory and Commonwealth commercial fishing license holders as well as relevant fishing associations, regulators, and petroleum industry associations.

In recent years, the NERA Protocol has become a petroleum industry standard for all types of activities and has been used as the basis of this Eureka Marine Seismic Survey Commercial Fisher Compensation Protocol (**EMSSCFCP**).

1.3. Commitment

Recognising the collaborative benefits the NERA Protocol has provided where it has been adopted, Pilot Energy (refer Appendix 1) commit to minimising impacts on commercial marine operators, including commercial fishing and the fish stocks that support the industry primarily through avoidance of other activities.

However, Pilot Energy recognise that their activities may, from time-to-time, take place in the same area and at the same time as commercial operations of others who have a history of using that area. Minimising interference with each other's rights and interests is also reflected in primary petroleum and fishing legislation[1].

Best endeavours will be made to avoid, minimise and mitigate potential impacts on the commercial fishing industry before the adjustment processes contained in this protocol are applied.

[1] For relevant statutory information refer to section 280 *Offshore Petroleum and Greenhouse Gas Storage Act 2006*, section 124 *Petroleum (Submerged Lands) Act 1982* (WA), section 124 *Petroleum (Submerged Lands) Act 1981* (NT), and section 171 *Fish Resources Management Act 1994*.

1.4. Scope

This EMSSCFCP is intended to apply to commercial users of the marine environment who are directly affected by the Seismic Survey, where interference is unavoidable.

This protocol covers:

- A Commercial Fisher who fishes as a normal part of their commercial fishing activity within an Acquisition & Adjustment Area, during and/or for a specified period after a Seismic Survey, conducted under an accepted EP that references and is therefore subject to this EMSSCFCP. Adjustment is also available for fishing outside of an Adjustment Area, in some circumstances, if agreed in advance with the Titleholder.
- Other Commercial Marine Operators who identified they could be potentially impacted by the Seismic Survey during relevant persons consultation, who utilise an area as a normal part of their commercial activity within an Adjustment Area during a Seismic Survey conducted under an accepted EP that references and is therefore subject to this EMSSCFCP.

This protocol applies to fishers with one or more Western Australia, or Commonwealth fishing licences.

1.5. Consultation

This protocol has been founded by Pilot Energy and developed by Klarite Sustainable Ventures (**KSV**) building on the NERA CSEP Commercial Fishing Industry Adjustment Protocol. While preparing an EP for the Seismic Survey in the Offshore North Perth basin, Pilot Energy consulted with fishers, fishing license holders, and fishing associations, to confirm a model for compensation that takes into account all fishing methods. Subsequently, on the request of the Titleholder, KSV has undertaken additional consultation with Western Rock Lobster Council (**WRLC**) and Western Australian Fishing Industry Council (**WAFIC**) prior to publishing this protocol for a review of updates that were necessary to the original NERA adjustment protocol to make it applicable to pot fishing. As well as disclosing Pilot Energy's intent to revise the NERA compensation protocol, allowing each Commercial Fisher and other commercial marine users identified during relevant persons consultation, as relevant persons, to provide input.

The Titleholder will continue to consult as per the requirements of the regulations with each relevant person. Consultation on this protocol has been carried out by KSV on behalf of the Titleholder. All records of consultation will be treated as confidential in accordance with Section 25(4) of the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023.

1.6. Definitions

- **Adjustment Area** – An area extending 10 kilometres around the perimeter of a Seismic Survey Acquisition Area[2] (refer Figure 1 for explanatory diagram)[3].
- **Acquisition Area -** The primary target area for a Seismic Survey in which seismic data will be recorded.
- **Active Source Area** - An area including and around the Acquisition Area in which the seismic energy source (airgun array) can be active. This includes survey line run-ins and run outs.
- **Catch Per Unit of Effort (CPUE)** - For the purposes of this protocol the catch will be defined in kilograms of landed catch and the unit of effort will be defined in hours (decimal hours where available) fished for trawl, hours fished or kilometres of line set or number of hooks per kilometre for line fishing, or number of trap lifts, resulting in the landed catch e.g. CPUE=kilograms per (trawl/line) hour or trap lift.
- **Claim Period (Loss of Catch Adjustment) -** The period during and after a Seismic Survey for which a claim can be made for loss of catch adjustment which will be compensated by Titleholder. Period starting from the notified start date of a Seismic Survey and no more than 30 days after the notified end date of a Seismic Survey (45 days for Western Rock Lobster fishers). This Claim Period (Loss of catch Adjustment) is extended for any fisher participating in the Western Rock Lobster Before-After-Control-Impact (BACI) scientific study, for the duration of time that the study remains active in the field. Compensation for CPUE adjustment for 6 fishing trips as part of the WRL BACI study will be allowed.
- **Claim Period (Displacement) -** The period during and after a Seismic Survey for which a claim can be made for displacement which will be compensated by Titleholder. Period starting from the notified start date of a Seismic Survey up to the notified end date of a seismic. This Claim Period (Displacement) is extended for any fisher participating in the Western Rock Lobster Before-After-Control-Impact (BACI) scientific study, for the duration of time that the study remains active in the field. Compensation for Displacement for 6 fishing trips as part of the WRL BACI study will be allowed.
- **Claim Period (Loss/damage of Fishing Gear)** – The period during and after a Seismic Survey for which a claim can be made for loss/damage of gear which will be compensated by the Titleholder. Period starting from the notified start date of a Seismic Survey up to the notified end date of a Seismic Survey.
- **Commercial Fisher** – for the purpose of this protocol, a Commercial Fisher is the entity, person, licence holder, company or affected business who would have received the revenue from the landed catch that is the subject of a claim under this protocol, or who can show they have incurred the cost of lost or damaged Fishing Gear or Displacement.
- **Displacement** – the relocation of commercial fishing activity or other commercial marine operations from an area into other area(s) as a result of a Seismic Survey.
- **Displacement Area** – an alternative fishing ground that is within 50 kilometres of the Adjustment Area (for Western Rock Lobster Commercial Fishers within the same fishing zone).
- **Fishing Gear** - Fishing equipment deployed in the water by a vessel engaged in commercial fishing activity.

[2] 10 kilometres is proposed as a reasonable distance around the Acquisition Area of a Seismic Survey and consistent with existing industry standards.

[3] Spatial parameters of an Adjustment Area for a 2D survey will require case-by- case specification due to the differing survey layout.

- **Historical Fishing Activity** – Commercial fishing operations within a statistical fishing block, or fishing event location (latitude/longitude) plotted within the 10x10nm grid system, with fishing activity data detailed in Government catch and effort information or as recorded in a statutory Catch and Disposal Record for at least two out of the previous five years prior to a relevant Seismic Survey conducted under this protocol. New fishing entrants need to prove that they have entered the fishery less than 5 years before and have historical catch data for at least one of those years, in accordance with the provisions of clause 2.2.6.
- **Historical Fishing Area** – An area within which historical fishing activities have been completed by a Commercial Fisher which in reference to this protocol, overlaps with the Seismic Survey's Acquisition and/or Adjustment Area.
- **Historical Fishing Block** - A statistical fishing block, or fishing event location (latitude/longitude) plotted within the 10x10nm grid system, used to capture fishing activity detailed in Government catch and effort information or recorded in a statutory Catch and Disposal Record.
- **Landed Catch** - The whole landed weight as detailed in Government catch and effort information provided for the purpose of this protocol, or as recorded in statutory Catch and Disposal Records. Fish that is processed in any way before landing, for example gutted and gilled or headed, should be converted back to whole weight for the purpose of this protocol.
- **Lodgement Period (Loss of catch adjustment)** – The period during and after a Seismic Survey within which a claim can be made, which is from the notified start date of a Seismic Survey and no longer than 12 months after the notified end date of a Seismic Survey.
- **Lodgement Period (Displacement)** – The period during and after a Seismic Survey within which a claim can be made, which is from the notified start date of a Seismic Survey and no longer than 183 days after the notified end date of a Seismic Survey.
- **Lodgement Period (Loss/damage of Fishing Gear)** – The period during and after a Seismic Survey within which a claim can be made, which is from the notified start date of a Seismic Survey and no longer than 183 days after the notified end date of a Seismic Survey.
- **Market Price** – The price received by a Commercial Fisher at the point of first landing, excluding any price margins for marketing, transport, sales commissions, value adding or packaging. In respect to a claim under this protocol, the market price should reflect the price at the time the loss of catch was incurred by the claimant.
- **Other Commercial Marine Operator** – means a commercial marine operator who identified they could potentially be impacted by the Seismic Survey during relevant persons consultation in preparation of the relevant EP.
- **Seismic Survey** – an offshore geophysical operation that includes the use of a seismic vessel transiting through a marine area, discharging sounds from a towed airgun array. The seismic vessel commonly towing streamers hosting hydrophones that collect reflected sound waves from subsurface layers. The survey includes the use of support and chaser vessels in addition to the main seismic vessel, to support the survey operations, and enforce environmental and safety standards. An operation undertaken for the purpose of exercising a right conferred on a Titleholder under the OPGGSA by a petroleum title or discharging an obligation imposed on a petroleum Titleholder by the OPGGSA.
- **Statistical Fishing Block** - Government statistical grid/block numbering system used to record commercial fishing activity data and referred to in this protocol as a block.
- **Titleholder** – The registered holder of the Access Authority, Special Prospecting Authority, Exploration Permit, Retention Lease or Petroleum Production Licence over which the Seismic Survey will be acquired, as detailed in the environment plan for the Seismic Survey subject to this protocol.

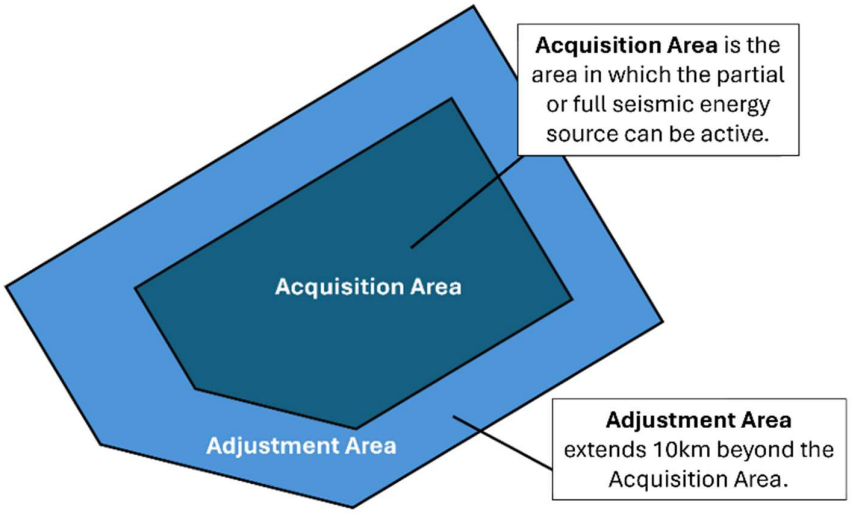


Figure 1 - Representation of defined terms for Acquisition Area and Adjustment Area

1.7. Operation of the protocol

Notification of the establishment of an Adjustment Area will be provided to relevant commercial fishing licence holders in writing no less than 28 days before a Seismic Survey starts. Notification is to be provided in the form of a map (nautical and/or bathymetric) plus digital files in formats such as KML, GPX or shapefiles.

Commercial Fishers (the fishing vessel/licence) must have established previous fishing history, at a minimum of two out of the previous five years, for all block(s) or fishing event(s) for which they wish to make a claim for loss of catch or Displacement adjustment under this protocol.

To receive adjustment under this protocol, a Commercial Fisher must be able to show that they would have received the revenue from the landed catch that is the subject of a claim or show that they have incurred the cost of lost or damaged Fishing Gear.

Adjustment under this protocol is dependent on a Commercial Fisher or Other Commercial Marine Operator continuing to carry out their activities to the best of their ability and to mitigate and limit financial loss despite the occurrence of a Seismic Survey. The Titleholder reserves the right to refuse a claim if fishers interfere with a Seismic Survey deliberately operating in properly notified areas, noting that such interference may also be in breach of Section 603 of the Offshore Petroleum and Greenhouse Gas Storage Act 2006 (See Appendix 7).

Note that this protocol may be referred to in the EP developed by the Titleholder as a control measure to manage potential impacts to commercial fishing licence holders and other marine users, where identified during consultation, and will therefore be subject to inspection under NOPSEMA's environmental inspection program.

2. Commercial Fishing Adjustment Available Under This Protocol

2.1. Displacement

If a Commercial Fisher is unable to fish in their Historical Fishing Area or within an Adjustment Area during a Seismic Survey and incurs costs over and above the normal running costs for a fishing trip while relocating to another Historical Fishing Area, then additional costs associated with increased

distance/transit time, fuel and crewing will be considered under this protocol for monetary adjustment. For Displacement, an alternative fishing ground must be within 50 kilometres of the Adjustment Area (Western Rock Lobster Fishers Displacement must occur within the same fishing zone).

For fishers, Displacement will be assessed based on a comparison of the running costs per day at sea against the previous yearly average. A Commercial Fisher who decides it is necessary to relocate to another fishing ground because of a Seismic Survey subject to this protocol and wants to be considered for Displacement adjustment must notify the Titleholder of the Seismic Survey, where possible, prior to undertaking the relocation. When making a claim, evidence must also be provided to substantiate Fishing Gear in use at the claim time.

For Other Commercial Marine Operators, Displacement will be assessed on a case-by-case basis through prior agreement with a Titleholder on the method of calculation.

Timeframes related to the Claim Period (Displacement) and Lodgement Period (Displacement) can be found in Appendix 6.

2.2. Loss of catch adjustment

Evidence-based loss of catch adjustment under this protocol relates to fish lawfully caught and retained by a fishing vessel under a Western Australian or Commonwealth fishing licence. The adjustment process applies to Historical Fishing Activity over established fishing grounds, and not to speculative fishing activity.

The loss of catch adjustment process applies to commercial fishing activity conducted by a licensed fishing vessel within an Adjustment Area, and other fished areas during a month. For each month where adjustment is claimed, the licensed fishing vessel must have conducted fishing within an Adjustment Area, unless a fishing trip spans two months where each month will be considered to have satisfied this requirement.

Timeframes related to the Claim Period (Loss of Catch Adjustment) and Lodgement Period (Loss of catch adjustment) can be found in Appendix 6. This adjustment process assumes that any loss of catch experienced will be evident in a reduced CPUE for that fishing vessel (or license if subject to boat replacement) compared to previous years for the same eligible claim block/fishing event location by species by month.

Loss of catch assessments will be conducted using the Seismic Survey period catch and effort data per month plus the previous 10 years (by same block/fishing event location & month) where available (5 years for Western Rock Lobster fishers).

2.2.1. Method of Assessing Loss of Catch Adjustment

Treatment of catch and effort data to determine eligible fishing events to be included in the adjustment assessment process.

As detailed in this protocol, adjustment is available for fishing activity where it can be shown there is a minimum of two out of the prior five years where fishing activity has taken place in the same block or fishing event location that is the subject of a claim.

This requirement applies to the Adjustment Area and for any other block/fishing event location/area for which adjustment is being claimed.

The first step in conducting a loss of catch adjustment assessment will be to determine which fishing activity is eligible for adjustment under this protocol.

Where catch and effort data are provided in 10 x 10 nm statistical grid format, the same block by month will be checked for the five years preceding the survey year to ascertain the minimum requirement of a minimum of two years fishing activity within the previous five years. Where catch and effort data are provided in larger than 10x10nm statistical grid format, applicants may be asked for additional positional information for blocks that partially overlap the Adjustment Area, or are outside of the Adjustment Area, to assess the minimum fishing history requirement.

Timeframes related to the Claim Period (Loss of Catch Adjustment) can be found in Appendix 6.

10 x 10nm statistical grid format, applicants may be asked for additional positional information for blocks that partially overlap the Adjustment Area, or are outside of the Adjustment Area, to assess the minimum fishing history requirement.

Where catch and effort data are provided by the location of each fishing event by latitude and longitude coordinates the existing Western Australian 10x10nm statistical grid system will be used to assess the minimum fishing history requirement. The start point of each fishing event will be plotted within the 10 nm grid system to aid the assessment of previous fishing history by allocating each event to a 10 nm block to determine fishing events eligible to be included in the adjustment assessment process. Note that assessors have the flexibility to make judgements that will enhance the statistical accuracy of an assessment and/or provide balanced practical assessment outcomes.

2.2.2. Calculating an average CPUE

Catch and effort history covering the prior 10 years is required to provide an average CPUE value that is subject to minimal influence from fish stock recruitment and environmental fluctuations. 5 years of historical data for Western Rock Lobster and Octopus fishers.

CPUE will be defined in kilograms of landed catch and the unit of effort will be defined in hours (decimal hours where available) fished for trawl, hours fished, or kilometres of line set or number of hooks per kilometre for line fishing or number of trap lifts, resulting in the landed catch, for example CPUE = kilograms per trawl/line hour or trap lift. Average CPUE will be based on the mean catch and effort values of all eligible fishing events per claim month.

It is recognised that in some cases, 10 years of catch history data may not be available and where this occurs an assessor should determine an appropriate historical average CPUE based on the information available in the application and any other information that an assessor deems appropriate. Western Rock Lobster Fishery and the Octopus Interim Managed Fishery will use 5 years of catch history data for CPUE assessment calculations.

The use of 10 years prior catch history and the intention of this protocol is that assessments are conducted based on the available catch and effort information. However, an assessor may also consider significant catch trends within a fishery and/or management changes if they are thought to materially affect resulting catch rates or landed catch volumes.

2.2.3. Loss of Catch Adjustment Assessment Method

1. Claim Period (Loss of Catch Adjustment) must contain fishing activity within the Acquisition and/or Adjustment Area.
2. A claimant must have Historical Fishing Activity for each block or fishing event location subject to a claim.
3. Yearly historical average CPUEs (up to 10 years) will be calculated for all eligible fishing events fished in the claim month, by species, and then averaged to provide a baseline historical average CPUE for the claim month. Western Rock Lobster and Octopus fishers to use a 5-year window of historical fishing data.
4. The claim month actual average CPUE will be calculated for eligible fishing events by species by month.
5. The CPUE for the month/s and block/s being claimed for will then be compared to the baseline historical average CPUE calculated for the same block/fishing events and month/s, and where a shortfall is established, an adjustment will be calculated.
6. The shortfall in CPUE will be multiplied by the unit of effort (hours, kilometres of line set/number of hooks per kilometre, number of trap/pot lifts) fished for that claim month, and then the grouped species Market Price, to provide the amount of monetary adjustment due for that month.
7. Adjustment can be calculated for individual species or combined as appropriate.

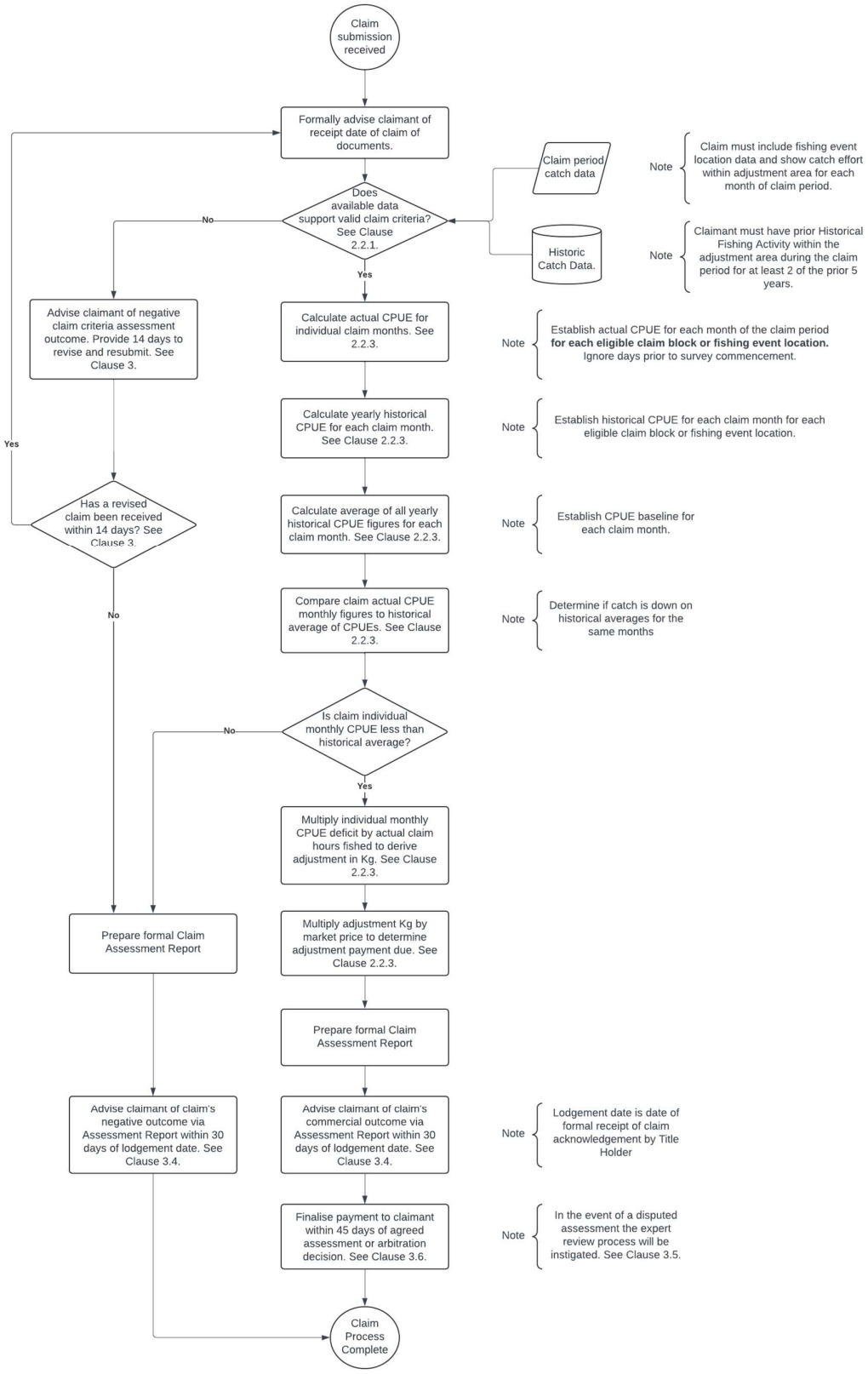
2.2.4. Adjustment method loss of catch adjustment calculation example

Claim month April 2020	Species - Narrow Barred Mackerel. Troll hours fished 100. Market price $17 per kg. Total catch 8,200kgs.
Claimant has Historical Fishing Activity within Adjustment Area prior to April 2020	Condition met
Claimant fished in Adjustment Area during April 2020	Condition met
April historical baseline CPUE	100 kgs per hour
April 2020 CPUE	82 kgs per hour
Shortfall in CPUE	18 kgs per hour
Shortfall multiplied by 100 hours fished in April 2020	1,800 kgs
1,800 kgs multiplied by market price of $17 per kg	$30,600
Monetary adjustment due for April 2020	$30,600

Claim month February 2025	Species – Western Rock Lobster. Pot lifts in February 2025, 2000. Market price $40 per kg. Total catch 4000kg
Claimant has Historical Fishing Activity within the Adjustment Area prior to February 2025	Condition met
Claimant fished in Adjustment Area during February 2025	Condition met
February historical baseline Effort	Average 2500 pot lifts
February historical baseline CPUE	Average 2.8kg/pot lift
February historical catch	7000 kg
February 2025 Effort	2000 pot lifts
February 2025 CPUE	2kg/pot lift
February 2025 Catch	4000kg
Shortfall in Effort	500 pot lifts
Shortfall in CPUE	0.8kg/potlift
Shortfall in Catch	3000kg
Catch Shortfall in February 2025	X = 3000kg
X multiplied by Market Price of $40* per kg	Y = $120,000
(less) Marginal Costs of fishing at $25/potlift	Z = - $12,500
Y - Z = Monetary adjustment due for February 2025	$107,500

The full loss of catch assessment process is detailed in the flow chart on the following page.

2.2.5. Loss of Catch Assessment Flow Chart



2.2.6. Exceptions to loss-of-catch assessment method information requirements.

Where a fisher is unable to provide 10 years prior catch and effort data due to Government confidentiality requirements or other reason, an assessment may still be conducted subject to the claim assessor being satisfied that an accurate assessment can still be conducted using the volume of data available.

If the fisher is a late entrant to the region and does not have data to back up their claim that they have historically fished in the Operational Area for 5+ years, the new entrant must demonstrate that they have less than five years' experience with the fishery but have fished in the Acquisition Area at least once. In this instance the claims assessor may use an average of other fishers catch-and-effort data to determine probable catch numbers.

If requested by the claimant, an assessment may be conducted using a fisher's own catch and effort data where a claim assessor forms the view that the data is consistent with Government data accuracy and formatting and that the data is suitable to conduct an accurate assessment.

The loss of catch adjustment process under this protocol does not cover circumstances where there may be discussions and/or agreement reached between a Seismic Survey Titleholder and a Commercial Fisher prior to a survey taking place, that it is not appropriate for fishing to occur within the area of a Seismic Survey. Likewise, if a Commercial Fisher feels that they will be disadvantaged by a Seismic Survey due to alternative suitable fishing grounds not being available to them during the Seismic Survey, then they should engage with the Titleholder ahead of a survey commencing.

A Commercial Fisher wishing to lodge a claim for adjustment should notify the Titleholder of their intention to lodge a claim as soon as possible after the conclusion of operations of a Seismic Survey and timeframes relating to Claim Period (Loss of Catch Adjustment) and Lodgement Period (Loss of Catch Adjustment) can be found in Appendix 6.

2.3. Fishing gear loss or damage

A Commercial Fisher may lodge a claim in accordance with this protocol if they experience accidental loss or damage of deployed Fishing Gear from physical contact with a Seismic Survey vessel and/or it's in-water equipment or supporting vessels during a Seismic Survey subject to this protocol.

Through pre-survey notifications and communications, Titleholders and Commercial Fishers should have an awareness of survey and fishing activities and make all reasonable efforts to avoid direct interaction and Fishing Gear loss or damage. It should be noted that Seismic Survey vessels carrying out seismic acquisition identify as 'vessel restricted in her ability to manoeuvre' under international marine navigation laws. The Titleholder reserves the right to refuse a claim if fishers interfere with a Seismic Survey deliberately operating in properly notified areas, noting that such interference may also be in breach of Section 603 of the Offshore Petroleum and Greenhouse Gas Storage Act 2006 (See Appendix 7). If a Commercial Fisher has prior awareness of their Fishing Gear being within the Operational Area during the Seismic Survey, Pilot Energy must be informed of the exact location(s) of the Fishing Gear prior to the activity commencing and seek agreement from Pilot Energy that the vessel has capability of navigating around Fishing Gear, alternatively, enter into a cooperative agreement allowing Pilot to lift and redrop Fishing Gear, to entitle the fisher to claim compensation for Fishing Gear loss or damage in this circumstance.

If Fishing Gear loss or damage occurs, the Commercial Fisher should immediately notify the Titleholder.

When lodging a claim, the claimant should clearly document when, where and how the gear damage or loss occurred and where possible, the name and details of vessel(s) involved in the incident. A claim should include a quote (two where possible) with costs associated with repairing or replacing the lost or damaged Fishing Gear.

As a result of assessing the claim, by mutual agreement with the claimant, the Titleholder may offer to cover the cost of repairing or replacing the damaged Fishing Gear or providing like-for-like replacement equipment.

Fishers making a claim for lost or damaged gear may also make a CPUE based claim for the lost catch associated with the lost or damaged gear for time damaged/lost gear spent in the water. Compensation will not be covered for lost time out of the water where Fishing Gear is under repair, unless under exceptional circumstances where 10+ pots have been affected. The Titleholder can discuss this issue on an individual bases with the claimant.

In the event a claim for forgone catch has been submitted, the Titleholder may (at their sole expense) enlist the services of an independent person or organisation to assess the claim. If agreement cannot be reached between the claimant and Titleholder, then refer to the independent expert review provisions in the *How long will it take to deal with my claim and independent expert review process section of this protocol*.

Timeframes for the Claim Period (Loss/damage of Fishing Gear) and Lodgement Period (Loss/damage of Fishing Gear) can be found in Appendix 6.

3. Claim Information and Assessment Process

Titleholders conducting a Seismic Survey in accordance with an EP subject to this protocol will provide a centralised contact point and online portal to relevant Commercial Fishers/marine operators relating to lodging a claim or notification regarding Displacement, loss of catch, or Fishing Gear loss or damage, as relevant. Contact information will also be provided to relevant fishing associations as the respective peak commercial fishing industry bodies.

All information provided in an application under this protocol must be kept confidential by the Titleholder, an assessor or expert reviewer of a claim and any other person who has access to the information.

Provided a claimant can demonstrate the required previous fishing history within an Adjustment Area, if all the remaining information requirements set out in this protocol are not available to a claimant, then such claims will be considered on a case-by-case basis, in consultation with the nominated competent assessor. For example, if a Commercial Fisher, whose regular fishing grounds are within the Displacement Area, believes they are indirectly affected by another Commercial Fisher who has been displaced and has moved into the first fishers regular fishing grounds they may qualify as a claimant under the CPUE adjustment process detailed above.

An option for applicants lodging a claim is to authorise an assessor to access the relevant fishing catch and effort information directly with the appropriate Government Department. Alternatively, applicants may provide the required Government catch and effort information with their claim application.

Applicants will receive confirmation of a claim being lodged with the Titleholder. If an assessor forms the view that the information lodged with a claim is not sufficient to conduct a meaningful assessment or support the application, then the claimant will be advised in writing and given 14 days to respond to the assessor. If no response is received within 14 days, then the assessment will be completed, and the claimant advised of the outcome.

Claims will be assessed by separate monthly fishing activity, with each month assessment outcome not influencing or impacting on any other month's assessment outcome. This protocol outlines the adjustment processes in a manner to provide consistent assessments over time. However, assessors have the flexibility to make judgements that will enhance the statistical accuracy of an assessment and/or provide balanced practical assessment outcomes.

For fully documented claims that meet the Adjustment Area historical fishing/usage activity requirement, whether successful or not, clerical costs relating to preparing, submitting, and engaging in the adjustment process under this protocol, up to a value of $2,000 per claim, will be reimbursed by the survey Titleholder as part of the claim process. A statement outlining time and resource costs to support an amount up to $2,000 should be included with a claim. Clerical costs that exceed $2,000 may also be included with a claim and reimbursed under this protocol if evidenced by documentation.

3.1. Who can lodge a claim and when?

A Commercial Fisher who is an affected person who has suffered Displacement, a loss of catch, or gear loss or damage whilst operating in and around a Seismic Survey Adjustment Area subject to this protocol, can lodge an adjustment claim during the lodgement.

Other Commercial Marine Operators, identified during relevant persons consultation during the preparation of the relevant EPs, who suffers Displacement whilst operating in and around a Seismic Survey Adjustment Area, subject to this protocol can lodge an adjustment claim.

A person so authorised may lodge a claim on behalf of a Commercial Fisher/marine operator. Claims may be lodged by a person, company, or association on behalf of more than one Commercial Fisher/marine operator, provided that the required individual usage/catch history is provided and there is evidence of the authority to lodge the claim on behalf of others.

Timeframes related to Claim Period (Loss of Catch Adjustment) can be found in Appendix 6.

3.2. What information is needed to lodge a claim?

Claimants will need to be able to identify the relevant vessel and licence(s) that are involved in the claim, and to provide evidence of the entity that would have received the revenue that is the subject of a claim. For Commercial Fishers, a key information requirement when lodging a loss of catch claim will be to either authorise access to the relevant Government catch and effort data or provide the catch and effort data with the application. For Other Commercial Marine Operators, the information needed for lodging a claim will have been agreed between the Titleholder and the entity that would have received the revenue that is the subject of a claim.

Full details on the information required to be lodged with a claim are contained in the application forms at:

- Appendix 2 – Consent and Confidentiality Form
- Appendix 3 – Displacement Application Form
- Appendix 4 – Claim for Loss-of-catch Application Form
- Appendix 5 – Fishing Gear Loss or Damage Application Form

Each claim should relate to only one Seismic Survey and associated Titleholder.

3.3. Who will assess the claims and what information will be in the report?

Subject to a claim being lodged, the Titleholder of a Seismic Survey (at their expense) in consultation with the claimant, will engage a suitably experienced/qualified independent person or organisation as the assessor of the claim. The selection will be predicated on a nominated individual put forward by the relevant fishery bodies, as having extensive, documented experience with the commercial fishing industry and verifiable ability to quantify catches. Any conflicts of interest must be disclosed as a condition of engagement.

The Titleholder is to provide the assessor with a letter of instruction/project brief, which is to be provided to the claimant as part of the assessment report.

An assessment report prepared by an assessor should include the following information:

- a copy of the letter of instruction/project brief received by an assessor when engaged to carry out the independent assessment,
- confirmation (or otherwise) that the information provided in the claim is sufficient to conduct a meaningful assessment,
- a summary of the claim details (survey, applicant, vessel, month(s)),
- for a loss of catch claim, monthly CPUE assessments as outlined in this protocol including an estimation of any loss of catch (in kilograms) and its Market Price, and

- any other information, comments, or views relevant to the assessment that the assessor may wish to include.

Upon receiving and considering the assessment report, the Titleholder will provide a copy of the report to the claimant and offer to meet with the claimant to discuss/address the claim. The claim assessment will be transparent, auditable and appealable.

3.4. How long will it take to deal with a claim?

An appropriately documented claim (including relevant catch and effort information) should be assessed, and a report provided to the claimant within 30 days of the lodgement date of the claim. If an assessor is authorised to access catch and effort data, then the 30-day period begins upon receipt of the necessary catch-and-effort data. If an appropriately documented claim report cannot be made available to the claimant within 60 days of a claim being lodged or receipt of catch and effort information as appropriate, and no mutual agreement to extend the time period has been entered into, then the Titleholder (at their expense) in consultation with the claimant, shall appoint a suitably experienced/qualified independent person or organisation to provide an expert review of the claim.

Included as part of the settlement of each claim, will be a binding agreement that summarises the claim outcomes and an agreement by the claimant that acceptance of the settlement negates any further claims for the same species and month(s) of that Seismic Survey.

3.5. Independent expert review of a claim

If a claimant disagrees with a claim assessment outcome and cannot reach agreement with the Titleholder, they may opt to go to an independent expert review (funded by the Titleholder of the survey).

If a claim is subject to independent expert review, then as part of that process, both the claimant and the Titleholder shall be given the opportunity to address the assessor to state their position, prior to an independent expert review decision being reached.

An independent expert reviewer must provide a view as to whether the claim assessment process has been conducted in line with the requirements of the protocol. The independent expert reviewer may also consider any additional information deemed appropriate by themselves, including information provided by either the claimant or the Titleholder. An independent expert review decision is binding on the claimant and the Titleholder and may differ from the initial assessment report. A timeline diagram setting out the relevant time frames under this protocol can be found at Appendix 6.

3.6. How long will it take to be paid adjustment?

Once a claimant and Titleholder agree with a claim outcome, or an expert reviewer has issued a report, the Titleholder will provide monetary adjustment to the claimant as soon as possible or within a maximum of 45 days.

4. Protocol Review and Maintenance

This protocol will remain in force for the validity period of any accepted EP for Pilot Energy. The protocol will be subject to review and update by KSV and Pilot Energy at least once in each 12-month period. Changes will be considered in consultation with relevant fishing associations (and other stakeholders as appropriate) and subject to agreement by the Titleholder members.

The forms in the Appendices will be made available for download through the Eureka website, or online forms may be used to submit a claim.

Appendix 1: Eureka Compensation Protocol Members

Founding Members

- Pilot Energy Ltd
- Klarite Sustainable Ventures Pty Ltd

Appendix 2: Consent and Confidentiality Form

CATCH & EFFORT and CATCH DISPOSAL RECORDS CONSENT

Records from this year and previous years are needed to support your claim. Please complete the following consent form for lodgement with the appropriate fisheries management agency.

I, (insert name) ..... give permission to the Klarite Sustainable Ventures nominee to have access to my (insert fishery) ..... catch and effort records at (fisheries management agency) .....

I affirm that the fishing cooperatives listed below (leave blank if not applicable):

(insert fishing cooperative) ..... receive (insert percentage) .....% of my landed catch.

(insert fishing cooperative) ..... receive (insert percentage) .....% of my landed catch.

(insert fishing cooperative) ..... receive (insert percentage) .....% of my landed catch.

I, (insert name) ..... do:

a. Certify that the details and particulars in this application are true to the best of my knowledge, information, and belief; and

b. Acknowledge that the making of a false statement is unlawful and open to prosecution.

c. Understand that my data will be kept confidential and only used for the purposes of assessing a compensation claim by an authorised assessor as a result of Eureka 3D Marine Seismic Survey operations.

Signed: ..... Date: .....

Appendix 3: Displacement Application Form

Commercial Fishing Industry Adjustment Protocol - Application Form for Displacement Claim

Application Form - Commercial Marine Operator Adjustment Protocol - Displacement 1 of 2	
Survey Details	
Seismic Survey name	
Seismic Survey Titleholder	
Claimant Details	
Name of person/company making claim	
Address	
Email	
Contact number	
I am the entity that would have received the revenue from the catch that is the subject of this claim. Please include evidence of above statement	Yes or No
Relevant authorisation holder details (if different from claimant)	
Name	
Address	
Email	
Contact number	
Authorisation/licence(s) name and number	
Claim details	
Evidence of the additional distance, fuel and crew costs incurred by the relocation of the fishing/other marine operation.	Attach receipts/evidence of costs for claim month. Include vessel track data, fuel receipts, transit time, distance travelled etc.
Evidence of previous year daily (at sea) average distance, fuel and crew costs	Attach receipts/evidence of costs for previous year.

Application Form - Commercial Marine Operator Adjustment Protocol – Displacement 2 of 2
Include five years catch data preceding the year of the claim in the following form: • Vessel • Year • Month • Fishery • Fishing event location/blocks fished provided at the highest available block resolution. • Whole weight calculated based on the reported landed weight and listing any relevant conversion factor(s). For Other Commercial Marine Operators, include five years Historical Fishing Area usage data preceding the year of the claim in the following form: • Vessel • Year • Month • Location provided at the highest available resolution. Note 5 years of data is required for Displacement purposes to show recent operational history has occurred within an Adjustment Area. If less than 5 years data available, then claim assessor should evaluate appropriate method of assessment.
Please list the documents provided with your application
1.
2.
3.
4.

Appendix 4: Loss of Catch Application Form

Commercial Fishing Industry Adjustment Protocol - Application Form for Loss of Catch claim

Application Form - Commercial Marine Operators Adjustment Protocol - Loss of Catch 1 of 2	
Seismic Survey Details	
Seismic Survey name	
Seismic Survey Titleholder	
Claimant Details	
Name of person/company making claim	
Address	
Email	
Contact number	
I am the entity that would have received the revenue from the catch that is the subject of this claim. Please include evidence of above statement	Yes or No
I wish to authorise direct access to my catch and effort history relevant to this application.	Yes/No (If yes then authorisation holder to sign here)
Relevant authorisation holder details (if different from claimant)	
Name	
Address	
Email	
Contact number	
Authorisation/licence(s) name and number	
Claim details	
Months for which loss of catch adjustment is being claimed	

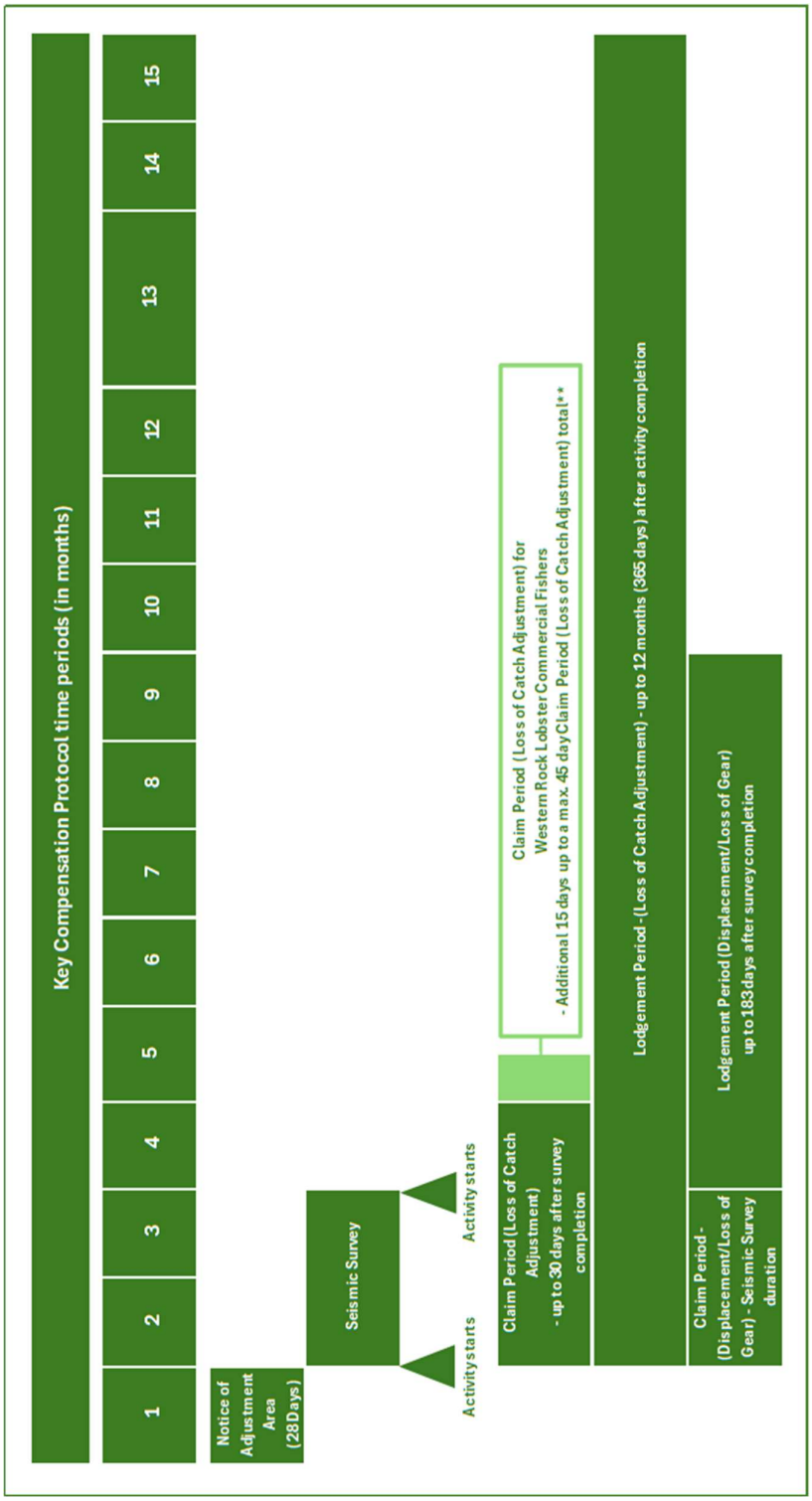
<table>
<tr><td colspan="2">Application Form - Commercial Marine Operators Adjustment Protocol - Loss of Catch 2 of 2</td></tr>
<tr><td colspan="2">Market Price information – please include documentary evidence of price received from normal buyer/processor for catch relevant to loss of catch claim.</td></tr>
<tr><td>Catch and effort information for blocks/area by month by species for which loss of catch is being claimed plus previous 10 years (5 years for Western Rock Lobster fishers). If 10 years Government catch history is not available and/or or you wish to provide your own validated catch history, please indicate here.</td><td>Indicate whether Government or own catch and effort data is being provided and number of previous years of data available.</td></tr>
<tr><td colspan="2">NOTE: If any information is not available from Government and fishers own catch data is being submitted, then copies of the relevant statutory catch and effort fishing returns should be submitted with the claim.</td></tr>
<tr><td colspan="2">Catch and effort information should be provided in the form of:
Vessel
Year
Month
Fishery
Blocks fished provided at the highest (e.g., 10x10nm) available block resolution, or fishing event locations (by latitude and longitude).
Block days including fishing events in identified area/blocks per month.
Fishing hours (in decimal hours) showing the duration of each fishing event at highest available block/fishing event resolution.
Whole weight calculated based on the reported landed weight and listing the relevant conversion factor(s) if applicable.</td></tr>
<tr><td colspan="2">Other relevant information may be submitted with a claim and will be assessed on a case-by-case basis. Questions regarding the claim process may be directed to a person nominated by the Titleholder.</td></tr>
<tr><td colspan="2">Please list the documents provided with your application</td></tr>
<tr><td colspan="2">1.</td></tr>
<tr><td colspan="2">2.</td></tr>
<tr><td colspan="2">3.</td></tr>
<tr><td colspan="2">4.</td></tr>
</table>

Appendix 5: Fishing Gear Loss or Damage Application Form

Application Form - Commercial Marine Operators Adjustment Protocol – Fishing Gear loss or damage	
Seismic Survey details	
Seismic Survey name	
Seismic Survey Titleholder	
Claimant Details	
Name of person/company making claim	
Address	
Email	
Contact number	
I am the entity that has incurred the costs of the lost or damaged Fishing Gear that is the subject of this claim. If claiming for loss of catch, I am the entity that would have received the revenue from the catch that is the subject of this claim. Please include evidence of above statements.	Yes or No and supporting information.
I wish to authorise direct access to my catch and effort history relevant to this application.	Yes/No (If yes then authorisation holder to sign here)
Relevant authorisation holder details (if different from claimant)	
Name	
Address	
Email	
Contact number	
Authorisation/licence(s) name and number	
Claim details	
Evidence of notification to the Titleholder of the gear loss and/or damage incident.	
Information describing when, where, and how the gear damage and/or loss occurred.	

Where possible, the name and details of vessel(s) involved in the incident.	
A claim should include a quote (two where possible) with costs associated with repairing or replacing the lost or damaged Fishing Gear.	
Estimate of any proportionate loss of catch including Market Price, plus catch and effort information sufficient to calculate CPUE for claim month or same month in previous year.	
Please list the documents provided with your application	
1.	
2.	
3.	
4.	

Appendix 6: Eureka Commercial Fisher Compensation Protocol Timeframes



** This Claim Period (Loss of catch Adjustment) and Claim Period (Displacement) are extended for any fisher participating in the Western Rock Lobster Before-After-Control-Impact (BACI) scientific study, for the duration of time that the study remains active in the field. Compensation for CPUE adjustment for 6 fishing trips as part of the WRL BACI study will be allowed.

Timeframes for making a claim:

1. Titleholder to provide 28-day notice of a future Adjustment Area including a map and coordinates.

2. Titleholder to provide notice of Seismic Survey start and Seismic Survey end through the Eureka website.

3. Time periods for claims and lodgements:
    1. Claim Period (Loss of Catch Adjustment) – up to 30 days after Seismic Survey completion.
    2. Claim Period (Displacement) – For the duration of the Seismic Survey.
    3. Claim Period (Loss/damage of Fishing Gear) – for the duration of the Seismic Survey.
    4. Lodgement Period (Loss of Catch Adjustment) – up to 12 months (365 days) after Seismic Survey completion.
    5. Lodgement Period (Displacement) – up to 183 days after Seismic Survey completion.
    6. Lodgement Period (Loss/damage to Fishing Gear) – up to 183 days after Seismic Survey completion.

4. Any fisher participating in the Western Rock Lobster Before-After-Control-Impact (BACI) study will be subject to an extended Claim Period (Loss of catch Adjustment) and Claim Period (Displacement) for the duration of time that the study remains active in the field. Compensation for CPUE adjustment for 6 fishing trips as part of the WRL BACI study will be allowed.

Timeframes for processing a claim:

1. Claims to be finalised within 30 days of being lodged, or receipt of catch and effort information, unless mutual agreement reached between claimant and Titleholder to extend time frame.

2. If agreement cannot be reached between the Titleholder and claimant within the prescribed times above then the Titleholder, in consultation with the claimant, must appoint an independent expert reviewer to decide the claim.

3. Subject to an independent expert review decision, the Titleholder shall settle the claim in accordance with the decision within 60 days.

Appendix 7: Legislation Section 603

Offshore Petroleum and Greenhouse Gas Storage Act 2006

No. 14, 2006

Compilation No. 54

Compilation date: 18 October 2023

Includes amendments up to: Act No. 74, 2023

Registered: 21 October 2023

603 Interfering with offshore petroleum installations or operations

(1) A person commits an offence if:

(a) the person engages in conduct; and

(b) the person's conduct results in:

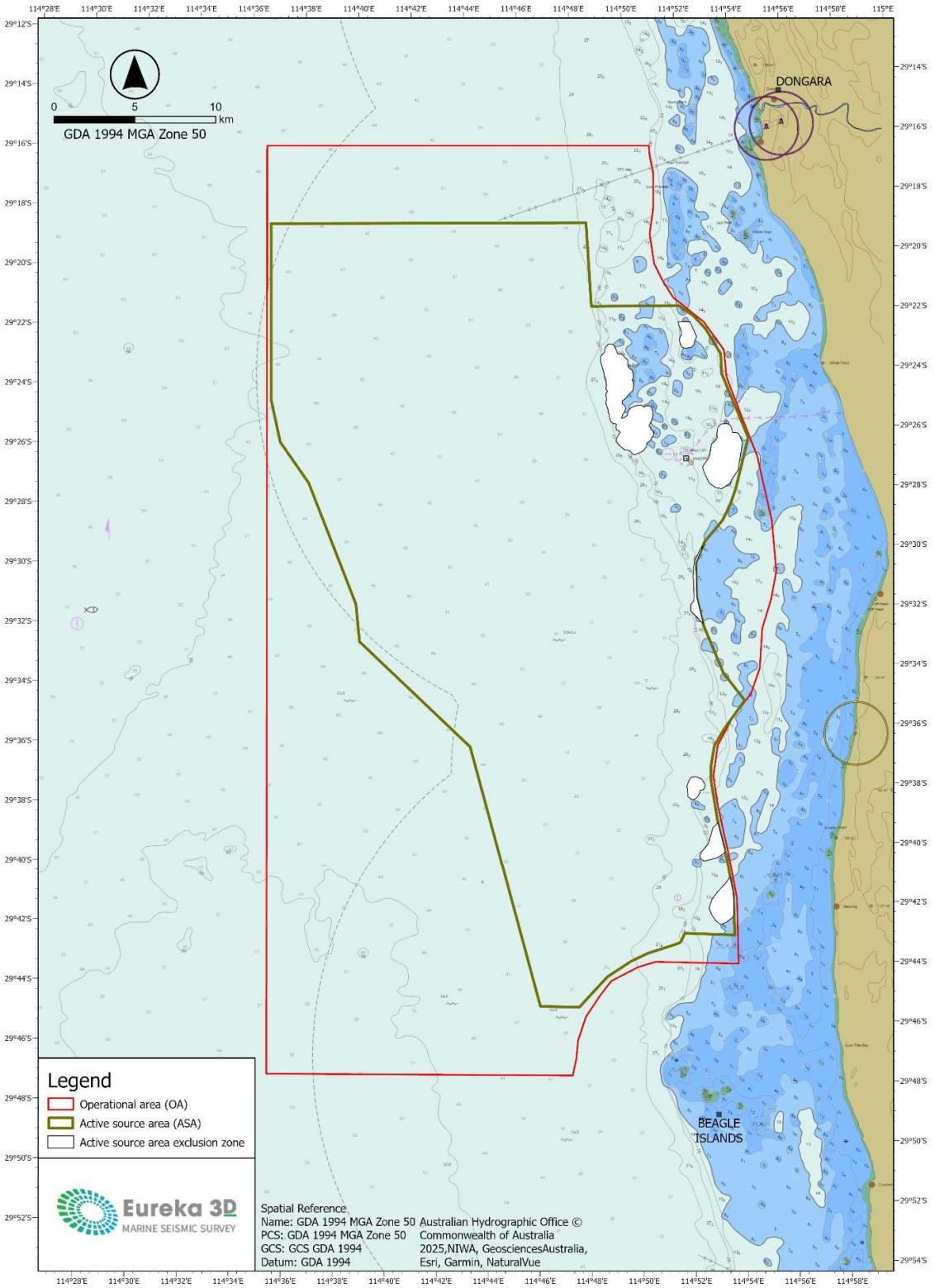
(i) damage to, or interference with, any structure or vessel that is in an offshore area and that is, or is to be, used in exploring for, recovering, processing, storing, preparing for transport, or transporting, petroleum; or

(ii) damage to, or interference with, any equipment on, or attached to, such a structure or vessel; or

(iii) interference with any operations or activities being carried out, or any works being executed, on, by means of, or in connection with, such a structure or vessel.

Penalty: Imprisonment for 10 years.

Appendix 8: Eureka 3D MSS Nautical Map & Coordinates



Coordinates of Eureka seismic survey GDA94:

Operational area		Active source area	
Latitude	Longitude	Latitude	Longitude
-29.270842	114.606743	-29.7548	114.7702
-29.274973	114.849632	-29.6088	114.7284
-29.30962	114.851687	-29.5489	114.6592
-29.350656	114.856948	-29.5278	114.6573
-29.389779	114.895096	-29.4597	114.6288
-29.449083	114.915039	-29.4364	114.6111
-29.514094	114.92597	-29.4131	114.606
-29.568026	114.914272	-29.3145	114.6083
-29.596011	114.895846	-29.3174	114.8087
-29.627502	114.883474	-29.3641	114.8112
-29.696458	114.897106	-29.3646	114.8668
-29.733026	114.89746	-29.3919	114.893
-29.731198	114.844435	-29.4029	114.8934
-29.741452	114.815726	-29.439	114.9096
-29.761163	114.799096	-29.485	114.8922
-29.793673	114.790001	-29.4968	114.8806
-29.789274	114.593941	-29.5437	114.879
-29.270842	114.606743	-29.5857	114.9044
		-29.6228	114.8819
		-29.7171	114.8953
		-29.7155	114.8635
		-29.7205	114.8605
		-29.7391	114.8133
		-29.7557	114.7951
		-29.7548	114.7702