



Australian Government
Director of National Parks

Mr Stephen Palethorpe
Secretary
Senate Standing Committees on Environment and Communications
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Mr Palethorpe

Inquiry into the impact of seismic testing on fisheries and the marine environment

Thank you for your letter of 26 September 2019 inviting the Director of National Parks to make a submission to the inquiry into the impact of seismic testing on fisheries and the marine environment.

I note the terms of reference of the inquiry, which are for the impact of seismic testing on fisheries and the marine environment, with particular reference to:

- a) the body of science and research into the use of seismic testing;
- b) the regulation of seismic testing in both Commonwealth and state waters;
- c) the approach taken to seismic testing internationally; and
- d) any other related matters.

The Director of National Parks is responsible for the conservation and management of the Australian Government's terrestrial and marine protected area estates established under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The Director of National Parks manages 58 Australian Marine Parks that cover close to 3 mil km² to protect the environment while allowing sustainable use and enjoyment of the parks.

Management plans for five marine park networks (South-east, South-west, North-west, North and Temperate East networks) and the Coral Sea Marine Park have been established under the EPBC Act. The objectives of the management plans are to provide for:

- a) the protection and conservation of biodiversity and other natural, cultural and heritage values of the marine parks; and
- b) ecologically sustainable use and enjoyment of the natural resources within the marine parks, where this is consistent with objective (a).

Australian Marine Parks are zoned based on International Union for the Conservation of Nature (IUCN) principles with the aim of including representative

examples of marine habitats and features within the Commonwealth marine area. The Australian Marine Parks include IUCN category Ia, II, IV and VI zones.

The management plans allow for seismic testing that is part of mining operations in Multiple Use Zones and Special Purpose Zones (IUCN category VI) in accordance with an authorisation issued by the Director of National Parks. The management plans also allow for other activities to occur in IUCN category VI zones, including several commercial fishing methods, excavation and dredging activities, and commercial shipping activities. The Director of National Parks has authorised mining operations through class approvals. These class approvals authorise activities undertaken in accordance with an Environment Plan accepted under the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* by the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA). NOPSEMA's assessment process explicitly takes into consideration impacts on matters protected under the EPBC Act¹ and cannot accept an Environment Plan that is inconsistent with the marine park management plans.

The Director of National Parks is a 'relevant person' under the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* for consultation where:

- the mining activity or part of the activity is within the boundaries of an Australian Marine Park;
- activities proposed to occur outside an Australian Marine Park may impact on the values of the marine park; and/ or
- an environmental incident occurs in Commonwealth waters surrounding an Australian Marine Park and may impact on the values of the marine park.

This means the Director of National Parks must be consulted by titleholders when preparing an Environment Plan prior to submission to NOPSEMA. The Director of National Parks has a strong working relationship with NOPSEMA. In July 2018, NOPSEMA published a guidance note developed in close consultation with the Director of National Parks to provide guidance to the mining industry on consultation with the Director of National Parks and how to consider Australian Marine Parks in Environment Plans.

Seismic survey research that does not require an Environment Plan under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* is classified as a research and monitoring activity under the management plans. Research and monitoring activities require an authorisation from the Director of National Parks, subject to assessment. In assessing the proposed activity, it needs to meet requirements prescribed in the management plans. This includes ensuring the activity would not adversely impact the values of the Australian Marine Parks, and the impacts and risks on marine park values are avoided or reduced to as low as reasonably practicable.

¹ The 'Strategic assessment of the environment management authorisation process for offshore petroleum and greenhouse gas storage activities under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*' under the EPBC Act decision took effect on 28 February 2014. This assessment determined that NOPSEMA's environmental management authorisation process met the objectives and high environmental standards of the EPBC Act.

The Director of National Parks has implemented a Marine Parks Compliance Program to achieve high levels of awareness and compliance with the park rules set out in the management plans. This ensures activities don't occur in areas where they are not allowed.

Yours sincerely

Dr James Findlay
Director of National Parks

20 November 2019