

Environment and Communications References
Answers to questions on notice
Agriculture, Water and the Environment Portfolio

Committee: Environment and Communications References
Inquiry: Impact of seismic testing on fisheries and the marine environment
Question No: 1
Hearing Date: 21 September 2020
Division/Agency: Department of Agriculture, Water and the Environment
Topic: Impact of seismic testing on fisheries and the marine environment - seismic surveying
Hansard Page: 22
Question Date: 21 September 2020
Question Type: Spoken

Senator Whish-Wilson asked:

CHAIR: Thank you. I have a quick clarification question, before I go to my colleagues. My understanding is plans in zoning arrangements allow for seismic surveying as part of mining operations in multiple use zones and special purpose zones, which are IUCN category VI, subject to authorisation issued by the director. Is it publicly available how many of these zones are in Commonwealth waters and could potentially form part of an application for seismic surveying?

Mr Weber: Not off the top of my head, Senator, but we could obviously take that question on notice and get you those numbers.

CHAIR: If you could, that would be great. I've got some other questions, but I'll go to my colleagues first.

Senator Urquhart?

Answer:

The 58 Australian Marine Parks are divided into 189 zones. Fifty-eight of these zones (approximately 30 per cent) are IUCN Category VI zones where mining operations, including seismic testing, are allowable under the management plans, provided assessment has been undertaken and authorisation given by the Director of National Parks. These zones are specified in all marine park network management plans except for the Coral Sea Marine Park Management Plan 2018 which prohibits mining operations. Marine park management plans are available at parksaustralia.gov.au/marine/management/plans/

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Committee: Environment and Communications References
Inquiry: Impact of seismic testing on fisheries and the marine environment
Question No: 2
Hearing Date: 21 September 2020
Division/Agency: Department of Agriculture, Water and the Environment
Topic: Impact of seismic testing on fisheries and the marine environment - seismic surveys in Australian marine parks
Hansard Page: 22
Question Date: 21 September 2020
Question Type: Spoken

Senator Urquhart asked:

Senator URQUHART: Your submission says that there are 58 marine parks in Australia and they cover close to three million square kilometres. On page 2 of that submission, and Senator Whish-Wilson just indicated this, there is testing that's allowed in multi-use zones and special purpose zones of the parks. Can you tell me how many seismic surveys have occurred in Australian marine parks?

Ms Farrant: I'm sorry, Senator, we don't have that information to hand. There certainly have been some that have occurred in the past. We do know that we have no active surveys currently, but we can provide you details of that. Over what period would you like those numbers?

Senator URQUHART: I'm happy for you to go back and break it down into a number of years. I don't know how far back you go, but I'm interested to see whether there have been any seismic surveys that have happened in Australian marine parks, so I guess we're talking about the period of time that the 58 marine parks have been in place. If you don't have that information—

Ms Farrant: So for the last two years?

Senator URQUHART: Sorry?

Ms Farrant: That would be for the last two years. For the majority of the marine parks, so 44, we could go back two years and potentially quite a bit longer for the others.

Senator URQUHART: That would be great. If you could then identify in which of those marine parks there have been seismic surveys, that would be great. Are you able to tell us whether seismic surveys cause death or injury to marine fauna?

Ms Farrant: There are still, as we've heard in evidence before the committee today, outstanding questions in relation to research on the impacts of seismic testing on marine fauna. I think that's something that is being investigated by a number of organisations, including the Australian Institute of Marine Science's North West Shoals to Shore Research Program, which is looking at understanding impacts of seismic surveys on marine biota. So I don't think we're in a position today to say whether or not it does.

Answer:

Since 2015-16, there have been seven seismic surveys conducted inside Australian Marine Parks. Three of these surveys were conducted in the Montebello Marine Park, with one each in the Oceanic Shoals Marine Park, the Gascoyne Marine Park, the Nelson Marine Park and the Zeehan Marine Park.

It is a condition of approved Environment Plans that any deaths associated with an activity are reported to NOPSEMA and the Department of Agriculture, Water and the Environment. Parks Australia has not been notified of any deaths or injury to marine fauna as a result of seismic surveys undertaken in Australian marine parks.

Where unexplained or unexpected deaths of marine fauna have been reported to either NOPSEMA or the Department, there is no evidence of links between these deaths and any recent seismic activity.

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Inquiry: Impact of seismic testing on fisheries and the marine environment
Question No: 3
Hearing Date: 21 September 2020
Division/Agency: Department of Agriculture, Water and the Environment
Topic: Impact of seismic testing on fisheries and the marine environment - seismic surveying in the Ningaloo Marine Park WA/Great Australian Bight
Hansard Page: 22-23
Question Date: 21 September 2020
Question Type: Spoken

Senator Urquhart asked:

Senator URQUHART: Yes, of course. I would have expected you to say that. Has there been seismic surveying in the Ningaloo Marine Park in WA or in the marine parks in the Great Australian Bight? Do you know that offhand or is that part of what you're taking on notice?

Mr Weber: We probably need to take that on notice. I know there has been previous environment plan consultation about those. Whether the surveying have gone ahead, I'm not 100 per cent certain.

Senator URQUHART: But you'll take that on notice and provide that information.

Ms Farrant: Yes.

Answer:

There have been no seismic surveys in either park.

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Committee: Environment and Communications References
Inquiry: Impact of seismic testing on fisheries and the marine environment
Question No: 4
Hearing Date: 21 September 2020
Division/Agency: Department of Agriculture, Water and the Environment
Topic: Impact of seismic testing on fisheries and the marine environment - seismic testing
Hansard Page: 23-24
Question Date: 21 September 2020
Question Type: Spoken

Senator Urquhart asked:

Senator URQUHART: Great. In your submission you say that seismic testing takes place in marine parks under the auspices of NOPSEMA within the environmental restrictions of the EPBC Act, and only when the seismic testing is consistent with the marine park management plan. Is this a high-quality system by world standards? How do you measure that system?

Ms Farrant: We believe it's a very rigorous and strong system that we have in place under the EPBC Act. I can just run you through some of the key features of it. Of course NOPSEMA is the key regulator, but the DNP does play an integral role. The class approval issued by the DNP enables actions or approvals by NOPSEMA, subject to very stringent parameters. So approved actions can only be undertaken by approved persons in approved zones and in accordance with stringent conditions of approval, which include a number of things—as you mentioned already, an environment plan accepted by NOPSEMA; all the relevant rules of the EPBC Act; the relevant management plan; and any prohibitions, restrictions or determinations made under the EPBC Act, which might include things like recovery plans made under that act. The DNP is consulted as a relevant person whenever a proponent makes an application or submission to NOPSEMA. The DNP will provide feedback on a range of matters to the proponent, and NOPSEMA will take into account the DNP's expectations in their decision-making. NOPSEMA, of course, will not approve an environmental plan unless the DNP's advice is taken into account. In terms of international comparison, I'm just looking at my colleague to see if Steve is familiar with any similar sort of processes internationally.

Mr Weber: Not offhand. I would probably just emphasise that the relationship between the Director of National Parks and NOPSEMA is a very good one. When we give feedback to a proponent, if NOPSEMA sees that it hasn't been taken on board, they will contact us and contact the proponent and push back.

Senator URQUHART: Mr Weber, I'm not asking you about your relationship with NOPSEMA. I'm asking you about the system that you have. Is it a high-quality system by world standards? That was my question and I'll just draw you back to that, because we are running through time.

Ms Farrant: We certainly believe it is a high-quality system. I have just run through the robust arrangements that we have in place. We certainly comply with all of our international obligations under the various international frameworks that apply in this particular area. So we do consider it to be a strong and robust system.

Senator URQUHART: By world standards?

Ms Farrant: Well, in compliance with our international obligations, which I guess set world standards.

Senator URQUHART: Are you aware of any risk to the marine park environment or fauna because of seismic testing in the park waters?

Ms Farrant: Risk values are something that NOPSEMA takes into account in terms of its assessment. As I understand it, NOPSEMA will be appearing before the committee, and I think that would be a question better posed to NOPSEMA.

Senator URQUHART: But you are responsible for marine parks, are you not?

Ms Farrant: Yes.

Senator URQUHART: So, given that you are responsible for them, you should be aware of any risks to the environment.

Ms Farrant: To the extent we consider that there might be risks to marine park values, we would raise those in the consultation that is undertaken with the Director of National Parks, and the feedback would be then provided through to NOPSEMA in their assessment. Where they take it from there is in terms of mitigating risks.

Senator URQUHART: Are you aware of any risks because of the seismic testing? It's a reasonably simple question.

Ms Farrant: I can just give you the sorts of comments and advice that we might provide back. Sorry, I'm just looking for a particular bit of information, which of course I can't lay my hands on right at this moment. We might have to come back to you on that one, because I can't find the bit of information that I was looking for. Could we take that on notice?

Senator URQUHART: Yes, if you can provide that to me, that would be good. I'm interested in your reference to Australia's marine parks being zoned in line with the principles of the International Union for the Conservation of Nature. Is marine seismic surveying conducted in marine parks in other countries?

Ms Farrant: I'm not aware of the answer to that.

Senator URQUHART: You don't know?

Ms Farrant: I don't know the answer to the question. We'll have to take that on notice.

Senator URQUHART: I'm also interested in what their experience is with seismic surveys?

You'll take that on notice as well?

Ms Farrant: Thank you, we will.

Answer:

Australia has a rigorous system in place to ensure that risks associated with activities, including seismic surveys, in marine parks are reduced to as low as reasonably practicable. Risk controls include Parks Australia engaging with proponents at all stages of an activity, provision of comprehensive feedback by the Director of National Parks on park values and how to protect them, and imposition of strict conditions on approvals. Proponents are also bound by their Environment Plan, which is assessed by NOPSEMA, to undertake actions that reduce the risk of harm to the environment.

In relation to seismic testing, these controls reduce risks including, for example, vessels impacting with marine mammals, noise disturbance to fish and other marine fauna, or marine pollution from oil spills or the introduction of marine pests.

Australia's approach accords with IUCN requirements which say managed mining that has been risk assessed as causing minimal impact in a small discreet part of an MPA may be permissible.

Seismic surveys are conducted in marine parks in other countries. Under IUCN requirements, countries set their own rules about mining in protected areas or a specific marine park under national legislation in areas which should be assigned as IUCN Category V or VI.

Countries have therefore adopted different approaches in legislation and associated guidelines. In addition to Australia, guidelines have been adopted under legislation, for example, in Brazil, New Zealand, the United Kingdom and some jurisdictions of the United States. While details can vary, guidelines cover a range of risk reduction strategies including observer competency and training requirements, pre-start visual observations, requirements for visual observations during surveys, aerial surveys and stand off vessel requirements, shut-down and restart requirements, and specific species protections in certain areas and certain seasons.

Australia's specifications against these requirements are comprehensive.

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Committee: Environment and Communications References
Inquiry: Impact of seismic testing on fisheries and the marine environment
Question No: 5
Hearing Date: 21 September 2020
Division/Agency: Department of Agriculture, Water and the Environment
Topic: Impact of seismic testing on fisheries and the marine environment - seismic testing applications
Hansard Page: 24
Question Date: 21 September 2020
Question Type: Spoken

Senator Whish-Wilson asked:

CHAIR: I don't have any questions along the lines that Senator Urquhart was asking about international comparisons, but if the director has issued an unknown number of class approvals for authorised mining operations—which I think I heard you say you were going to take on notice, how many seismic testing applications have been approved or have been assessed—could we also draw that it's not clear how much scrutiny is afforded by the director for applications for seismic surveys in Australian marine parks?

Mr Weber: I'm sorry, this is a very bad connection.

CHAIR: I'll ask again. You couldn't tell us how many seismic surveys had been approved or assessed by the director. If there's an unknown number of class approvals to authorise mining operations, it's very hard for us to— or it's not clear how much scrutiny is afforded by the director of applications for seismic surveys. Would that be a reasonable conclusion for us to draw in the committee?

Mr Weber: To get you the proper numbers I would like to take that question on notice. There is obviously a fair bit of work involved in consultation back and forth with applicants for EPs. To quantify that I would like to get the exact numbers for you.

CHAIR: I've got no problem with that. I understand it would be complex. But you just said you were very proud of the process, but it just seems that no-one is quite sure of even the number of surveys that we've seen in marine parks. Therefore, how do we get transparency around the scrutiny that was afforded by the director to those applications? It certainly would be interesting for us to get a better idea on that.

Ms Farrant: We're very happy to provide those numbers to you, Senator.

Answer:

The Director of National Parks (the Director) became a 'relevant person' under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* on 8 September 2017 with an obligation to ensure and maintain an awareness of offshore petroleum activities where they occur in, or potentially impact on, Commonwealth marine reserves.

Over the period 2015–16* to 2020–21 (as of 24 September 2020), the Director:

- was consulted on 12 seismic projects within Australian Marine Parks and 20 near Australian Marine Parks; and
- approved nine** seismic projects within Australian Marine Parks and 13 near Australian marine parks.

While the Director may be consulted on seismic activity proposed to occur in or near a marine park, it does not mean that an activity will ultimately be approved or, if approved, that it will proceed. A project may also proceed but with an amended scope that does not include activities occurring within the boundaries of a marine park. For these reasons, the number of consultations with the Director, will be different from the number of projects approved or which have been undertaken within Australian Marine Parks.

The Director takes seriously the obligation to provide feedback to proponents during consultation on seismic projects. Proponents are required to provide the Director's feedback to NOPSEMA, and address matters raised by the Director in any Environment Plan submitted to NOPSEMA for approval. If this does not occur, NOPSEMA will not approve an Environment Plan and the seismic project cannot proceed.

* While it was not a requirement to consult with the Director in 2015–16 and 2016–17, one seismic project in each of these years was provided to the Director for comment. These two projects have been included above for completeness.

** The number of seismic projects that have proceeded in Australian Marine Parks since 2015–16 is seven as stated in the answer to Question 2.