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30 March 2016

Dear Secretary

**Re: Senate Inquiry into Oil or Gas Production in the Great Australian Bight**

Humane Society International (HSI), the world's largest conservation and animal welfare organisation, welcomes the opportunity to provide this submission to the Senate Standing Committees on Environment and Communications inquiry into Oil or Gas Production in the Great Australian Bight, on behalf of our 60,000 Australian supporters.

The Great Australian Bight is a pristine ocean environment with unique nutrient upwellings, estimated to contain around 85% endemic species - species found nowhere else in the world. The Bight provides a sanctuary for many threatened marine species – including blue, pygmy blue, sperm, killer and humpback whales; Australian sea lions; great white sharks and albatross, providing critical habitat – feeding and breeding areas, and migratory routes - for these species. It is with this focus that HSI provides the Senate Committee with the following submission into its inquiry.

The 'Bight Basin' is considered by some a global oil frontier akin to the Arctic. Whilst global oil giant BP (partnered with Statoil) is the most progressed having already undertaken seismic exploration, Chevron, Santos and Bight Petroleum are among other companies to also hold exploration permits in the Bight. BP plan to drill at least four exploration wells, starting in October 2016. Chevron plans to commence exploratory drilling in 2017. Therefore whilst the terms of reference for this inquiry specifically reference BP, it is clear that BP is the first of many companies who wish to exploit the resources in this pristine environment and therefore our comments apply equally to any future exploration or activities that may occur in the region.

This submission focuses particularly on the impacts of oil and gas production on marine and coastal ecosystems (Terms of Reference, item a) with additional

comments made on the capacity to mitigate the effect of an oil spill (item c) and around the accountability of the current system and in particular the offshore petroleum regulator NOPSEMA (item d).

### **Protection of critical habitat**

It is essential that critical habitat areas are protected to enable the recovery of threatened species. The Head of the Bight and Twilight Reserve are internationally important southern right whale nursery and calving areas. The Head of the Bight alone is a critical gathering area for this endangered species with up to half of the Australian population (around 10% of the global population) using the region. Each year, between 25 and 55 calves are born here.

Biologically Important Areas (BIAs) have been mapped by the Australian Government for blue whales, southern right whales, sperm whales and Australian sea lions, some of which overlap directly with, or are in close proximity to, BP's proposed drilling area.

It is this overlap of critical habitat of threatened species with proposed drilling areas that is of real concern. If critical habitats are not protected the recovery of threatened species is at risk. For some species such as the Australian Sea Lion, 85% of the species is found in waters off South Australia, with the remaining 15% found in waters off Western Australia. As an endemic species found only in South and Western Australia, the Australian Sea Lion stands to be significantly impacted by an oil spill, as females have high site fidelity to breeding locations and feeding locations, making them unable to avoid the impacts of such a spill should one occur. However for many of the threatened species found in the Great Australian Bight, there is still little scientific research to be able to identify critical habitat. As a result the impacts of oil or gas development in the area are likely to be more severe than current scientific knowledge suggests, with significant implications when considering exploration or drilling activities or should an oil spill occur.

### **Risks and effects of exploration, drilling and oil spills**

HSI has previously voiced its concerns at seismic exploration in the area due to the impacts of noise pollution in the marine environment which will only increase based on survey proposals. HSI shares the concerns raised by IFAW and other organisations that the amount of seismic surveying taking place or proposed in the Bight may have cumulative impacts on whales in particular.

BP is proposing deep-water drilling at the frontier of technical capacity. Drilling is proposed at water depths of up to 2.2km, and depths of up to 3km into the seabed, in the Bight's extraordinarily rough, unpredictable and remote seas. The Deepwater Horizon well in the Gulf of Mexico was in waters up to 1,500m shallower than the deepest locations in the proposed site in the Bight. A spill catastrophe of the scale seen in the Gulf of Mexico could be disastrous for the marine life of the Great Australian Bight and marine industries across southern Australia.

So far, BP has refused to publicly release its oil spill modelling for the planned wells or its Emergency Response Plan. In the absence of any oil spill modelling, The Wilderness Society commissioned independent expert oil spill modelling which clearly demonstrates the unacceptable scale of the risks presented by drilling in the Bight. This modelling shows that due to the strong winds and highly energetic waves of the Southern Ocean, the trajectories of an oil slick and particles have the potential to cover vast areas of Australia's southern waters and coastline. Depending on the season if a blowout and spill were to occur, oil contamination could reach as far as Albany and Denmark in WA, or the Bass Strait to the East.

This covers an area that includes the critical habitat for sperm whales and orcas, Australian sea lions, albatrosses and many others.

In light of the increased depth of any drilling in the Bight in comparison to the Gulf of Mexico, and the location of critical response infrastructure BP would need to bring in from Singapore and/or Houston, Texas, it is likely that if needed a relief well could take 149 days to get in place which would likely have catastrophic impacts on the marine environment.

### **Lack of transparency and accountability of the assessment and approvals system**

HSI has consistently opposed the devolution of responsibility for the environmental assessment and approval of offshore oil drilling projects in Commonwealth waters, providing detailed consultation submissions in 2013. In 2014 this responsibility was removed from the Federal Department of Environment (and Environment Minister) and transferred to the National Offshore Petroleum Safety and Environmental Management Agency (NOPSEMA). This meant that NOPSEMA has sole responsibility for protecting the environment in the Bight from BP's risky drilling plans, with the Federal Environment Minister unable to have any formal role of responsibility or oversight of this process.

In advance of this transfer of responsibility, HSI raised numerous concerns including, but not limited to: insufficient protection for Matters of National Environmental Significance, conflicts of interest, lack of transparency and accountability, the objects of the *Environment Protection and Biodiversity Conservation Act 1999* not being adequately reflected in the new regime, and failure to include the precautionary principle. Since 2014 our concerns appear to have been justified, as evidenced by the need for IFAW to apply to the Administrative Appeals Tribunal for access to NOPSEMA assessment documents for a seismic survey approved in the eastern Great Australia Bight.

HSI considers that all assessment and approval processes especially those involving threatened species should be transparent and publicly available. Ministerial accountability and in particular confirmation of the role of the Federal Environment Minister with regard to threatened species must be restored along with full public access and consultation to provide any confidence in the assessment and approvals process.

In conclusion, HSI believes that the Great Australian Bight is an entirely inappropriate place for oil and gas drilling and production. The risk of an oil spill in a pristine marine environment, containing many species unique to the region as well as globally important populations, are simply too high. Proposals to undertake frontier deepwater drilling in the Bight carry risks on a scale that require the utmost transparency and accountability, which is lacking in the current system.

Yours sincerely

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