

## **Additional Comments from Senators Chisholm and Urquhart**

1.1 Federal Labor is committed to the sustainable management of Australia's marine resources and we are a strong defender and manager of our oceans and those who use them.

1.2 Labor Senators note that committee members have differing views on issues presented. Labor will prioritise jobs and sustainable and safe management of our ocean resources and the environment.

1.3 Though the inquiry followed the proposal by BP to conduct exploratory drilling in the Great Australian Bight, the concerns and issues raised more broadly covered the current regulatory regime governing the approval of offshore oil and gas activities in Australia. It was also evident that concerns regarding the potential impact on the pristine marine environment of the Great Australian Bight would apply to all oil and gas activities in the area, regardless of the proponent company.

1.4 Oil and gas production is a significant contributor to the Australian economy through domestic supply, export revenue, skills development, employment opportunities and regional development. The strategic management and security of energy resources is critical to the future of the nation.

1.5 Oil and gas exploration and production results in investment in regional infrastructure, and expenditure through the development of facilities, industry contracts, accommodation, and associated service contracts. The oil and gas industry is also a high value-add industry in Australia generating skilled jobs both directly, and through downstream processing, engineering, and other services.

1.6 The Great Australian Bight is an extraordinary oceanic and coastal environment of global conservation significance. It is a place of unparalleled natural beauty and is home to an array of diverse and unique flora and fauna species. Coastal communities have a deep and abiding connection to the Great Australian Bight and rely on it for both industry and recreation. The Great Australian Bight also provides national and international visitors with an opportunity to experience one of the world's pristine and unique marine wilderness areas.

1.7 As one of the last remaining intact ocean wilderness areas in the world, it provides critical habitat to a range of threatened and endangered wildlife species. It is extraordinarily rich in biodiversity, and is home to an enormous number of endemic species—some 85 percent of species found in the region are endemic. Many of these endemic species are also listed as threatened under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

1.8 The waters of the Bight provide the most significant breeding and calving areas in Australia for the southern right whale, one of two such major calving areas in the world. It also supports an essential nursery area for the endangered Australian sea lion. The Bight provides seasonal habitat for a range of rare and endangered cetaceans such as sperm whales, killer whales and orcas (blue, minke and humpback whales).

1.9 Over the past 20 years, both the Commonwealth and the South Australian governments have worked to recognise the global conservation values of the region through the declaration of extensive protection areas. One mechanism to preserve and protect the Great Australian Bight has been the establishment of Commonwealth marine reserves. The establishment of marine reserves acts to protect and maintain an area's biodiversity, including endangered and threatened species such as whales and pinnipeds, and their habitats.

1.10 Labor Senators note the 2012 national marine reserve network and are proud to have delivered the world's largest marine reserve network. Under Labor the number of marine reserves expanded from 27 (including the Great Barrier Reef Marine Park) to 60, covering more than a third of Commonwealth waters.

1.11 This is the largest system of marine reserves in the world, but the comprehensive management plans that gave effect to the reserves were scrapped without Parliamentary scrutiny by the Liberal Government.

1.12 These plans were the culmination of more than 20 years of work that began under the Keating Government. They would have secured the long-term conservation and sustainable use of Australia's precious oceans and protected important areas of our marine environment from invasive activities.

1.13 Labor Senators condemn the Government for cancelling the management plans for the Commonwealth Marine Reserve Network and conducting an unnecessary review to delay protection of Australia's oceans.

1.14 The Australian offshore oil and gas industry is subject to one of the most rigorous environmental and safety regulatory regimes in the world. The National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA), was established in 2011 as the independent authority responsible for the regulation of well integrity, health and safety, and environmental management for offshore oil and gas operations in Commonwealth waters.

1.15 Previously, the Department of the Environment was responsible for the environmental approvals of offshore oil and gas activities which would have an impact on Matters of National Environment Significance (MNES) under the EPBC Act. In 2014, NOPSEMA's environmental approvals process was endorsed by the Commonwealth Minister for the Environment as being appropriate to ensure that oil and gas activities do not have unacceptable impacts on matters protected under the EPBC Act.

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## Consultation

1.16 NOPSEMA has worked hard to improve consultation and engage stakeholders and communities. In August 2015, NOPSEMA announced a ‘Stakeholder engagement and transparency’ work program to focus on transparency and community engagement. Continued improvements in public consultation and reporting by NOPSEMA will provide the community with increased confidence that the appropriate levels of protection to the area are in place and assessments are informed by comprehensive information.

### Recommendation 1

**1.17 To address the issue of consultation, Labor recommends that the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* be amended to include a mandatory period of public comment during the final assessment process for Environment Plans.**

1.18 Labor put NOPSEMA in place as a national regulator for all offshore petroleum activities involving safety, well integrity and environmental management in Commonwealth waters, and in coastal waters where state powers have been conferred.

### Information provision

1.19 Labor notes the findings of oil spill modelling provided by both BP and The Wilderness Society, and notes concerns that the effects of an oil spill in the Great Australian Bight could be catastrophic. Submitters provided evidence that marine flora and fauna, including threatened and protected species would be killed and injured, and that delicate ecosystems would be disrupted. Further, submitters expressed concern that industries such as fisheries and aquaculture, and tourism would be affected by an oil spill.

1.20 Some submitters also raised concern that in the event of an oil spill in the Great Australian Bight, the harsh weather conditions and the remote and isolated coastline could create difficulties in undertaking containment and clean-up activities. However, evidence was received that NOPSEMA requires oil and gas proponents to demonstrate that appropriate response strategies are in place in order to obtain approval to undertake activity in the region. Labor believes that NOPSEMA is well placed to assess the appropriateness of oil spill mitigation measures. This is a critical task of NOPSEMA and goes to the heart of satisfying many community concerns.

### Recommendation 2

**1.21 To improve community confidence in NOPSEMA processes, Labor recommends that the *Offshore Petroleum and Greenhouse Gas (Environment) Regulation 2009* be amended to include a requirement for oil proponents to publically release oil spill modelling and emergency response plans when final assessments are being made and before public consultation is finalised.**

**Comments**

1.22 The proximity to the Southern Ocean combined with the depth of much of the Bight and consequent pressure raises risks and environmental issues which are different to those found in many other sites.

1.23 There needs to be an improved level of consultation and scrutiny to ensure NOPSEMA is fully taking these issues into account and addressing community confidence in process.

1.24 Labor Senators note that committee members have differing views on issues presented. Labor will prioritise jobs and sustainable and safe management of our ocean resources and the environment.

**Senator Anthony Chisholm**  
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