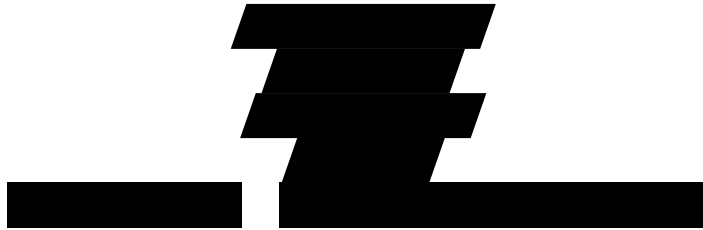


**CHRIS FENNER**



14.11.2019  
Committee Secretary  
Department of the Senate  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600  
AUSTRALIA

Submission to:

**Senate Environment and Communications References Committee - Inquiry into the impact of seismic testing on fisheries and the marine environment**

Dear Sir/Madam,

I have been involved in fisheries management and the fishing industry for almost 40 years, including a three year period on the Board of AFMA.

More recently I have been involved with a number of fishing companies in the squid jig fishery regarding the damage to squid caused by seismic testing.

There is irrefutable scientific evidence that seismic testing can cause harm to squid and rock lobsters and can kill scallops.

The precautionary principle in the EPBC act is as follows:

**.5.1 precautionary principle—**

**Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:**

- (i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment; and**
- (ii) an assessment of the risk-weighted consequences of various options.**

From the science available there is little doubt there is a serious risk to squid, squid breeding areas, squid eggs, rock lobsters and scallops from seismic testing.

I have repeatedly asked AFMA, and the Environment Department, together with NOPSEMA for the "precautionary principle" to be implemented where seismic testing may impact on these species.

I have attached a reply from the Minister for the Environment in 2013, which really only repeats the terms of the precautionary principle.

I do not believe this is being taken seriously.

I have been advised by the oil and gas exploration industry that squid will distance themselves by 2 to 5 klms from the seismic source. I have asked how this has been measured but have not had a reply. And this is called science?

On 16<sup>th</sup> November 2018 a spokesperson from NOPSEMA said on ABC radio:

"If they cannot demonstrate, with sufficient certainty, that the activity can be conducted without unacceptable impacts to the environment, then the activity is not allowed to proceed in the way it was proposed,".

There is sufficient scientific evidence to suggest that seismic surveys cause unacceptable impacts to the environment.

I have also attached a response I sent to CGG in August 2018 in relation to planned seismic testing. This indicates the level of concern, or lack of it, that the oil and gas exploration industry has for the fishing industry.

There are many more examples of correspondence from NOPSEMA and the oil and gas exploration industry which show the disregard for the fishing industry. These are available if required.

The Offshore Petroleum and Greenhouse Gas Storage Act 2006  
- C2012C00288 has the following:

### ***280 Interference with other rights***

- (2) *A person (the **first person**) carrying on activities in an offshore area under the permit, lease, licence, authority or consent must carry on those activities in a manner that does not interfere with:*
- (a) navigation; or*
  - (b) fishing; or*
  - (c) the conservation of the resources of the sea and seabed; or*
  - (d) any activities of another person being lawfully carried on by way of:*
    - (i) exploration for, recovery of or conveyance of a mineral (whether petroleum or not); or*
    - (ii) construction or operation of a pipeline; or*
  - (e) the enjoyment of native title rights and interests (within the meaning of the Native Title Act 1993);*
- to a greater extent than is necessary for the reasonable exercise of the rights and performance of the duties of the first person.*

(b) and (c) shows, again, that NOPSEMA, and the regulatory authority is ignoring the legislation designed to protect the environment and the fishing industry.

I list below links to the relevant sites on the science relating to damage caused by seismic testing on scallops.

<http://www.pnas.org/content/114/40/E8537>

<http://www.utas.edu.au/news/2017/9/19/415-seismic-airguns-noise-harming-scallops/>

<http://frdc.com.au/Archived-Reports/FRDC%20Projects/2012-008-DLD.PDF>

Below is a link to research carried out on the Impacts of Seismic Airgun Surveys on Marine Life in 2013, which indicates the damage caused to squid by seismic testing, together with the relevant scientists details.

<http://www.cbd.int/doc/?meeting=MCBEM-2014-01>

I do not consider my efforts in this matter to be that of a “serial pest” and am frustrated by the lack of serious response to a valid question.

I look forward to the outcome of the inquiry.

Thanks and Regards  
Chris Fenner