



Committee Secretary  
Environment and Communications Legislation Committee  
Department of the Senate  
PO Box 6100  
Parliament House  
Canberra ACT 2600

7 February 2017

**Submission to the Senate Environment and Communications Legislation Committee Inquiry in relation to the Great Australian Bight Environment Protection Bill 2016**

Dear Secretary and Committee Members,

Greenpeace Australia Pacific welcomes the opportunity to provide a submission on this Bill to protect the Great Australian Bight from environmental damage resulting from mining activities. This submission has addressed the following:

1. The damage to the environment of the Great Australian Bight posed by mining activities, in particular by oil and gas exploration and production;
2. The need for legislation to protect the Great Australian Bight from damage resulting from mining activities; and
3. Proposed legislation and additional actions

Greenpeace Australia Pacific notes that the Senate Standing Committee on Environment and Communications is also considering this matter through its Inquiry into Oil and Gas Production in the Great Australian Bight. Greenpeace Australia Pacific has made a submission as part of that Inquiry (and its earlier iteration) which is also relevant to this Inquiry (dated 8 April 2016 and attached).

In line with our earlier submission, Greenpeace Australia Pacific supports the objectives of this Bill; to protect the environment of the Great Australian Bight and its industries from damage resulting from mining activities. Greenpeace Australia Pacific believes that new laws to permanently protect the environment of the Great Australian Bight from oil and gas exploration and production, are required.

We consider that there may be a number of legislative frameworks that could be used to achieve these objectives, including that proposed by this Bill.

We recommend that this Committee:

1. Support the objectives of this Bill;
2. Make recommendations on the best legislative framework to achieve these objectives;



3. Recommend that, in line with the objectives of this Bill, existing petroleum exploration permits in the Great Australian Bight should be rescinded; and
4. Recommend that the National Offshore Petroleum Titles Administrator immediately place a hold on awarding any new permits.

## **1. The damage to the environment of the Great Australian Bight posed by mining activities, in particular by oil and gas exploration and production, is an unacceptable risk**

Greenpeace Australia Pacific has recently made a submission to the Senate Standing Committee on Environment and Communications on this issue, as mentioned above. The submission responded to the Terms of Reference of that Committee's Inquiry into Oil and Gas Exploration and Production in the Great Australian Bight. Greenpeace Australia Pacific is pleased to also submit the submission to this Committee to inform its Inquiry into the Great Australian Bight Environment Protection Bill 2016.

The submission provides evidence that:

1. Oil production in the Great Australian Bight poses an unacceptable risk to the Australian marine environment due to the oil industry's established inability to prevent and mitigate the effects of a catastrophic oil disaster;
2. Oil and gas production in the Great Australian Bight risks significant ongoing damage to the marine environment and cetaceans in particular, and commercial fisheries even in the absence of a major well blow-out, due to noise pollution, oil pollution, ongoing seismic exploration, and increased ship traffic;
3. Proposed fossil fuel extraction from the Great Australian Bight is reckless given the urgent need to decarbonise our economy and is inconsistent with the Paris Agreement adopted at the United Nations climate conference (COP21) in December 2015 to limit global warming to 2 degrees and to pursue a more ambitious target of 1.5 degrees; and
4. New investments in oil extraction infrastructure in the Great Australian Bight are unnecessary and risk becoming stranded assets due to the combination of future oil prices, the increasing availability of alternative technological solutions to petroleum-based transport, and the imperative to avoid burning known oil reserves, let alone additional oil reserves, to keep within the world's 'carbon budget'. Ultimately they will provide limited material benefit to Australia.

We implore the committee to examine the risk that damage to the environment of the Great Australian Bight resulting from mining activity poses to the role that commercial fishing, aquaculture and tourism plays in the region's economy and

culture, noting that South Australia is home to one of largest commercial fishing fleets in the Southern Hemisphere. Also noteworthy is the investment made by industry and government in collecting data and reforming management for fisheries improvement.

## **2. The need for legislation to protect the Great Australian Bight from damage resulting from mining activities.**

Greenpeace Australia Pacific believes that the Offshore Petroleum and Greenhouse Storage Act 2006 and regulations, along with the handover of the Environment Protection and Biodiversity Conservation Act 1999 assessment and approval powers to the National Offshore Petroleum Safety and Environmental Management Authority (NOSPEMA), giving NOSPEMA the responsibility for the protection and recovery of matters of national environmental significance as they may relate to offshore petroleum proposals, are inadequate and do not match global best available techniques and best environmental practice.<sup>1</sup> As mining activities in the environment of the Great Australian Bight pose an unacceptable environmental, social and economic risk we are in urgent need of legislation to protect it.

Coastal communities along the Great Australian Bight are aware of the risks of exploration. South Australian coastal Councils, including Kangaroo Island, Victor Harbor, and Yankalilla have passed resolutions against proposed Great Australian Bight mining activities.

Other nations with more experience in offshore oil drilling in particular have taken legislative steps to protect important marine environments and the communities that rely on them. For example, on 20 December 2016 the United States and Canada announced that they were withdrawing offshore areas in the Atlantic and Arctic Oceans from future mineral extraction to protect these ecologically sensitive marine environments from the impacts of any future oil and gas exploration and development.<sup>2</sup>

## **3. Proposed legislation and additional requirements**

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<sup>1</sup> Eg. The new offshore Drilling Safety Rule in the U.S.; 2013 EU Drilling Directive, Legislative Royal Decree 1/2008; Directive 2013/30/EU on Safety of Offshore Oil and Gas Operations (EU 2013). Professor Rick Steiner, 'Review of Environmental Impact Study for Repsol's Proposed 2014 Exploratory Offshore Drilling, Canary Islands, Spain,' Anchorage, Alaska USA, September 2013.

<sup>2</sup> <https://www.doi.gov/pressreleases/secretary-jewell-applauds-presidents-withdrawal-atlantic-and-arctic-ocean-areas-future>



In our previous submission made to the Inquiry into Oil and Gas Exploration in the Great Australian Bight, Greenpeace Australia Pacific has shown that we can only protect the environment of the Great Australian Bight from the catastrophic damage which could occur from an accidental spill like that of the 1989 Exxon Valdez spill in the Gulf of Alaska or BP's 2010 Gulf of Mexico disaster by preventing oil and gas exploration and production in the area. We therefore strongly support the intent and objectives of this Bill.

We note that it is unclear how the Bill would apply to existing petroleum exploration permits in the Great Australian Bight. In order to ensure that the objectives of this Bill are fully realized it is imperative that the legislation to protect the environment of the Great Australian Bight from damage resulting from mining activities also applies to existing titleholders. In line with the objectives of this Bill, we recommend that all existing permits should be immediately rescinded and that the National Offshore Petroleum Titles Administrator should place a hold on awarding any new permits.

Submission prepared by Jessica Brewster and Nathaniel Pelle

