



WAFIC FISHING
PEARLING
AQUACULTURE

Committee Secretary
Senate Standing Committees on Environment and Communications
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Committee Secretary

Introduction and Key Recommendations

The commercial fishing industry and the broader community's genuine concern regarding the potential impact seismic surveys have on the marine environment is not unique to Australia; it is a global issue. Commercial fishers and other stakeholders have material concern regarding these impacts on the commercial fishing activity, the commercial fishing resource, the food chain and the general marine environment.

The Western Australian Fishing Industry Council (WAFIC) welcomes the Australian Senate's inquiry into the impact of seismic testing on fisheries and the marine environment. WAFIC strongly supports this motion and thanks the Australian Senate for endorsing this opportunity to ensure the commercial fishing industry can be heard.

The current environment plan consultation process and seismic survey environment plan outcome is inequitable. Commercial fishing representative peak bodies and commercial fishers are engaging with multinational entities; there is a significant power disparity with proponents having access to significant funding, large legal teams and administrative support. The process is not fair.

The end outcome for seismic survey environment plans is the expectation that the commercial fishing industry accepts and absorbs potential risks – especially the short, medium and long term risk to the targeted commercial resource and the environment which is not accounted for in any current compensation model and due to the limitations of current available science is therefore not accounted for in an environment plan.

The effect of environmental plans approved by NOPSEMA is effectively to transfer the risk and cost of environmental remediation to the commercial fishing industry. Impacts on fish stocks and the environment may take years to become apparent. This is especially the case for longer lived species such as Red Emperor. There is typically no ongoing commitment to environmental monitoring and assessment of impact or compensation by proponents. The effect of this is to transfer all future risk and cost to commercial fishing operators. This is because where fish stocks decline, which may only become apparent three years after seismic tests over spawning fish, the only tool to mitigate the damage is to reduce commercial fishing activity until stocks recover. Effectively the only long term mitigation strategy by the oil and gas industry is to transfer costs and responsibility for mitigating environmental damage to the commercial fishing sector.

WESTERN AUSTRALIAN FISHING
INDUSTRY COUNCIL INC

L1, 56 Marine Tce. Fremantle WA 6160
PO Box 1605, Fremantle WA 6959

T (08) 9432 7777
F (08) 9432 7700

E admin@wafic.org.au

wafic.org.au

ABN 36814383345

We understand that despite our intense dislike of seismic surveys and our genuine concerns of the potential significant impacts these surveys can have on our commercial fishing industry, we understand they are not going to go away. It is therefore essential that WAFIC and associate peak seafood industry bodies in other states are recognised and at the table to generate a better and equitable outcome for our stakeholders.

We also seek recognition as part of this process the substantial contribution the commercial fishing sector makes to the Australian economy. In 2017/18 Western Australia's fishing, aquaculture and associated processing industries contributed \$989 million dollars (total GVA) to the Western Australian economy. Nationally, the Australian fishing, aquaculture and associated processing industries total contribution to the economy was \$5.3 billion (total GVA). (Fisheries Research and Development Corporation FRDC publications - Western Australian Fisheries and Aquaculture Industry 2017/18: Economic Contributions Summary and Australian Fisheries and Aquaculture Industry 2017/18: Economic Contributions Summary).

The commercial fishing industry recognises the need for exploration of resources to support our energy needs. Offshore activities such as seismic surveys, deep-water drilling etcetera are conditions of offshore permits with proponents legally obligated to complete these activities, however, the risk associated with and generated by these activities must not be a cost born by the commercial fishing sector.

We note the Terms of Reference below, our submission will encompass aspects of these reference points.

The impact of seismic testing on fisheries and the marine environment, with particular reference to:

- a) *The body of science and research into the use of seismic testing;*
- b) *The regulation of seismic testing in both Commonwealth and state waters;*
- c) *The approach taken to seismic testing internationally; and*
- d) *Any other related matters.*

We stress to the Australian Senate that, by and large, commercial fishers are the **only** "*relevant potentially impacted stakeholder*" to offshore seismic activities and highlight the following for the Senate's reference and review.

Science, Research Gaps and Environment Plans

The Available Science

The consistent feedback from the National Offshore Petroleum and Safety Environmental Management Authority (NOPSEMA) and oil, gas and seismic entities is that there is not enough science or incomplete science to support commercial fishing industry concerns over impacts caused by seismic activity. Various publications note the generalisations applied from available science and the disparity between laboratory experiment results and results gained from experiments set in the field.

A simple Google search will identify many, many publications over many decades focussing on cetaceans, seals, turtles etcetera with very few focussed on key indicator species for the commercial fishing sector. There is a significant research imbalance and a significant research gap on impacts to these species.

Fishers, from their multi-decade history of working key waters are frustrated that their on-the-water knowledge and observations of a decline or change in the catching pattern and their

direct concerns regarding potential impacts to fish, fish spawning and the food chain appear to have had little regard from the resource sector because experience is not regarded as “science”.

We acknowledge there are seismic research publications showing no impacts, there is also published science clearly demonstrating there are impacts; and amidst these opposing results there are significant identifiable gaps in the science which must be addressed. Oil, gas and seismic proponents continue to hide behind the limited science, however, there is enough science which clearly identifies genuine risks - short, medium, long term and cumulative.

Notwithstanding a proponents reticence to accept commercial fishers experience, where there are observations causing genuine concern, where there are peer reviewed publications highlighting potential issues, the lack of a complete package of available science should not be a deterrent to a proponent ensuring there is adequate and appropriate risk protection for the commercial fishing sector. In short on these occasions the “precautionary principle”- *seeking to ensure that uncertainty about potentially serious hazards does not justify ignoring them* - should be the mandatory approach by the regulator and oil, gas and seismic operators.

Use of (limited) available science

Despite the availability of science supporting commercial fisher concerns, some oil, gas and seismic proponents continue to use “science against science”.

In our experience, we believe we have been exposed to proponents selective use of literature in the environment plan process, how they interpret this literature with the expectation that an under resourced commercial fishing sector and individual commercial fishers have to provide a counter scientific claim to protect our industry’s sustainability. This is unreasonable and unfair and most importantly; we do not believe that this is our role. Oil, gas and seismic operators as the entities responsible for these potential environmental impacts and owners of the potential risks they generate are also responsible for identifying and mitigating these impacts via a broad scope review of the available science and in the instance of incomplete or a lack of science then they must exercise and adhere to the precautionary principle. A lack of complete science does not substantiate or justify lack of risk or risk to an ALARP (as low as reasonably practicable) level.

When a new seismic paper is released showing any potential negative evidence, we have observed the proactive and targeted early review of these papers by some oil, gas and seismic proponents with what appears to be an aim to discredit these papers or to downplay any recognised potential impacts. Multinational seismic operators and their representative peak bodies have the resources – financial, legal and human - to invest in peer reviewed work.

For example, when the McCauley paper was published (*Widely used marine seismic survey air gun operations negatively impact zooplankton* Robert D. McCauley, Ryan D. Day, Kerrie M. Swadling, Quinn P. Fitzgibbon, Reg A. Watson and Jayson M. Semmens - a laboratory based assessment of the potential impact on the food chain ie plankton, identifying that seismic in a laboratory case study did kill plankton), WAFIC’s oil and gas executive officer received an evening call from our contact at the Australian Petroleum Production and Exploration Association (APPEA) who had advised that their APPEA instigated peer review of this paper commissioned via the Commonwealth Scientific and Industrial Research Organisation (CSIRO) had demonstrated flaws in this work. In addition to this, international seismic peak bodies also aggressively fought to disclaim the results of this experiment. May I suggest you read the article in *The Guardian* of 25th September 2018 titled *‘Whitewash’: US oil and gas lobbyists try to discredit Australian seismic research* with the summary comment of “Australian scientists find

seismic surveys can harm marine life, but industry lobby groups claim research is ‘seriously flawed’ <https://www.theguardian.com/environment/2018/sep/25/whitewash-us-oil-and-gas-lobbyists-try-to-discredit-australian-seismic-research>. WAFIC, like our colleagues in other states, is a not-for-profit entity, we do not have the resources to commission a counterclaim. In this particular example, irrespective of the CSIRO review, the CSIRO acknowledged plankton still died and therefore there had to be adverse environmental impacts.

Another recent example was the publication of the Bass Strait paper covering potential impacts on the Southern Rock Lobster *Jasus edwardsii* (*Seismic air guns damage rock lobster mechanosensory organs and impair righting reflex* Ryan D. Day, Robert D. McCauley, Quinn P. Fitzgibbon, Klaas Hartmann and Jayson M. Semmons. <https://royalsocietypublishing.org/doi/10.1098/rspb.2019.1424>). The paper noted that whilst the seismic survey did not kill the lobster it did make them immobile and that in many cases the lobster were on their backs for a range of times before regaining momentum. WAFIC’s suggestion to a proponent that this would result in a higher lobster mortality was met with some outrage with the response that ‘the science does not say that’. Simply put, rock lobster are a prey, they only have spines on the top of their carapace to protect them from attack. If they are immobile with their soft underbelly completely exposed, we don’t believe you need to be a scientist to say that the potential for these immobile lobsters to become prey in this prone situation must be higher with flow on impacts to populations.

Ironically, whilst in the Bass Strait lobster example the representative did not recognise the ability to project the published data forward to hypothesise potential increased mortality, we have other examples where a proponent has had no such issue. In Western Australia a third-party can access catch history from the state fisheries department; where there are less than three boats in a block the data cannot be released.

However, we have multiple examples where proponents have accessed data to use in their NOPSEMA environment plan and have chosen to extrapolate surrounding data over these no available data blocks “assuming” that a small number of vessels equates to a low catch. Simply not true. In some instances, we may be working with one extremely large catching and processing vessel which has the capacity to catch far more than say five or six average size vessels. Whilst it suits some operators to extrapolate catch data to support their seismic survey and other activities, we have other operators who will not extrapolate research data such as the underbelly lobster example, because it does not work in with their activities and will potentially impact how their environment plan is assessed. You cannot have the extrapolation of catch data but not recognise the validity (on a case-by-case basis) of the extrapolation of science, especially where the science is incomplete and limited.

Impacts on the commercial fishing industry and ALARP

We believe there is enough science demonstrating there are impacts on commercial fishing activities; fish dispersing, fish spawning (larval stages, juveniles) and the marine environment (the food chain).

Environment plans continue to get approved based on ALARP levels. However, the “As Low As Reasonably Practical” target is ALARP assessed from the perspective of a seismic operator – it is not always mitigated to ALARP from the perspective of the commercial fishing industry.

In correspondence received on 11th December 2019 from NOPSEMA Chief Executive Officer Stuart Smith replying to WAFIC’s query on seismic survey environment plan assessment specifically in relation to multiple seismic surveys operating over the same fisheries within one

calendar year and across consecutive years and the cumulative impact on the resource, Mr Smith noted:

Where NOPSEMA receives multiple applications for activities with similar spatial and temporal scopes we require companies to identify and evaluate the potential for interactions between these activities and their impacts and risks. In order to undertake an appropriate assessment of potential impacts, seismic companies must have access to the most contemporary data available from government agencies, fisheries and other relevant persons with whom they consult.

Once the potential for impacts and risks have been described and evaluated a company must demonstrate that available control measures that could be implemented to reduce impacts and risks have been considered and, where reasonably practicable to do so, applied. The control measures to manage cumulative and other impacts are assessed by qualified scientists in the context of contemporary scientific information.

NOPSEMA recognise that where offshore oil and gas activities occur they can create impacts to the commercial fishing sector. Through the assessment process NOPSEMA seek to ensure that oil and gas companies demonstrate that impacts and risks are managed in accordance with legislative requirements and to a level that does not interfere with the rights of other users of the marine environment to a greater extent than is necessary to allow the reasonable exercise of the petroleum or seismic company's rights.

Noting NOPSEMA's comments above, the environment plan decision is based on a proponents' ability to "reasonably practicably" reduce impacts and risks – reasonable and practicable to whom? How can NOPSEMA assess one seismic survey environment plan whilst knowing (or in some cases potentially not knowing) how many seismic surveys will eventually get approved over a fishery multiple times within a calendar year and in consecutive years? In other words, no breaks within a season and no breaks within coming years plus short, medium and long term potential impacts on the resource, fish spawning etcetera. WAFIC has experienced an increase in consultation for offshore activities and intentions, therefore the potential for multiple seismic surveys within a year and in consecutive years is a reality for commercial fishers in 2020, 2021 and 2022. How can this not interfere with the rights of commercial fishers and how does the proponent and NOPSEMA define "to a greater extent than is necessary"?

In addition, oil, gas and seismic proponents acknowledge that their industry does not have an agreed universal definition of ALARP. In other words, different proponents have different views and definitions and targets to what they deem ALARP to actually represent. This is exacerbated by the gaps in science, therefore, if there is no or limited science disputing any of these assessments it is often represented by oil, gas and seismic entities that they have achieved their "ALARP" level rather than the precautionary principle (based on commercial fisher feedback) being observed.

We appreciate there may never be the perfect window of opportunity to conduct a seismic survey, however, considering a proponent's first priority is the availability of a seismic vessel, thereafter the potential conflict with cetaceans, turtles etcetera and a distant last the potential impact on commercial fishing and the commercial fishing resource it is no wonder that our industry is mired in frustration. Despite science and feedback from commercial fishers, seismic survey environment plans continue to be approved to a proponent's self-defined ALARP assessment level, giving them the right to operate during peak spawning periods and during

peak fishing activities and potentially multiple times within a calendar year over a single fishery because these times were the best possible fit for the applicant and vessel availability.

We are reminded that this is “ALARP”, however, it is ALARP from the seismic applicant’s perspective because it is the best scheduling they could achieve. This is not ALARP from a commercial fishing perspective; the potential impacts and risks generated by the seismic proponent are not to our ALARP level but the environment plans still get approved, resulting in the commercial fishing industry then “owning” all short, medium and long term potential risks to their industry.

WAFIC seeks the support of the Australian Senate to ensure there are strict approval parameters in place to ensure that NOPSEMA cannot approve a seismic survey environment plan which will result in multiple surveys over an individual fishery within one calendar year and over multiple consecutive years. There needs to be an agreed ALARP protocol in place between commercial fishers and the seismic survey industry on seismic survey frequency.

Cumulative Impacts

Through the environment plan consultation process representative peak bodies such as WAFIC and individual fishers continue to raise the issue of ongoing cumulative impacts as a result of seismic surveys - on the resource, on commercial fishing activities and on the extended marine environment. I emphasise again, this is a global issue.

Focusing on actual commercial fishing activities, proponents access the survey history over the area of their seismic environment plan and note when the last surveys took place over the proposed operational area. This may show that this specific area has not been surveyed for multiple years (and therefore considered ALARP) by the proponent. What many proponents don’t consider or assess is that this is an assessment, yet again, based from their perspective. Cumulative impacts on actual commercial fishing activities needs to be based on seismic surveys which have taken place over the legal boundaries of a fishery, especially the areas where fishers operate. It may mean that the survey in question is over an area of the fishery which has not seen a survey for some years. What is not recognised is that this same fishery may have experienced a seismic survey in other parts of their fishery – every year or every other year or potentially twice within a calendar year with the resultant disruption and re-scheduling of commercial fishing activities being potentially draconian and at a high cost. Can you imagine, year in and year out the potential for commercial fishing activity within the legal boundaries of your fishery to be regularly disrupted somewhere, sometime due to seismic survey activity? This is unacceptable offshore practice.

Ongoing concerns regarding repeat seismic surveys – 2D, 3D and occasional 4D seismic – over the same areas continue to be raised. The potential impacts on fish spawning and the food chain is a significant concern, however, gaps in science ensures a proponent can use the limited science available to demonstrate there are no “ALARP” level cumulative impacts. In this changing global environment, the seismic activity may / may not be the main cause for a negative impact on the resource however, combined with other ongoing environmental issues it may potentially assist to exacerbate other negative processes – we just don’t know. It is therefore essential that these potential significant long term impacts are recognised and prioritised and addressed by the oil, gas and seismic industries as it is these industries which own the risk.

Ongoing research funding

The Australian commercial fishing industry makes a substantial contribution to marine research. We are very proud of our industry’s multi decade contribution (0.25 per cent of GVP) to the

FRDC which has produced significant and positive impacts to our industry, some projects have also focused on oil, gas and seismic issues.

The oil, gas and seismic offshore industries have been reticent to contribute to research. We strongly believe the oil, gas and seismic sectors are not doing enough to acknowledge, own, identify, recognise, research and mitigate potential short, medium and long term impacts of their offshore activities. It is the oil, gas and seismic sectors which are the cause of these potential impacts, it is therefore the responsibility of this sector to address the research shortfall.

Whilst on one hand we have major proponents such as Santos (formally Quadrant) adopting early best practice by using Good Standing Agreement funds toward a major seismic research project on potential impacts to the pearling industry and to fish dispersal and Woodside and other entities also supporting a range of projects. However, there are many entities and specialist seismic proponents who make no contribution at all to alleviating the gap in the science and addressing the risks they have created and therefore own. We do not believe this is a fair and equitable process.

The oil, gas and seismic sectors' voluntary contribution to science is not working. WAFIC therefore seeks the support of the Australian Senate to direct the oil, gas and seismic industry toward a compulsory and equitable contribution to science to assist to identify and mitigate the risks they create as part of their offshore seismic and other work. The ongoing contribution to research funding will benefit the marine environment, the proponent, relevant and potentially affected parties and the broader community.

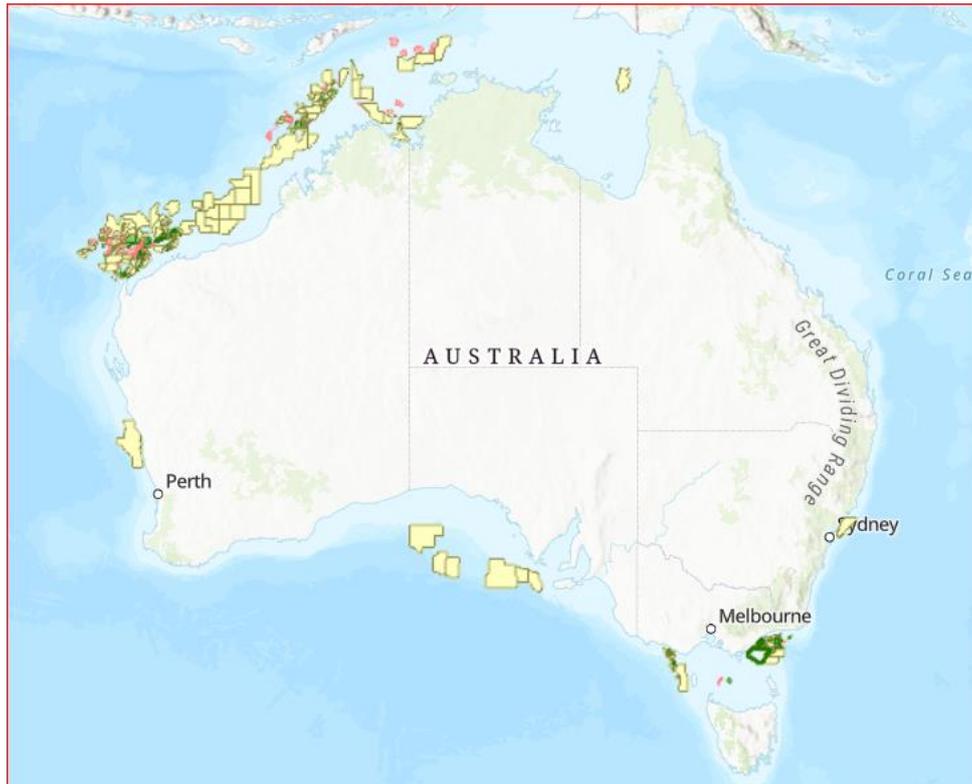
Regulatory Reform

Impact of Consultation

The consultation burden placed on the commercial fishing industry continues to be untenable. WAFIC does recognise some proponents have significantly improved their consultation engagement, however, historically and with less proactive organisations oil, gas and seismic consultation continues to be onerous, transactional with a one-way delivery of often highly technical information and advice, rather than a process of genuine and productive two-way engagement bespoke to the commercial fishing sector.

We feel in many instances that oil, gas and seismic proponents are oblivious to the burden of consultation; the time it takes for an entity representing commercial fishers such as WAFIC, or an extremely busy commercial fisher to professionally assess their environment plan information and to respond.

WAFIC must stress from a Western Australian perspective (as illustrated by the maps below of January 2019 accessed from the National Offshore Petroleum Titles Administrator - NOPTA website), the area of Commonwealth waters under NOPSEMA jurisdiction (and to a lesser extent state waters under the Western Australian Department of Mines, Industry Regulation and Safety - DMIRS jurisdiction) requiring consultation for all environment plans (seismic surveys, new offshore activities, updated environment plans, decommissioning etcetera) is never-ending. The volume of consultation is a significant burden on WAFIC and has necessitated a staff member being dedicated almost fulltime in the oil, gas and seismic liaison role. Consultation is for the proponents benefit so they can deliver a better / appropriate environment plan for NOPSEMA acceptance. As a not-for-profit organisation this onerous commitment is a significant drain on WAFIC and reduces our capacity to focus on our core business.



Petroleum Titles as at January 2019



Petroleum Wells as at January 2019

For example, proponents either mail or email a fact sheet with an accompanying letter describing their proposed activities, seeking a review by stakeholders and stakeholder identification of any potential issues or concerns. The correspondence is invariably a “one size fits all” process rather than a bespoke approach applicable to the commercial fishing industry.

In many instances, despite the fact that commercial fishers are almost always the only “*relevant potentially impacted stakeholder*”, Australia-wide peak bodies and licence holders continue to receive “engagement” information with the two words “commercial fishing” not mentioned once in the dialogue.

In effect, proponents have been asking the commercial fishing sector to identify and mitigate the proponent’s environmental impacts rather than the proponent identifying and owning risks up front with the onus of responsibility of these mitigations identified by the proponent with the risk reduced to an acceptable ALARP level for the commercial fishing sector.

We have experienced some success in Western Australia in educating proponents to address consultation with the commercial fishing sector in a bespoke three-fold manner – potential impact on actual commercial fishing activities; potential impact on key indicator species / the resource; and potential impacts on the food chain, identifying potential risks up front and demonstrating how they will mitigate these risks to agreed ALARP levels.

We also stress that a “no reply” from a commercial fishing licence holder (traditional letter / email) does not indicate a lack of interest in the seismic survey or a lack of impact on a fisher’s commercial fishing activity. A “no reply” does not represent an “unspoken agreeance” to a project and in many instances, stakeholder fatigue and the overall pressures of commercial fishing does not provide the ideal environment to respond to multiple, often concurrent, oil, gas and seismic environment plan consultations.

The oil, gas and seismic industry has to consult as a legislated requirement for their environment plan. However, this industry often fails to recognise that this consultation comes at a significant cost to the commercial fishing sector – in time, effort and energy; our industry is struggling to recognise the value of this investment when identified potential impacts are either mitigated to an oil, gas and seismic version of ALARP or dismissed via the use of selective reference to science of convenience or lack of complete science.

WAFIC still receives requests from environment plan proponents for ongoing half day or full day workshops clearly demonstrating that an entity has no idea of the value of a fisher’s time and availability. Some operators seek a reply within a few weeks expecting a fisher who has been at sea for a fortnight or longer to immediately go to their laptop (or via their mobile) on their return to port to address the multiple and myriad requests from their sector. This is a significant, unfair impost and defies logic; it has created a chasm between our stakeholders and the oil, gas and seismic environment plan consultation process.

Notification Gap in the Environment Plan Process

There are potentially occasions whereby NOPSEMA is assessing a seismic environment plan without having the full knowledge of potential upcoming parallel seismic surveys.

WAFIC wrote to NOPSEMA in July 2019 noting that the environment plan assessment process does not allow NOPSEMA to be aware of concurrent consultations because the process does not require a proponent to register a prospective environment plan. In some cases, NOPSEMA is only aware of a proposed offshore activity when the environment plan is submitted for NOPSEMA review. Accordingly, it is not always possible for NOPSEMA to have a holistic view and a clear understanding of parallel events and parallel seismic surveys and the associated cumulative impacts of these proposed activities. As a key stakeholder for every environment plan representing the interests of commercial fishers in WA and one of the first entities to be consulted, WAFIC would quite likely have a greater awareness of upcoming offshore seismic survey activities than NOPSEMA.

WAFIC suggested that NOPSEMA consider refining the environment plan process to include formal environment plan registration prior to or concurrent with initial stakeholder consultation. NOPSEMA would receive the description of the activity, the fact sheet and general consultation information and have an open file to add to as the environment plan progresses with this information to be publicly available on the NOPSEMA website. This could be a tool to be referred to by NOPSEMA environment plan assessors when considering the potential for cumulative impacts in the environment plan review process and would allow proponents to cross-check other proposed seismic survey activities during the course of their environment plan preparation. It will also clearly demonstrate the level of stakeholder fatigue with full awareness of concurrent consultations and may also provide an interesting “future activity” statistic for Ministerial and other government interests.

NOPSEMA noted WAFIC’s suggestion that titleholders be required to register with NOPSEMA prior to commencing consultation with relevant persons would require changes to the regulations and suggested we address this point with the Department of Industry, Innovation and Science as the responsible government department for Australia's offshore energy policy. WAFIC wrote to the Department on the 2nd of December 2019 seeking this regulatory upgrade to facilitate a better, more transparent process to assist in the seismic survey consultation process and the identification of potential cumulative impacts. We look forward to the Senate’s support of this initiative.

The Transparency Review

WAFIC greatly appreciates the support from NOPSEMA to ensure that we were a member of the Transparency Taskforce Steering Committee and a contributor to the overall Transparency Review. We formally endorsed the Minister’s confirmation that penultimate environment plans will be published to enable a final 30 day public comment period prior to submission to NOPSEMA for assessment and thereafter, once the environment plan has been accepted there will be the requirement for full publication of all environment plans.

Whilst acknowledging that this has been a significant forward step, the outcome of the Transparency Review has not been as clear as we would have liked to see. When an environment plan is published for final public review it may be 300 pages long, a thousand

pages long or much more than a thousand pages in content. To identify where issues which have been raised by WAFIC and commercial fishers have been tabled and how they have been mitigated in the formal environment plan is a significant drain on our resources and often extremely difficult to identify.

By a proponent acknowledging exactly where and how our issues have been addressed in the environment plan prior to submission to NOPSEMA, the commercial fishing industry can then have confidence that all of our issues and concerns affecting our industry and our stakeholders have been highlighted, mitigated and formally addressed within the environment plan submission process. It will also ensure we can readily identify areas of omission or areas where we do not agree.

This is not an insurmountable issue, WAFIC raised this at the Transparency Taskforce meeting held at NOPSEMA in Perth on the 2nd December 2019. As part of the ongoing consultation process, we also request proponents to clearly identify where we can find where our issues have been included in the environment plan to ensure the true target of accountability and transparency has been achieved. Frankly speaking, it shouldn’t be this hard, we don’t believe we should have had to ask.

Access to specialist environmental and legal expertise, industry liaison

The environmental and legal specialist resources on hand and on site at the major oil, gas and seismic operators versus the resources commercial fishing not-for-profit peak bodies (already extremely busy with core business commercial fishing issues) and individual commercial fishers reinforces the inequitable power disparity between our industries. It is a completely lopsided affair.

This makes a mockery of the Transparency Review when it is far from a level playing field. We often quote the example of David versus Goliath; however, this does not accurately represent the total imbalance between the multi-national global corporates and the resources commercial fishing stakeholders have access to, not just in Australia but our associates in other global commercial fishing regions.

When you consider the fighting funds available to multi-national seismic entities and when you recognise the potential impacts to our commercial fishing industry we seek the support of the Australian Senate to recognise this unworkable imbalance and to provide our industry ongoing specialist support, to work with us and to work with oil, gas and seismic entities as part of the solution moving forward so an appropriate, fair and equitable outcome can be achieved.

WAFIC, along with our interstate peak body colleagues, has participated in workshops and has been part of the APPEA Fisheries Roundtable and other initiatives to work toward a better consultative environment between oil, gas and seismic proponents and the commercial fishing sector.

Discussions take place and thereafter, nothing progresses because our industry does not have the resources to fund anyone to take on this role. WAFIC therefore seeks the support of the Australian Senate to either authorise funding or to direct the oil, gas and seismic industry toward a compulsory and equitable contribution to cover the cost of a third-party representative in an executive officer / facilitation role to ensure workshop and Roundtable initiatives can be addressed and actually proceed.

Outcomes should not be dictated by the access to significant funding available to the oil, gas and seismic sectors.

Compensation / Adjustment and Social Licence

Compensation – “Make Good” or “Adjustment” Process

Commercial fishers have been impacted by seismic survey activity in Australia. It has cost our stakeholders time and money. Time to adjust their commercial fishing activities to meet the operational plans of a seismic survey, potential impacts on catch, increased fuel costs and the significant impost of consultation. Where on the occasion there has been consideration for some form of adjustment, to access the specific detailed information that an oil, gas and seismic proponent requires is also a significant and costly accounting exercise. Fishers note with frustration, “they make it too hard for everything including the potential compensation process,” therefore often too hard to try to make it work.

In most instances the proponent is the assessor of the compensation claim on their own seismic survey activity, hardly a transparent nor fair and equitable process.

WAFIC is at the very early stages of working with the oil, gas and seismic sector on an adjustment protocol to be assessed and reviewed by Western Australian licence holders with licence holders owning all final decisions.

An adjustment process or make good arrangement consistently applied and assessed across all environment plans is long overdue. We stress that our aim is not compensation first – our expectation for all offshore activity and specifically for seismic surveys is that a proponent comprehensively and accurately consults and then delivers a fully mitigated environment plan which will not cause any impost / negative impact or loss for current, ongoing and future commercial fishing activity. However, if this cannot be achieved, it is completely unacceptable for these actual and potential losses not to be recognised, assessed and financially compensated.

A key issue with some proponents is that they fail to recognise impacts seismic surveys have on commercial fishing activities, the cost to consult and the potential current and future impact on the commercial fishing resource. We therefore seek support of the Australian Senate to assist the commercial fishing sector in this process by supporting the funding of a third party to work on a defined project with the Australian commercial fishing sector peak bodies, consultation with commercial fishing licence holders and via APPEA and the IAGC to construct a compensation framework which sets overarching guidelines with flexibility to meet conditions in each state and jurisdiction. The current no guideline arrangement is unworkable.

In addition to direct financial compensation, we also acknowledge other forms of offsets such as oil, gas and seismic sectors accessing the use of commercial fishing operators (on a commercial basis), for example, support vessels during a seismic survey creating commercial opportunities for commercial fishers.

WAFIC has been in ongoing liaison with a range of oil, gas and seismic proponents seeking the uptake and support of this potential commercial pathway seeking achievable compliance standards for commercial fishing vessels to fulfil support roles. To date we have only had some traction with Woodside, we seek support from the Australian Senate to initiate and encourage the offshore sector to look at workable offshore commercial opportunities with the commercial fishing sector.

NERA's Collaborative Seismic Environment Plan

NERA (National Energy Resources Australia) is working with a consortium of twelve oil, gas and seismic entities on a Collaborative Seismic environment plan including a yet to be agreed adjustment protocol. They are seeking to obtain approval for one environment plan from approximately the tip of Exmouth Gulf in Western Australia into areas in the western side of Northern Territory waters to cover multiple seismic surveys (proposed or indicative number of surveys not disclosed) over a five year period.

NERA has endeavoured to engage with WAFIC early and in due course will engage with the Northern Territory Seafood Council (NTSC) and individual licence holders on this extended environment plan.

WAFIC recognises the reduction of fatigue one environment plan could have on our sector, but at this early stage, besides recognising the significant multimillion dollar savings for the participating oil, gas and seismic operators we do not recognise what is in this project which will benefit the commercial fishing sector.

We appreciate being at the table early in the process but unless there is due recognition of potential loss for our stakeholders (impact on catch, impact on the resource, potential long term cumulative impacts, consultation and accounting costs etcetera) and unless there is

confirmation of a limited number of surveys and a defined limit and time space between surveys, we are extremely cautious at this point in time.

Without the proper controls, a multi-party environment plan in effect could result in a seismic survey free-for-all and as noted above, the WAFIC and NTSC resources have limitations when it comes to legal reviews and legal challenges. We look forward to NERA providing more detailed information to WAFIC, the NTSC and direct to licence holders who have commercial interests overlapping the proposed environment plan area. Otherwise at this point in time they have yet to qualify “what’s in it for us”.

Social Licence

As part of our commercial fishing activities, the recognition of social licence issues for fishers around Australia have risen in prominence and are being addressed as part of our future fisheries engagement and management processes. We understand the importance of social licence and the need to recognise this important social component of our industry.

What we find very frustrating with the oil, gas and seismic process is that their social licence, especially in relation to seismic surveys, focusses heavily on and heavily prioritises research with and potential impacts to cetaceans, turtles, seals etcetera with the commercial fishing social licence being placed a distant last.

Until the oil, gas and seismic sectors also recognises the social licence impact on the commercial fishing sector we believe we will continue to be the poor relation in the seismic assessment space.

We recognise there are many opportunities for the oil, gas and seismic industries to work with the commercial fishing sector to invest in projects which may also have a social licence value-add, such as offshore environmental augmentations (for example rigs to reef); stock enhancements etcetera. This is an alternate means to recognising the impact of offshore oil, gas and seismic work on the commercial fishing sector and will potentially provide a long term benefit to our industry and the marine environment. This may be achieved by the redirection of Good Standing Agreement funds, or via a tax or other incentives initiated by the Australian Senate. We seek support from the Australian Senate to encourage via a range of government initiatives for the oil, gas and seismic industry to invest in more offshore social licence marine enhancements.

Fishing Industry Actions

WAFIC’s FRDC Project 2017-186

WAFIC has a consistent strategy and external messaging focusing on being part of the solution moving forward, not just being part of the problem.

In 2017 WAFIC successfully applied to the Fisheries Research Development Corporation (FRDC) for a three-year funded project. In brief, this project incorporates:

- Referenced (science and fact) Fishery Profile documents for each state-managed and commonwealth-managed fishery (enabling oil, gas and seismic proponents to identify when a licence holder actually is a relevant, potentially affected party to their activity);
- A seismic “library”, a one-stop site for published research – seismic and impacts on commercial fishing / the commercial fishing environment and resource; and
- Working closely with APPEA (the Australian Petroleum Production and Exploration Association) on agreed environment plan consultation engagement methodology.

- This information to be publicly accessible and housed on the FRDC website.

The above FRDC-sited resources will enable oil, gas and seismic proponents to be in a better position to facilitate upfront assessment of any potential impacts to commercial fisheries, the commercial fishing resource and the marine environment as part of their environment plan consultation. Initial consultation should therefore include project information, identification of risks, risk assessments and risk mitigations, a clear explanation to commercial fishing stakeholders how they will reduce risk to ALARP levels of any impacts of the proposed offshore activity or seismic survey to their commercial fishing activities and resource. If a proponent cannot mitigate risk to an acceptable ALARP level, then alternate arrangements must be enacted, moving to a formal adjustment process.

The “seismic library” will provide a publicly accessible resource and in due course, assist to identify gaps in the seismic / commercial fishing industry science and for specialist parties to then identify and prioritise these research projects.

We are hopeful this will also facilitate a universal approach to seismic and other environment plan consultations.

Solutions

WAFIC, on behalf of our commercial fishing stakeholders in Western Australia seeks the support and direction of the Australian Senate with the following directives:

- Seismic surveys and ALARP (as low as reasonably practical) EP assessments mitigated to ALARP from the perspective of the proponent AND the commercial fishing industry.
 - *WAFIC seeks the support of the Australian Senate to ensure there are strict approval parameters in place to ensure that NOPSEMA cannot approve a seismic survey environment plan which will result in multiple surveys over an individual fishery within one calendar year and over multiple consecutive years. There needs to be an agreed ALARP protocol in place between commercial fishers and the seismic survey industry on seismic survey frequency.*
- The oil, gas and seismic sectors’ voluntary contribution to science is not working, seeking compulsory oil, gas and seismic industry contribution to seismic survey and commercial fishing related research,
 - *WAFIC seeks the support of the Australian Senate to direct the oil, gas and seismic industry via NOPSEMA or an appropriate commonwealth agency toward a long term, compulsory and equitable contribution to science to assist to identify and mitigate the risks they create as part of their offshore seismic and other work.*
 - *WAFIC seeks the support of the Australian Senate to direct the oil, gas and seismic industry via NOPSEMA or an appropriate commonwealth agency to initiate research to address at the earliest current significant research gaps, such as the long term impact on the resource via potential impacts to fish spawning etcetera.*
 - *WAFIC seeks the support of the Australian Senate to direct the oil, gas and seismic industry via NOPSEMA or an appropriate commonwealth agency to seek commercial fishing industry input and feedback to ensure the best possible prioritisation of commercial fishing related research gaps.*

- Titleholders to register their proposed environment plan with NOPSEMA prior to commencing consultation with relevant persons to ensure a better, more transparent process to assist in seismic survey consultation, parallel seismic survey EPs and the identification of potential cumulative impacts
 - *WAFIC seeks the support of the Australian Senate to direct the oil, gas and seismic industry via changes initiated by the Department of Industry, Innovation and Science to publicly register their proposed environment plan with NOPSEMA prior to commencing consultation with relevant persons.*

- Noting the disparity of resources and the need for the commercial fishing sector to ensure that workshop and Roundtable engagement generates agreed commercial fishing industry and APPEA outcomes, we seek financial support for a commercial fishing industry liaison officer.
 - *WAFIC seeks the support of the Australian Senate for the funding of a commercial fishing industry liaison officer to work with peak bodies Australia-wide to ensure outcomes and action points from workshops etcetera between our industry and the oil, gas and seismic sectors proceed.*
 - Or
 - *WAFIC seeks the support of the Australian Senate to direct the oil, gas and seismic industry toward a compulsory and equitable financial contribution to cover the cost of a third-party representative in an Executive Officer / facilitation role to ensure workshop and Roundtable initiatives between APPEA and the commercial fishing sector can be addressed and actually proceed for the mutual benefit of both industries.*

- Seeking an agreed and formalised compensation process / adjustment protocol / make good process framework for potential seismic survey impacts. The current no guideline arrangement is unworkable.
 - *WAFIC seeks the support of the Australian Senate to assist the commercial fishing sector in this process by supporting the funding of a third party to work on a defined project with the Australian commercial fishing sector peak bodies and via APPEA and the IAGC to construct a compensation framework which sets overarching guidelines with flexibility to meet conditions in each state and jurisdiction.*

- WAFIC is seeking to progress offshore commercial opportunities between the commercial fishing sector and oil, gas and seismic proponents seeking the uptake and support of this potential commercial pathway with achievable compliance standards for commercial fishing vessels to fulfil support roles.
 - *WAFIC seeks the support of the Australian Senate to initiate and encourage the offshore sector to look at workable offshore commercial opportunities with the commercial fishing sector.*

- WAFIC seeks greater social licence investment into marine enhancements etcetera by the oil, gas and seismic sector for the benefit of the marine environment, the commercial fishing sector and the broader community.
 - *WAFIC seeks the support of the Australian Senate to support the oil, gas and seismic industries to work with the commercial fishing sector to invest in marine enhancement projects for the greater good of the marine environment, the commercial fishing industry and the broader community via a range of government initiatives.*

The commercial fishing industry needs the support of the Australian Senate to ensure this significant global seismic survey issue is on the parliamentary and broader community formal agenda, we look forward to being heard, we look forward to being an integral part of the solution moving forward.

WAFIC is available to meet with the Senate Inquiry to further discuss these issues with and on behalf of our Western Australian commercial fishing stakeholders.

Yours sincerely

Alex Ogg
Chief Executive Officer
ceo@wafic.org.au
Mob: 0409 378 225

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WAFIC acknowledges the support and endorsement of this submission from:

Australian Southern Bluefin Tuna Industry Association (ASBTIA)
Commonwealth Bass Strait Scallop Industry Association (BSSIA)
Commonwealth Fisheries Association
Marine Tourism WA
Northern Prawn Fishing (NPF) Industry Association Pty Ltd
Pearl Producers Association
Professional Fishermen's Association NSW
Seafood Industry Australia (SIA)
Seafood Industry Victoria (SIV)
Shark Bay Prawn Trawl Association
Small Pelagic Fishing Industry Association (SPFIA)
Southern Seafood Producers (WA) Inc (SSPWA)
Southeast Trawl Fishing Industry Association (SETFIA)
Sustainable Shark Industry Alliance (SSIA)
Tasmanian Seafood Industry Council (TSIC)
Western Rock Lobster Council (WRLC)
Wildcatch South Australia