

**Submission
No 47**

**MINERALS LEGISLATION AMENDMENT (OFFSHORE DRILLING AND
ASSOCIATED INFRASTRUCTURE PROHIBITION) BILL 2023**

Organisation: Solutions for Climate Australia

Date Received: 8 September 2023

Mr Clayton Barr MP
Member for Cessnock
Chair of the Legislative Assembly Committee on Environment and Planning
Parliament of New South Wales
Parliament House, Macquarie Street, Sydney
NSW 2000, Australia

RE: The inquiry into the Minerals Legislation Amendment (Offshore Drilling and Associated Infrastructure Prohibition) Bill 2023.

Dear Mr Barr

Thank you for the invitation to make a submission to the Committee on Environment and Planning's inquiry on the Minerals Legislation Amendment (Offshore Drilling and Associated Infrastructure Prohibition) Bill 2023.

Terms of reference

- (a) any constitutional issues or unintended consequences raised by the bill, and whether any amendments may address those;
- (b) whether there are other ways to achieve the intended outcomes of the proposed bill including through the New South Wales Government offshore exploration and mining policy;
- (c) enforcement and compliance issues raised by the bill;
- (d) environmental impacts of offshore drilling; and
- (e) any other related matter.

Having reviewed the Bill and explanatory note I am pleased to provide input to assist the Committee's deliberations, specifically addressing the environmental impacts off offshore drilling and other related matters in accordance with the Committee's Terms of Reference.

Background

I am the Director of Solutions for Climate Australia. Our organisation is a project of the Climate Action Network Australia, a not for profit which coordinates over 150 member organisations working on a range of matters addressing climate and environmental issues. I am an ecologist with over 40 years experience in climate and environmental advocacy and have a depth of experience in marine protection including working with governments to establish marine park conservation areas in Australia.

Protecting the environment from the dangers of offshore oil and gas exploration and mining

Aside from lifestyle benefits that clean healthy New South Wales waterways provide through swimming, surfing, recreational boating and fishing or the attractiveness of Australia's coastlines, all of which contributes to the domestic and international tourism market, a market that contributed \$25.1 billion to the NSW economy in 2021-22,¹ New South Wales coastal waters form part of Australia's natural environment and are home to unique and fragile ecosystems.

The NSW Fisheries Management Act and Threatened Species Conservation Act lists 41 marine species and one marine population as threatened including some presumed extinct.² These include seabirds, marine mammals, fish, marine invertebrates, macroalgae and marine vegetation. The continued existence of these species relies on a healthy waterway and tackling climate change. Oil and gas exploration and production would contribute directly to the degradation of environmental stability and, through the use of fossil fuels, warming of the planet, including oceans.

One of the most common underwater oil and gas exploration methods is seismic testing. This involves a prolonged consistent blasting of an array of airguns which produce loud booms under the water. Exploratory activity can cause disruption of migratory pathways, physical injury, destruction of habitats with academic studies recommending a cautionary approach to management and regulation³.

Once deemed viable, extraction activities commence with major supporting infrastructure development. This activity also poses a substantial impact on the waterways, seabeds and shoreline. Extraction creates thousands of gallons of waste drilling fluid which may have toxic components.

Offshore oil extraction is high risk. Oil spills have occurred from blowouts, pipeline leaks or failures, or shipping accidents. These spills have produced catastrophic impacts to the environment, loss of human life and, in the case of the Deepwater Horizon incident in 2010, a financial impact in the tens of billions of dollars.

The Deepwater Horizon incident, regarded as one of the largest environmental disasters in history took three months to contain and, on the single most demanding day of the response took over 6000 vessels, 82 helicopters and 20 fixed wing aircraft and over 47,849 personnel/responders were assigned. 88,522 square miles of fisheries were closed and 181 miles of shoreline were heavily to moderately oiled⁴. In Australia, the smaller but still impactful 2009 Montara oil spill off the north coast of Western Australia took 75 days to contain with an oil slick extending 180km. The spill caused loss of wildlife and irreversible damage to marine habitat.

So called 'response operations' are never able to undo the impacts of a spill with marine life and habitats lost and the long-term environmental impact being seen more than a decade after major

¹ <https://www.destinationnsw.com.au/wp-content/uploads/2023/06/economic-contribution-of-tourism-to-nsw-2021-22.pdf>

² <https://www.epa.nsw.gov.au/about-us/publications-and-reports/state-of-the-environment/state-of-the-environment-2015/20-coastal-estuarine-marine-ecosystems#:~:text=Aquatic%20vegetation%20along%20the%20NSW,seagrass%2C%20mangroves%20and%20saltmarsh>

³ [Gordon, J. et al. \(2003\) 'A review of the effects of seismic surveys on marine mammals', Marine Technology Society Journal, 37\(4\), pp. 16–34. doi:10.4031/002533203787536998.](https://doi.org/10.4031/002533203787536998)

⁴ https://homeport.uscg.mil/Lists/Content/Attachments/119/DeepwaterHorizonReport%20-31Aug2011%20-CD_2.pdf

spill events. Further, Australia has a limited number of experts trained in responding to the environmental impact of these such events and this would hamper any response.

Addressing the need for carbon pollution (emissions) reduction

Australia has adopted a policy of reducing carbon emissions by 43 per cent by 2030 on the path to net zero emissions by 2050, the latter in line with NSW's net zero target. To achieve net zero by 2050, interim targets have been adopted by the NSW Government with an objective to deliver a 50 per cent reduction in emissions by 2030 compared to 2005 levels. Achieving these targets will require a cross economy effort.

The impacts of climate change in New South Wales will see maximum temperatures increase from between 0.4 – 1 degree between 2020-2039 with this increasing from 1.8-2.6 per cent out to 2079. This increase will result in increased risk of bushfires, extreme heat, drought, flood, seasonal change and rising sea levels, the latter causing erosion, coastal inundation, and risk to infrastructure⁵.

In 2020 New South Wales' emissions reduced by 18.1 per cent against 2005 levels. However, these projections for New South Wales' ability to address climate change and meet climate targets are assessed at point in time and do not account for potential additional fossil fuel extraction.

In order to strengthen energy security and reach net zero emissions, the International Energy Agency, in their 2023 review of Australian energy policy recommends Australia should, with regard to oil, set medium- and long-term targets for reducing oil consumption in transport to complement the government's increased emissions reductions ambitions and provide direction to efforts to promote the uptake of alternative fuels and electric vehicles.

The International Energy Agency further recommends Australia ensure co-ordinated infrastructure planning and investment outlooks of the power and gas sectors and demand-side management.⁶

Any proposal to enable the further development of infrastructure for the extraction and use of fossil fuels in New South Wales, including through offshore drilling, would have a national carbon budget impact and damage Australia's reputation as a country committed to reducing emissions.

Community expectation on addressing climate change and environmental protection

The community's opposition to offshore exploration and drilling in New South Wales coastal waters is well known and most acutely demonstrated through the opposition to the Petroleum Exploration Permit (P-11) project which saw large swathes of coastal communities unite to oppose to the project.

The community's long held attitude on the question of addressing climate change, and the need to reduce reliance on fossil fuels is known even better still.

In 2016, 88 per cent said agree when asked about the use of fossil fuels being in decline around the world and Australia should invest more in alternative energy sources or risk being left behind. In the same Lowy Institute survey in 2016, 79 per cent said agree when asked about the use of fossil fuels causes global warming and we should reduce our reliance on them to help combat climate change.⁷

⁵ <https://www.climatechange.environment.nsw.gov.au/nsw>

⁶ <https://iea.blob.core.windows.net/assets/02a7a120-564b-4057-ac6dcf21587a30d9/Australia2023EnergyPolicyReview.pdf>

⁷ <https://poll.lowyinstitute.org/charts/attitudes-to-fossil-fuels/>

More recently in 2023, the Lowy Institute found that 56 per cent said global warming is a serious and pressing problem and that we should begin taking steps now, even if it involves significant costs.⁸

In the Australian National University's 2022 Australian Election Study they found in 2019 and 2022, 10 per cent mentioned global warming as the most important election issue compared to 4 per cent in 2013 and 2016.

New South Wales voters also recently expressed their views on addressing climate change through the Resolve survey conducted ahead of the 2023 State Election. In that survey 10 per cent of voters listed climate change and reducing carbon emissions as the greatest concern, on par with 10 per cent that listed the state of the economy.

This data should be instructive to New South Wales legislators and give confidence that taking serious steps to tackle climate change is in the public interest.

Conclusion

The short, medium and long term risks of offshore oil and gas exploration in New South Wales, combined with the community's expectation, demonstrate the need for New South Wales to take meaningful steps to tackle climate change and adopt policies to reduce the extraction and use of fossil fuels.

It is for the reasons I have outlined that I recommend the Minerals Legislation Amendment (Offshore Drilling and Associated Infrastructure Prohibition) Bill 2023 be supported.

Dr Barry Traill AM

Director

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⁸ <https://poll.lowyinstitute.org/charts/climate-change/>