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**To:** [Cameron Grebe](#)  
**Cc:** [Information - Shared Mailbox](#); [Submissions - Shared Mailbox](#)  
**Subject:** Bight Petroleum Pty Ltd, Lightning 3D Marine Seismic Survey Environment Plan  
**Date:** Thursday, 27 March 2014 1:07:38 PM

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Dear Cameron,

I see from the NOPSEMA website that Bight Petroleum have now submitted a new Environment Plan for their proposed 'Lightning' 3D seismic survey off of Kangaroo Island in the eastern Great Australian Bight.

IFAW has long-maintained an interest in this proposal, over which we have strong concerns, which have been communicated to Bight Petroleum and previously through the EPBC Act process.

At the time of the new *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* coming into force on 28 February, Bight Petroleum announced that they intended to withdraw the EPBC Act application they were then going through an assessment process for. Bight Petroleum confirmed this in an email sent to stakeholders on 20 March 2014, advising that "from 28th February 2014, activity related approvals are now being assessed solely by the Commonwealth regulator for petroleum activities, NOPSEMA. Accordingly Bight Petroleum will align with these new approval requirements".

IFAW is not aware, however, that Bight Petroleum has conducted any stakeholder consultation on this new Environment Plan submission, as required by the new approval requirements (as it was also under the old regime). IFAW considers itself a relevant person under regulation 11A, for the purposes of consultation on the Environment Plan, that is "*a person or organisation whose functions, interests or activities may be affected by the activities to be carried out under the environment plan, or the revision of the environment plan*". Therefore, IFAW feels we should have been consulted on this new Environment Plan but were not.

IFAW made our views clear to Bight Petroleum on 24 March (copied to NOPSEMA) that we wanted to be consulted on the new Environment Plan. As this was a new Plan, we had no knowledge whether it was largely the same in content as previous submissions or the proposals under the EPBC Act, or whether any changes had been made. We have not seen any detail about this new plan or received any communication about what it might contain. If this is supposed to be a new Environment Plan under the new regime, then Bight Petroleum should have informed stakeholders if any changes to the proposal had been made since the previous submission and given stakeholders a chance to provide feedback. No such opportunity was provided. NOPSEMA has been at pains to point out to IFAW and other stakeholders that the EPBC Act processes were entirely separate processes from NOPSEMA's regime. Therefore, IFAW and other stakeholders cannot be expected to rely solely on the last version of that EPBC proposal to suffice as stakeholder consultation for the purposes of this new Environment Plan, and certainly not if no statement to that effect has been provided to stakeholders by Bight Petroleum.

As IFAW's letter of the 24 March to Bight Petroleum, copied to NOPSEMA, outlined, IFAW's previously stated concerns about the impacts of the proposed activities remain unresolved. On

the basis of what has previously been communicated by Bight Petroleum about the proposed activities, directly to stakeholders and via the EPBC Act process, IFAW does not have any confidence that our concerns have been addressed in this new Environmental Plan. Nor has IFAW ever been provided what we consider to be sufficient information to make an informed assessment of the possible consequences of the activity on our interest (as per regulation 11A(2)) in seeing marine life protected from potential impacts related to the proposed seismic survey.

I would be grateful to hear whether NOPSEMA considers the steps taken by Bight Petroleum to be adequate under the new regulatory requirements, as if NOPSEMA does, this has revealed a significant problem with the new arrangements and how they relate to ongoing proposals from the previous approvals regime.

Kind regards,

**Matthew Collis | Marine Campaigns Manager**

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