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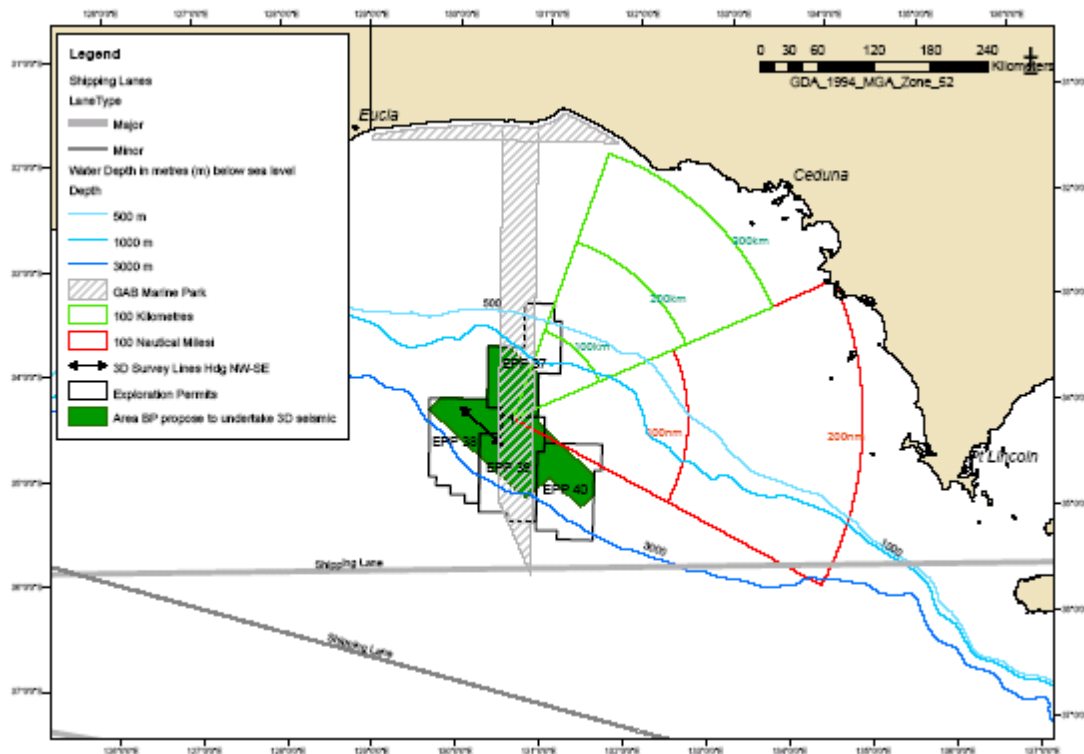
21 April 2011

Dear Simon

Thank you for the opportunity to provide feedback on the proposal by BP Exploration (Alpha) Ltd (BP) to undertake a three dimensional marine seismic survey in Commonwealth waters off the Great Australian Bight (GAB) in the summer of 2011-12.

I also acknowledge that BP has been proactive in providing information about its proposed oil exploration activities to the Conservation Council of South Australia (Conservation SA).

As shown on the BP location map on the next page, the seismic testing will take place directly over the Great Australian Bight Marine Park Benthic Protection Zone, with the four oil exploration wells to be drilled in or adjacent to this zone. The area is also immediately south of the Marine Mammal Protection Zone, well known as the place where southern right whales meet to breed and calve.



(Source: BP 2011)

This seismic survey covers a region of important ecological significance and sits directly over the Great Australian Bight Marine Park Benthic Protection Zone. As South Australia's peak environmental organisation, Conservation SA has a strong interest in protecting the environment in this area.

As oil drilling will also be undertaken as a requirement of this exploration, we have broader concerns not only about the environmental protection of the region and its coastline, but the social and economic wellbeing of the local communities and indeed all South Australians. Fishing and tourism are important South Australian industries that would certainly be affected in the event of anything like the Deep Water Horizon incident.

We consider that all operations including 1) seismic testing, 2) subsequent drilling of oil exploration wells and 3) potential future production wells and production activities are matters that need to be considered now.

Our Key Concerns about BP Oil Exploration in the Great Australian Bight (GAB)

What is at risk

- This region has the greatest diversity of marine life anywhere in the world, including the Great Barrier Reef. Less than 1% of the marine life in this area is protected from oil and gas operations, but up to 90% of the marine life is found nowhere else in the world.

- The area is globally significant for sperm whales, blue whales, beaked whales and southern right whales, as well as great white sharks.
- The seismic testing will take place directly over the Great Australian Bight Marine Park Benthic Protection Zone with the four oil exploration wells to be drilled in or adjacent to this zone. The area is also immediately south of the Marine Mammal Protection Zone well known as the place where southern right whales meet to breed and calve.

Concerns about the seismic testing

- We are concerned about the impact of seismic testing on marine life.
- The testing consists of a series of multiple blasts from air guns of up to 260 decibels, one every ten seconds, continuously for months.
- Our understanding is that 180 decibels can cause discomfort to mammals, and sound of this magnitude travels through water for hundreds of kilometres. (If we think about the response of our domestic animals during fireworks displays, we can appreciate that continuous seismic testing could displace and confuse marine animals.)
- Beaked whales which are known to inhabit these waters may be particularly sensitive to low frequency seismic testing.
- We are concerned about the impacts on commercial species, such as southern bluefin tuna, which feed in the area.
- In the absence of more data on seismic impacts, a precautionary approach is needed.

The scope of concern for activities that will follow is far greater than seismic testing alone

Despite the scope of the invitation to cover seismic testing only, the drilling for oil and gas will follow as a condition of the exploration licence and therefore broader activities and potential impacts of the oil industry need to be considered now. Conservation SA has the following concerns

Concerns about the operator - BP drilling for oil

- The inquiry into the Macondo Deepwater Horizon well blowout in the Gulf of Mexico found that the disaster "can be traced to a series of identifiable mistakes made by BP, Halliburton, and Transocean that reveal such systematic failures in risk management **that they place in doubt the safety culture of the entire industry**".

Concerns about Australia's regulatory system - Montara Inquiry findings

- The inquiry into Australia's worst oil spill found "widespread and systematic procedural shortcomings", and that the designated authority was "not sufficiently diligent to ensure good field practices".
- The Montara inquiry made recommendations such as establishing a single national regulatory authority and improving *environmental response*. These have not yet been implemented.

- Conservation SA is concerned that the new regulatory regime is not yet established.

Even deeper water and an extremely remote location

- Conservation SA is concerned that the oil exploration wells proposed in the GAB are in even deeper water than the Deepwater Horizon Incident in the Gulf of Mexico.
- We are concerned that BP cannot safely drill in this ultra deepwater location.
- We are concerned that BP cannot adequately manage an incident if something serious does go wrong in this location.

Conservation SA Position

Conservation SA does not support this seismic testing, the subsequent drilling of oil exploration wells or potential future production wells and production activities in this region of important ecological significance, directly over the Great Australian Bight Marine Park Benthic Protection Zone.

We believe that the risks to the environment, people and economies associated with the seismic testing and subsequent petroleum activities in these remote ultra-deep waters are just too high.

We don't believe that BP can adequately manage an incident if something serious does go wrong in this location.

Should this exploration and subsequent activities proceed, Conservation SA would expect exceptional resources and contingency plans to be established to ensure safety for crews and safety for the environment. We would expect BP to invite third party oversight on the management of all key areas of identified risk, particularly for activities where failures have occurred in the industry before. Second party oversight is not sufficient. BP should not wait for Australia's regulatory framework to drive greater protection, it should be proactive in ensuring greater protection.

BP should be open and transparent about its activity, and provide a dedicated annual report on its GAB oil exploration covering all aspects of activities to the South Australian public.

Legislative Responsibilities

Environmental Protection and Biodiversity Conservation Act

Our understanding is that under the EPBC Act, a number of whale species that both inhabit and migrate through this area are listed as threatened and/or migratory species, and therefore the proposed BP activity would be a matter of national environmental significance.

Since whales and other cetaceans also have additional protections in the Australian Whale Sanctuary, we argue that this exploration and subsequent activities should not proceed. Conservation SA believes that a permit is required under the EPBC Act for this activity in the Australian Whale Sanctuary – Benthic Protection zone, but that none should be granted.

We trust that BP has sought to refer its proposal on a matter of national environmental significance to the Commonwealth Government, as required under Parts 7 to 9 of the EPBC Act.

Furthermore, as oil exploration drilling is a requirement under the oil exploration licences granted to BP, this component cannot be separated from the exploration activity and should also be referred to the Commonwealth Government at the same time. Oil drilling in a Marine Park and in the Benthic Protection Zone is likely to have a significant impact on the environment.

Offshore Petroleum and Greenhouse Gas Storage Act 2006 [OPGGGS Act] and supporting regulations

Our understanding is that BP is required under the OPGGS Act to prepare and seek Government approval for an Environment Plan in relation to the proposed survey operations.

We hope that BP addresses the concerns expressed in this submission in developing its Environmental Plan. In particular, we would be looking for

- Exceptional and defined resources and contingency plans to ensure safety for crews and safety for the environment.
- A meaningful level of independent third party oversight on managing all key areas of identified risk, particularly for activities where failures have occurred in the industry before, in addition to second party oversight from within BP.
- BP should not wait for Australia's regulatory framework to drive greater protection, it should be proactive in ensuring greater protection.
- Implementation of all lessons learned from the Gulf of Mexico Macondo Deepwater Horizon incident and the Australian Montaro incident prior to any consideration of oil exploration drilling.
- Consideration as to whether it is absolutely essential to re-survey those areas within the EPP boundaries that have already been surveyed.

Conservation SA also advises that some additional information on issues of concern could not be included in this submission and will therefore be provided in the near future.

Yours sincerely,



Tim Kelly
Chief Executive