

20 November 2020

Dr Paul Vogel  
Chairperson  
NT Environment Protection Authority  
GPO Box 3675  
Darwin NT 0801

Via email: [ntepa@nt.gov.au](mailto:ntepa@nt.gov.au)

Dear Dr Vogel

**RE: Submission to the NT EPA Draft review of seabed mining in the Northern Territory – environmental impacts and management**

As the peak representative body for the wild catch, aquaculture and trader/processor seafood sectors in the Northern Territory (NT), the Northern Territory Seafood Council (NTSC) welcomes the opportunity to provide comment on the NT EPA draft review of seabed mining in the Northern Territory (Draft Report).

NTSC's 223 members each represent a commercial fishing, aquaculture or trader/processor licence. In 2017/18, NT's fishing, aquaculture and associated processing industries contributed \$136 million dollars (total GVA) to the NT economy and employment contribution was 941 full time equivalent jobs<sup>1</sup>.

NTSC is dedicated to representing the Territory seafood industry's interests to ensure achievement of our vision statement:

*"The Northern Territory seafood industry is a trusted, stable and prosperous industry which is continually earning its social licence to operate."*

### **In summary**

The Northern Territory Seafood Council is not in a position to support seabed mining activities to occur in the Northern Territory due to the significant information gaps and risks posed to the environment.

### **Background**

The NTSC recognises the economic importance and scale at which the resource sector contributes to Australia. This importance however, should not undermine the health of our marine environment and the livelihoods and communities that depend upon it.

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<sup>1</sup> <https://www.frdc.com.au/Archived-Reports/FRDC%20Projects/2017-210-DLD%20Summary.pdf>

NTSC and its members have a strong interest in the health of marine fauna in all Northern Territory waters. The rights to harvest a sustainable take of fish species has been allocated and this level is greatly impacted and reliant on general marine health. Many fisheries within the Northern Territory are still being developed, but our member's interests are greatly impacted if these environs have already been degraded.

Our wild harvest members have all chosen lives on the ocean, and it would be remiss not to consider the custodian role they take in this area. Whilst those who object to fishing may present a negative image of our industry, the reality is all our members have a strong affinity with the ocean and the welfare of its fauna.

The Draft Report highlights the uncertainty surrounding impacts of seabed mining in the marine environment relevant to the ongoing health and viability of the commercial fishing including (but not limited to) shifts in species composition, loss of species, bioaccumulation of contaminants and associated deformities, increased rate of disease, decreases in fish catch per unit effort, benthic habitat impacts, and recruitment rates. With such high levels of uncertainty, it can be appreciated a "code of practice" for direct impacts would bring little confidence to commercial fishers.

Key areas of concern include:

- the impacts (both short and long-term) of seabed mining on both the benthic habitat; water quality and marine fauna species;
- loss of access to fishing grounds through either exclusion provisions or due to degradation and / or modification of marine environment that makes an area commercially unviable; and
- development of appropriate, transparent and robust framework and risk assessment process.

Whilst the Draft Report touches on the impacts on the environment and industries dependent on this environment, the detriment and scale of impact is unknown and this requires assessment to aid informed decision-making. The Draft Report also highlights significant knowledge gaps.

The Draft Report advises a regulatory framework is now in place to ensure rigorous assessment of the environmental impacts of seabed mining. Yet the costs and processes for a risk identification and assessment process that is transparent, timely and thorough is not yet clear. Processes should acknowledge and assess direct, indirect and cumulative impacts. Without this we believe seabed mining activity would be entirely inconsistent with the *Environment Protection and Biodiversity Conservation Act*, which would pose an unacceptable level of risk for all.

It is encouraging to see acknowledgement within the Draft Report about the shortcomings of the National Offshore Petroleum Safety and Environment Management Authority (NOPSEMA) risk assessment and As Low As Reasonably Practical (ALARP) approach. Despite a review, improvements, and the seafood industry working collaboratively with the oil and gas industry, the seafood industry still holds concerns for both the risk assessment and use of ALARP for offshore oil and gas activities. There is little reference to risk assessments in the Draft Report or Appendix 4<sup>2</sup>. If data and knowledge gaps prevent appropriate risk assessments to be completed, this needs to be clearly stated.

In addition to the appropriate information and data required prior to consideration of a proposed activity, it is equally important to ensure the resource sector has adequate and ongoing investment mechanisms in place to aid seabed mining related research.

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<sup>2</sup> Appendix 4: Seabed mining and coastal and marine environments of the Northern Territory (2018) available via <https://ntepa.nt.gov.au/consultation/review-of-seabed-mining-in-the-nt-environmental-impacts-and-management>

Within the report there is reference to low and high sensitive areas without clear definition. The key finding of having 'no go' areas for areas with high biodiversity, economic, recreational and / or cultural value raises concerns for the following reasons:

- creates areas that do not meet this criteria to be open for prospective activity at potentially a large scale;
- fails to take into consideration the interconnectivity and roles these other areas play in the ecosystem;
- unclear what triggers or limits will be set to determine whether values for either biodiversity, economic, recreational and / or cultural values result in a no go area;
- unclear if the NT EPA supports seabed mining activities to occur in the intertidal zone; and
- unclear how areas are assessed / rated for their sensitivity.

Further it raises the question of how areas would be flagged / nominated for potential exploration and what systems and processes are required if an area is flagged / nominated for potential exploration activity.

Any proposed and / or approved activity of seabed mining will come at a cost to the seafood industry in a variety of ways including, but not limited to, costs such as time and resources required for the consultation and engagement processes; loss of access to fishing ground; loss of markets; loss of catchability of fish species; and well-being of the fisher.

However, this pales in comparison to the costs of a degraded marine environment, especially when the report highlights rehabilitation and recovery in some circumstances to be "unlikely", "impossible" and "irreversible".

## **Recommendations**

1. Further analysis and provision of information relating to the impacts of seabed mining on marine fauna specific to the Northern Territory.
2. Inclusion of an example risk assessment of activities on marine fauna, benthic habitat and water quality to better aid understanding of where there are knowledge and data gaps.
3. Further information and consultation on how 'no go' areas would be assessed and defined.
4. Further analysis and understanding of the economic and social values of marine activities including but not limited to commercial and recreational fishing, tourism.
5. All recommendations within the Draft Report regarding processes, policies, standards should include a caveat to provide context regarding the knowledge / data gaps and issues / risks associated with those steps.
6. Ensuring documentation of appropriate and acceptable standards for seabed mining practices covers the entire process (from identification of available or proposed areas, to activity proposals, activities, research and monitoring, through to rehabilitation of areas as well as stakeholder identification and consultation processes).
7. In addition to the collection of adequate data at a regional scale, development of a scientific research library with relevant scientific papers and resources so that shared knowledge on the risks can be achieved by all stakeholders.
8. Independent expert advice for any advisory groups / panels must include people with fisheries management expertise.
9. Identification of the "data-rich" and "low sensitivity zones" along the NT coastline to be included in the report.

10. Clarity on the minimum level of information a proponent will need to provide for robust environmental assessment.

Kind Regards

A handwritten signature in black ink, appearing to read 'K Winchester', written in a cursive style.

Katherine Winchester  
Chief Executive Officer  
Northern Territory Seafood Council