



Anindilyakwa
Land Council

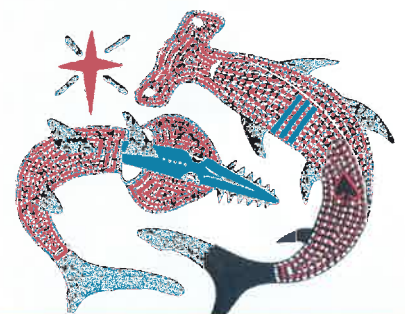
**Submission to the Northern Territory
Environment Protection Authority**

on the

Review of Seabed Mining in the Northern Territory –

Environmental Impacts and Management

9 November 2020





Introduction & Background

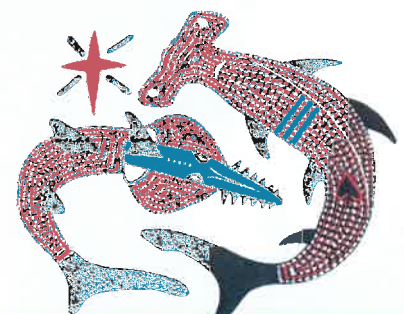
The ALC would like to acknowledge that a further review in relation to the protection of sacred sites from seabed mining will be provided separately by the Aboriginal Areas Protection Authority (AAPA) and as such we have endeavoured to leave issues and questions related to cultural protection during the AAPA review.

In 2012 the Anindilyakwa people of the Groote Archipelago and the Anindilyakwa Land Council (ALC) played a pivotal role in bringing a halt to a seabed exploration project off the coast of Groote Eylandt that was approved by the Northern Territory Government (NTG). The threat to their sea country, their “*super market*” and the associated song lines from exploration and future seabed mining was a catalyst which brought the communities together in one voice to raise their concerns. These concerns were escalated to the Federal Environment Minister who in turn approached the NTG to halt the project near Groote Eylandt or alternatively an Emergency Heritage Listing declaration would be put in place by the Federal Government over the area.

Due to the considerable concerns raised by the Owners of the Groote Archipelago at that time, the NTG at the request of the ALC also declared the sea country surrounding Groote an area *Reserved from Mining* under the Mining Act. This reservation prevents mining or exploration in the archipelago seas even if the moratorium is lifted.

During the period leading up to the 2012 moratorium being put in place by the NTG, the ALC unsuccessfully lobbied with the NTG and the mining proponent in an attempt to explain the high importance placed on sea country by the Anindilyakwa people as well as to express that they did not want this project to proceed. The ALC sort independent research data and expertise in the field to assist in halting the project before coming to the realisation that very little baseline data is available for Northern Territory sea country and most research that has been undertaken to date has been funded by resource (petroleum) companies and is sadly lacking when it comes to shallow seas. To the knowledge of the ALC this deficiency in data and expertise remains.

With the knowledge that the threat of Seabed Mining would return with the eventual removal of the moratorium the ALC with support from the people of the Archipelago has over the past three years spent over \$1m in collaboration with the Australian Institute of Marine Science (AIMS) to record and map the benthic baseline data for much of the sea country surrounding Groote. This data is essential to fully understand the current threats (such as trawlers) from an environmental or economic perspective and how to manage future threats such as Seabed Mining. The ALC now has a better understanding of the environmental values within the sea country of the archipelago and this coupled with the existing strong cultural values and knowledge provides a solid platform for the ALC to protect the cultural, biophysical, social and economic values that make the Groote Archipelago what it is now and into the future.





Report Comments

The report undertaken by the NT EPA into the impacts of Seabed mining while comprehensive appears to fail to recognise the enormity of what is required to be implemented prior to any sort of seabed mining being considered for NT waters. The current lack of baseline data already hinders informed sustainable commercial fishing in the NT and the potential impacts from poorly administered and managed seabed mining would be potentially catastrophic. NT coastal waters as stated *“are highly valued by Territorians for their environmental, cultural and recreational importance and the role they play in natural resource based industries such as commercial fishing, aquaculture and tourism”*, these valued natural assets are relied upon by many Territorians and particularly by remote coastal Aboriginal communities of the NT such as Groote.

The reforms recently undertaken into Environmental Impact Assessment are an improvement for terrestrial mining projects. However, applying these same regulations to marine projects will be difficult. The ALC see the proposal to task proponents to undertake extensive environmental studies will be problematic due to a lack of comparative baseline data and the significant costs involved, meaning any proponents willing to risk the investment will be seeking to proceed with the project, putting enormous pressure on the government to approve.

Throughout this report the author’s emphasised the issues faced with the lifting of the moratorium and that the NT is currently not resourced to manage such a new industry. The report further identifies the difficulties and high costs to develop a department capable of managing these projects and in the Territory retaining experienced staff. Despite this honest assessment there is an attempt by the NT EPA to leave the door open to future projects considered less impactful despite the lack of data and experience to support these assumptions, as stated in the report it may take 2-5 years of data collection to truly understand the interactions within a natural system.

From this report and the comparable experience of seabed exploration near Groote Eylandt in 2011-12 it became apparent to the ALC that the areas that were being targeted for exploration were areas of hard structure which are uncommon but biologically highly productive and biodiverse reef systems which are often associated with culturally important sites. To consider allowing these areas to be mined in the future would show a disregard for ecological function of these areas, disrespect to those communities relying on the seafood resources from such areas and potentially endorse the desecration of culturally important areas.

This report focuses on the more benign though still destructive forms of seabed mining, such as dredging, as these have been the main focus internationally however, this method is unlikely to be feasible in the Groote region as Manganese is generally very hard and forms in layers often metres thick. The mining process would likely require undersea blasting creating serious issues for sea life including the numerous threatened species inhabiting this region, many of which are sensitive to seismic type events. Assuming mining was able to be undertaken in a manner that didn’t create heavy metal contamination over vast





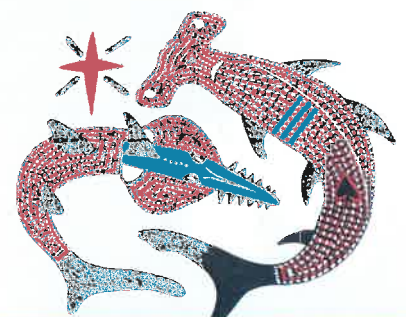
areas or coat surrounding reefs or sea grass with silt, it can be assumed that rehabilitation of the mined out areas to their previous habitat type will be impossible, meaning the function of the system will be permanently altered and the broader impacts unknown. The changes in benthic habitat morphology, associated changes in current flows, changes in sunlight availability with increased depth and substrate composition all result in adjustments that can't be predicted with accuracy or remediated. Is the NTG willing to accept irreversible cultural and environmental damage while ignoring the principles of sustainable development and the precautionary principle?

As the seas of the Northern Territory are relatively shallow it was pleasing that this report has considered the impacts of exploration activities as there is limited data available on the impacts of vessel towed instruments particularly on shallow reef species (including benthic invertebrates) as previously approved acoustic emissions were a major concern for the ALC during exploration activities near the Groote coast in 2011-12.

A factor that needs to be considered by the NTG is that sea country in the east of the Territory is very different to the west and the north. The ALC would like to see site specific management plans and assessments to determine the impacts to specific areas and ecosystems. Relying on broad source data collected from one area and extrapolated across the NT would not adequately account for variations in marine ecosystems that are known to exist across the top end. These differences means that data collected near Darwin should not be used to plan activities in the Gulf as they do not relate. Several researchers on currents and the small tides of the Gulf of Carpentaria have shown that it takes in excess of two years for a turnover of water from the Gulf meaning any major environmental event would have long lasting impacts and sink areas such as Blue Mud Bay may have larger impacts such as heavy metals accumulation. The modelling to predict these impacts requires significant data and is yet to be developed. The Gulf of Carpentaria is internationally recognised as one the last remaining marine wilderness areas on the planet as such it deserves adequate protection to ensure this status is maintained.

Considering the acknowledgement that Aboriginal people hold a strong connection to the sea country and their custodianship extends well beyond the low water mark, often beyond the horizon it would be appropriate that Traditional Owners of the sea country are extended a right of veto as occurs on Aboriginal Land under ALRA. Any future development of sea country must involve respectful engagement with the Traditional Owners, custodians and any associated communities.

The people of Groote are moving towards a post mining economy involving the development of seafood-based enterprises particularly aquaculture. It is essential that access to clean seas is maintained and the reputation that Territory produce is clean, and green is retained. The development of tourism is also forecast to develop in the coming years with access to pristine marine environments being a key economic asset. The ALC believe that it would be in the NTG's best interest to consider the aspirations of Aboriginal people and the need to allow people to determine their own futures which may not involve mining activities.





The ALC considers the cultural and environmental risks associated with seabed mining far outweigh the potential economic benefits. Aboriginal people see no separation between culture and the environment and there are no boundaries of ownership between land and sea country. The NTG should respect the concerns of Aboriginal people and allow them to determine the activities that occur in their sea country and their cultural responsibilities. The NT EPA is required to have regard for the principles of Ecological Sustainable Development (ESD) under Part 2 (1) of the Environment Protection Act 2019. A guiding principle of ESD is the precautionary principle which emphasises the use of caution, pausing and review before moving forward into new innovations and developments that do not have the scientific rigour to back them up. This review strongly highlights the risks of seabed mining, the lack of adequate legislation in the Northern Territory and the need for significant investment in baseline data, all of which shows the Territory is not ready for this type of industry and the perceived benefits do not offset the risks. The ALC implores the NTG to consider their own ESD principles and ensure that all the appropriate planning and research is conducted before authorising mining projects that could have significant environmental and cultural implications.

Mark Hewitt

Chief Executive Officer

Anindilyakwa Land Council

