



[Redacted]
[Redacted]
e: [Redacted]
w: [Redacted]

26th July, 2024

NOPSEMA
GPO Box 2568
PERTH WA 6001

Via Email: [Redacted] [@nopsema.gov.au](mailto:[Redacted]@nopsema.gov.au), communications@nopsema.gov.au, information@nopsema.gov.au, environment@nopsema.gov.au

To Whom it may concern,

TGS OTWAY BASIN 3D MULTI CLIENT MARINE SEISMIC BLASTING ENVIRONMENT PLAN

We write to detail our extensive concerns about the consultation process and the Environment Plan (EP) for the proposed TGS seismic blasting project in the Otway Basin.

1. Extent Of Responsibility For Project

TGS describe themselves as an [energy data company](#) and we know they propose to use the vessels and blasting/surveying equipment provided by others. When this project was originally proposed TGS had partnered with [Redacted] then the name of the project had TGS [Redacted] as a prefix, then that prefix was changed to its current form of TGS by itself. What concerns me is, if illegal practices or activities that don't comply with the TGS Environment Plan are carried out using those vessels and surveying equipment, will TGS be held responsible? Will anyone be held responsible or will TGS be able to state that the breach occurred with equipment not belonging to them? Will TGS be able to state that they are only responsible for the data collection equipment, and therefore there are no repercussions?

Does the TGS EP cover [Redacted] work or those that own the seismic vessels and equipment?

What if TGS respond to NOPSEMA or concerns from other parties saying, 'it isn't our responsibility, it wasn't our equipment, we are only responsible for the data collection equipment', who takes responsibility, who is accountable for this type of conduct?

We know mis conduct has happened in the Otway Basin before and apparently there is an investigation presently underway (see below).

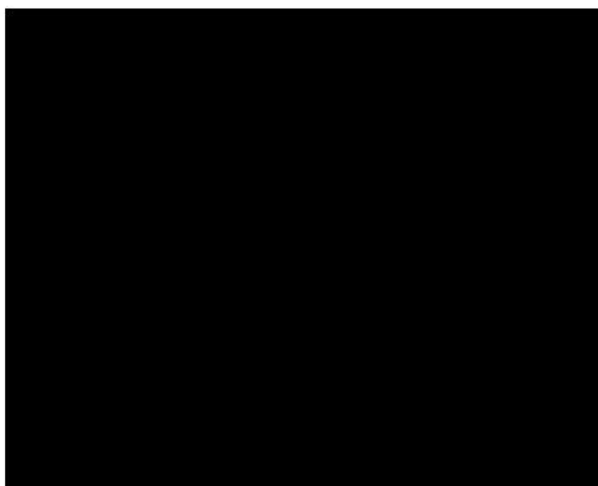
With regard to the [Redacted] that we understand this project would operate under if it proceeds, Section 4.2 of the document 'Offshore Petroleum: Special Prospecting Authority, Access Authority & Scientific Investigation Consents Guideline' states: 'The applicant should be the legal entity that is going to carry on the operations specified in the authority or consent.'

Whilst we understand that is a question for [REDACTED], NOPSEMA's document 'Environment Plan Decision Making Guideline' does not have a similar section stating that those carrying on the operation need to be the legal entity involved, and the EP does not appear to cover this issue.

How can we be satisfied that those who may carry out non-compliant or illegal activity (TGS, [REDACTED] or someone else) will be held to account?

2. Poor Consultation

The NOPSEMA document Consultation Of Offshore Petroleum Environment Plans, Information For The Community, says "Title holders need to demonstrate how concerns, objections or claims were considered and demonstrate that their response was appropriate". See below,



There have been a number of instances where the responses from TGS to my concerns have not been appropriate. They are outlined as follows;

2.1. Inadequate Consultation With the [REDACTED] On West Coast Of Victoria

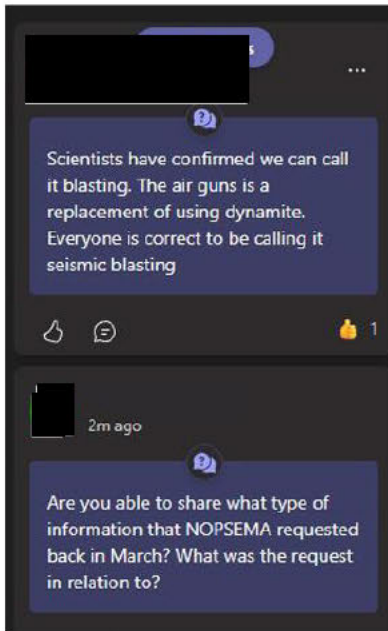
First nations peoples including [REDACTED], [REDACTED], and leader of the [REDACTED] have not been adequately consulted. It is our understanding that NOPSEMA told TGS prior to them lodging their amended EP that they had to consult with the [REDACTED] but TGS lodged the updated EP without doing this.

It is also our understanding that there is significant cultural heritage on the seabed within the proposed project footprint and [REDACTED] and the [REDACTED] have serious concerns about the potential impacts on their Sea Country. It is not for us to make representations or provide detailed information about that. TGS need to consult with affected first nations peoples face to face in a genuine manner.

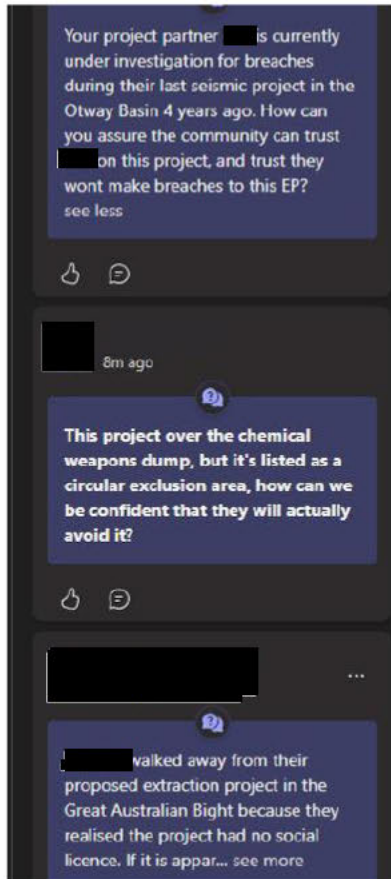
2.2. Definition Of Seismic Blasting/Surveying

We attended a TGS webinar on 15th May 2024 where all the attendees' cameras and microphones had been switched off from the start of the event. The only form of communication that was allowed was the asking of questions via the chat panel. After TGS gave an initial presentation they then selectively answered questions, having very long pauses between providing answers as they selected the questions they wanted to answer.

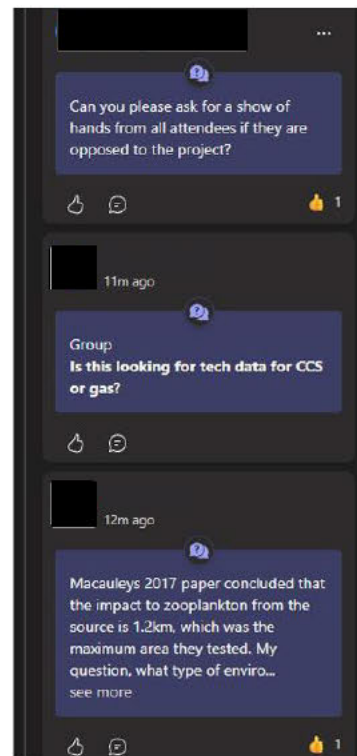
During this webinar, they asked us not to refer to their practice as 'seismic blasting'. Our secretary [REDACTED] wrote a response in the chat saying scientists have advise us that we are correct to use the term 'seismic blasting' it is the equivalent of detonating dynamite, see screenshot of [REDACTED] comment below (Chat grab 1, appears as [REDACTED] authors of other questions redacted for privacy),



Chat grab 1



Chat grab 2



Chat grab 3

TGS provided a Frequently Asked Questions sheet on their [redacted] website (see attached), as a result of the 15th May webinars. Item 2 of the FAQ says, *'The seismic survey process is not analogous in any way with dynamite', however, Seismic blasting or surveying/testing does in fact act as a replacement for explosives* <https://www.sciencedirect.com/topics/earth-and-planetary-sciences/seismic-survey>.

[redacted] own website [redacted] draws a direct correlation with dynamite, stating in the third para of the above link, *"During reflection seismic surveys, seismic waves are generated at or near the Earth surface using a seismic source—dynamite, hammer, vibrator, air gun, water gun or anything that will transmit energy into the subsurface."*

The information in the FAQ document does not accurately reflect the truth and misleads those that read it. To try to play down the intensity of the technology being used is not in the interests of genuine consultation, or perhaps TGS do not fully appreciate the technology being used in their project. **Does NOPSEMA find this practice to be appropriate?**

2.3. TGS Webinar 15th May 2024

In Chat grab 2, [redacted] asked if TGS would walk away from the project if it was evident there is no social license for it, as [redacted] did 5 years ago when they wanted to drill for oil in the Great Australian Bight. This question was not answered.

In Chat grab 3 [redacted] asked if TGS could ask attendees for a show of hands as to who was for and against the project. TGS did not do this.

Does NOPSEMA find the way they responded to my three questions in the 'chat grabs' above to be appropriate?

2.4. Survey Data by [REDACTED]

Despite companies connected to fossil fuel extraction doing various forms of consultation, (note [REDACTED] have done multiple face to face consultations along the coast about their project) they are keen to not provide any detail of the opposition by the impacted communities. It is worth noting that of the 1,082 respondents in a survey by [REDACTED], 91% strongly oppose the TGS project and only 8% say they've been adequately consulted.

2.5. Webinar Recording of 15th May 2024 Not Uploaded

In the above mentioned webinar at 12 noon on 15th May 2024, TGS told us they would upload the recording of the webinar on their [REDACTED] consultation website. There was some key information provided verbally by one of the 2 presenters about the project that [REDACTED] and others would like verified. This information was not provided in the 6 pm webinar that is loaded on their website. Other attendees have asked for the 12 noon webinar to be uploaded to their website but it hasn't happened.

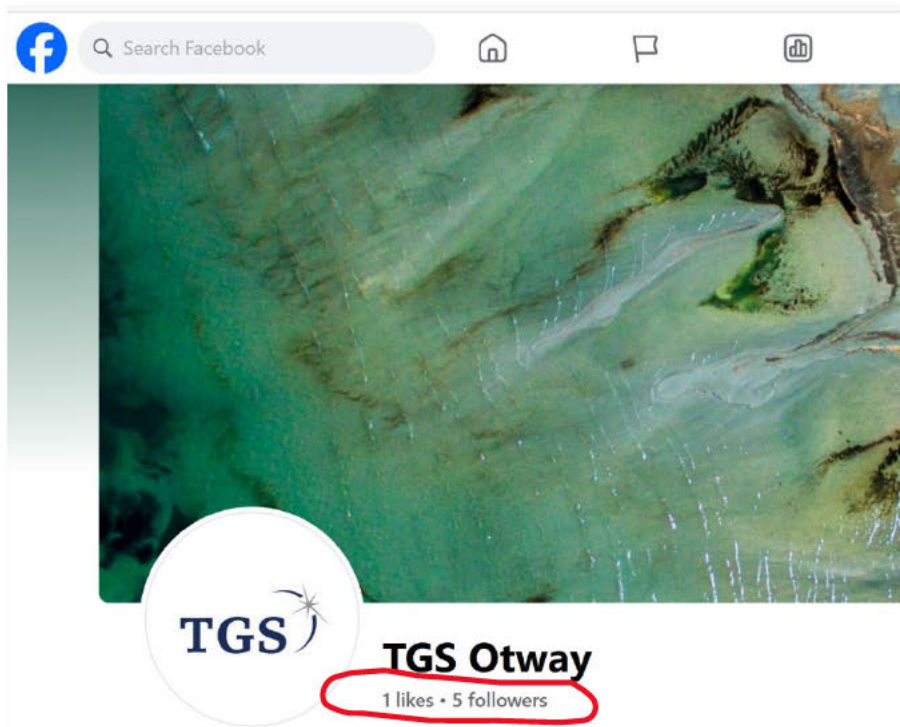
2.6. Poor Engagement During Webinar

For the entirety of the 15th May webinar TGS had our cameras and microphones turned off. We were informed during the meeting that questions could be asked in the chat, which we were not prepared for. TGS cherry picked the questions that they would answer, and as outlined above, a number of questions were not answered. There were long periods of silence as the two TGS reps screened out the questions they didn't wish to answer. We don't believe this is an appropriate way to run a webinar. **What does NOPSEMA think about this?**

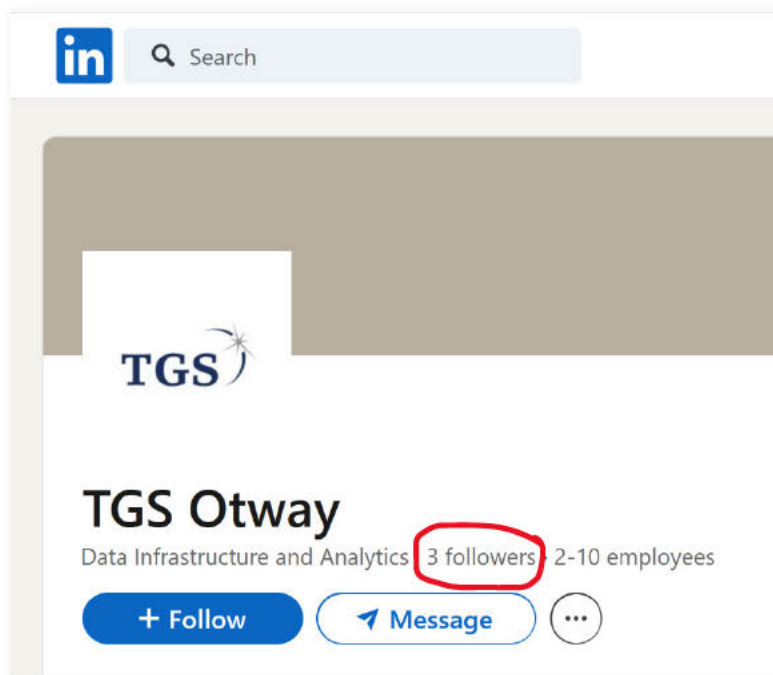
2.7. TGS Facebook And LinkedIn Pages

In TGS's email to me on 13th June 2024, which NOPSEMA was cc'd on see attached, TGS said, "TGS has undertaken an extensive process to identify and understand relevant persons who have functions interests or activities that will be impacted by the proposed planned activities"; saying the community has been advised of the webinars and drop in sessions via a facebook page and a linked in page. The [Facebook](#) page has only 1 person who has liked it and only 5 followers, see image below of facebook cover page.

The only posts are about the webinar sessions from May and the page has only been in operation since April 2024. No attempt appears to have been made to grow the page and drive traffic to it, so it is very difficult to see how they can say their facebook page is an adequate way of advising the broader community about their drop in sessions;



It is a similar situation for their [LinkedIn](#) page, they have 3 followers, only 5 posts (all about the webinars on 15th May), with the best reaction to any of the posts being 2 likes for the first post. And the page only started in April 2024, image below;



TGS have 1.3k followers on this page, <https://www.facebook.com/TGSgeosciencedatacompany> but there is no mention of the webinars or drop in sessions on that page.

If TGS were genuine about wanting to inform affected communities about their consultation regarding the Otway Basin project they would promote it on their main facebook page or at least put some genuine effort into promoting and building up the audience in their TGS Otway facebook and LinkedIn pages in the many months between when they started the project and the time of the webinars.

2.8. TGS Say It Is Unsafe To Consult With Us On The [REDACTED]

On 30th May 2023 TGS agreed to come to [REDACTED] to take part in a community information session we organised in June 2023. TGS then refused to attend because they say it is unsafe. This is because [REDACTED] did one social media post 18 months ago that referred to them as a company that extracts fossil fuels. That post was done by someone not fully versed in the campaign, we have apologised and we have not continued to refer to them like that.

When they write to us, TGS misrepresent our requests for consultation as being with [REDACTED] members only. But we have always referred to the request as being to meet with all interested [REDACTED] residents. The wider [REDACTED] community has a great deal of interest in this project, as evidenced by over 1,000 people that attended our paddle out in Jun 2024.

We have invited TGS to come and run consultation on their terms on the [REDACTED] (including other towns such as [REDACTED]), twice since then and they continue to refuse on the grounds of 'safety'. TGS have no grounds to refuse to consult with us on the [REDACTED] due to supposed safety concerns. It appears to us that they do whatever they can to limit scrutiny on their project. This is not an appropriate way of running community consultation.

2.9. Evidence of Consultation To Be Provided By Titleholder

Part 12 of NOPSEMA's Environment Plan Decision Making Guideline states that the 'titleholder' has to provide evidence in the EP of its consultation. We are not aware that TGS-NOPEC Geophysical Company Pty Ltd is a holder of any title(s) within the proposed project area. Going back a step, we are not aware that there are even any titles that have been created in the bulk of proposed seismic project area. **Why is TGS proceeding with an EP when they don't hold a title over the subject area?**

3. Geology of The Otway Basin

A highly accomplished geologist, [REDACTED] has told us after viewing slides from a [Geoscience Australia webinar](#), 'I am unsure why the seismic blasts need to go so far into the basement rock, as it is mainly very old granite. It was the likely source for the heat and pressure for the hydrocarbon formation but would hold no reservoirs within or below. I personally think that the results will prove uneconomical as most of the gas reservoirs are unlikely to be productive.'

With this in mind, why is the proponent opting for high powered seismic process that extends 20 km into the seabed rock, when it is highly likely there are no economical reserves down there?

4. Senate Inquiry Into Seismic Testing

The recommendations of a 2021 Senate Inquiry into Seismic Testing have not been adequately implemented. Of particular note is the need to research and develop lower impact technologies for all offshore seismic surveying, with responsibilities assigned to the petroleum industry and the Australian Government. In light of the concern identified in the report about impacts on marine species, the continuation of high intensity seismic surveying cannot be justified without that work being done.

The report on the inquiry can be found here

https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/SeismicTesting/Report

5. [REDACTED] Under Investigation

It is our understanding that [REDACTED] are under investigation for non-compliant conduct during past seismic works in the Otway Basin. We are aware that the NOPSEMA investigation which commenced on 17th June 2021 has recently been escalated to a Level 4 Investigation meaning the issues being investigated are substantially serious. We also believe the investigation has not yet concluded.

Does NOPSEMA consider it prudent to consider allowing this company to conduct further seismic blasting in the Otway Basin when they could potentially conduct this work in a similar manner to past projects in that area?

In light of the issues with regard to;

- Who takes responsibility for the actions of those that would supply the vessels and seismic equipment for the project,
- The poor consultation,
- The myriad of impacts to marine species that [REDACTED] and [REDACTED] [REDACTED] have written to NOPSEMA about previously,
- The inability for many of the impacts to be adequately mitigated, and
- The silent partner of the proponent under investigation for past non-compliance in this same piece of ocean,

... we ask that the TGS Environment Plan be rejected.

We look forward to receiving your response to the above, including answers to our questions highlighted in yellow.

Yours Sincerely,

[REDACTED]
[REDACTED]
e: [REDACTED]
Find us on [REDACTED]

[REDACTED]