



Montara Commission of Inquiry
GPO Box 890
CANBERRA ACT 2601

22 December 2009

Dear Sir,

SUBMISSION

Due to resourcing difficulties and the very late notice we received in regard to the submission period we are unable to provide, at this stage, a detailed and comprehensive submission to the Inquiry. We would like to provide further detail at a later stage if possible.

WAFIC is the peak industry body for the fishing, pearling and aquaculture industries that operate off the Western Australian Coast. Our membership includes fishing sector bodies such as the Western Rock Lobster Council and Pearl Producers Association, individual fishing and processing companies and individual fishers. One of our members is the Kimberley Professional Fishermen's Association who represent the interests of the Northern Demersal Scalefish Fishery which operates directly in the area of the oil spill.

Our concerns relating to the events surrounding the Montara oil spill relate to three matters. These are:

1. Consultation

We had great difficulty establishing a clear process with Government agencies in regard to a consistent and accurate flow of information as to the nature and extent of the spill. Consequently our members who commercially fish in the area impacted by the oil spill were not directly apprised of safety concerns and any regulatory requirements such as exclusion zones.

We had set up a communication link for industry members who operate in the area and hold commercial interests to provide on ground information. Unfortunately we were unable to establish a reliable link with Government agencies responsible for the management of activities surrounding the spill. We understand that regular briefings were provided to relevant Government agencies with statutory responsibility for activities in the area but we were informed that these briefings were confidential and could not be made available to WAFIC. Instead we received potted advice at irregular intervals from the Australian Fish Management Authority (AFMA).

We do not wish to unduly criticise AFMA as its responsibilities only extend to the management of Commonwealth fisheries and not State fisheries. The relevant point is that at no stage did the Government ensure that clear, regular

and consistent advice was provided to commercial fishing interests who operate in the area. There clearly is a weakness in the Government's oil spill contingency plan in this regard.

2. Monitoring of long term impacts on fish stocks

We understand that there is some doubt as to the commitment by PTTEP to fund the proposed research programme by the Department of Fisheries to enable appropriate monitoring of any impacts as a result of the spill.

As we further understand it is unlikely that any impacts on fish stocks will be fully detected for a considerable period of time. This time lag is due to the period for larval fish to grow and eventually recruit into mature populations. It is the larval fish species that would have been most at risk as some of the species have a pelagic larval life cycle and thus would be particularly vulnerable to surface oil. For other species with a demersal larval life cycle the use of dispersants may have resulted in these being impacted.

It is our view that the Company should be compelled to fund the necessary monitoring programmes over an extended period which would enable the impacts of the spill to be determined.

3. Economic impacts on the fishing industry

In the event that it can be reasonably determined that the spill has significantly impacted on populations of fishes commercially fished we believe the Company should provide a commitment that it will compensate affected fisheries.

In the absence of such a commitment it is our view that there is a role for Government to provide a legal obligation on the company to fairly address the economic consequences on commercial fisheries that operate in the area of the spill. It would be unfortunate to leave this matter to be determined by the Courts given the traumatic experience of fishing communities as a result of the Exxon Valdez spill in Alaska.

Yours sincerely,



Guy Leyland
EXECUTIVE OFFICER