



Environmental Defenders Office

11 October 2023

Ads Standards
PO Box 5110
BRADDON ACT 2612

Complaint lodged via website at: www.adstandards.com.au

Complaint about website content of Woodside Energy Group Ltd

1. We act for Greenpeace Australia Pacific Ltd (**Greenpeace**). Greenpeace is a leading independent campaigning organisation that uses peaceful protest and creative confrontation to expose global environmental problems and promote solutions that are essential to a green and peaceful future.
2. Our client requests that you investigate whether certain statements made by Woodside Energy Group Ltd (**Woodside**) in its marketing information “Seismic 101”¹ on its website, reproduced at **Annexure A**, are in breach of the Environmental Claims Code adopted by AANA as part of advertising and marketing self-regulation (the **Code**).

Claims by Woodside

3. Woodside makes the following statements on its website² which are directed at promoting, directly or indirectly, the benefits of Woodside’s approach to managing the environmental impacts of seismic surveys:
 - (a) *“Woodside has invested in more than 30 years of scientific research with partners such as the Australian Institute of Marine Science to help inform our approach to seismic surveying and the measures we use to reduce impacts to the marine environment...”*

These measures include:

...

- *“avoiding migration and breeding seasons for sound-sensitive marine species;*
- ***deploying marine fauna observers** to ensure work is paused if marine mammals are detected close to the survey vessel.”*

¹ Woodside *Seismic 101* Retrieved from <https://www.woodside.com/media-centre/news-stories/story/seismic-101> (accessed 5 October 2023).

² Woodside Energy Group Ltd, ‘Seismic 101’, <https://www.woodside.com/media-centre/news-stories/story/seismic-101> (accessed 29 September 2023); ‘Woodside Energy Fact Checker’, <https://www.woodside.com/media-centre/woodside-energy-fact-checker> (accessed 28 September 2023).

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*“For example, for Woodside’s Scarborough Project, the **survey area is outside of whale migration routes, ...**”*

(together, the **Statements**).

4. Our client considers that the Statements, alone or in combination, represent, expressly or by implication, that:
 - (a) Woodside’s seismic testing for the Scarborough Project is outside the whale migration routes (**Migration Route Claim**); and
 - (b) Work will be paused if marine fauna observers detect marine mammals close to survey vessel (**Observer Detection Claim**).(together, the **Claims**).
5. Our client considers that the Claims may breach sections 1(a), 1(b), 1(c), 2(a), 2(b) and / or 3(a) of the Code for the following reasons.

Why Woodside’s Claims breach the Code

Meaning of Environmental Claim

6. The Code defines ‘Environmental Claim’ to mean:

any express or implied representation that an aspect of a product or service as a whole, or a component or packaging of, or a quality relating to, a product or service, interacts with or influences (or has the capacity to interact with or influence) the Environment.

7. The Claims are Environmental Claims to which the Code applies because they are express representations about the interaction of Woodside’s seismic surveys with the Environment (as defined in the Code). They have been published by Woodside on its website to promote its processes for seismic surveys and minimise perceived harm associated with seismic surveys.
8. The Claims imply that Woodsides’ seismic surveys avoid whale migration routes, and that work will be paused in the event marine mammals are observed close to the survey vessel by the marine fauna observers. The Claims provide little if any information on the overlap of the seismic survey areas with known whale migration routes; and the use of marine fauna observers only during daylight hours while seismic surveying is conducted 24 hours per day. There are insufficient disclosures and supporting information provided to allow evaluation of the impact of the seismic surveys, which may inadvertently mislead consumers.

Relevant provisions of the Code

9. Our client considers the Claims may breach the following provisions of the Code:

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- (a) s 1(a), which provides that Environmental Claims shall not be misleading or deceptive or be likely to mislead or deceive;
- (b) S 1(b), which provides that Environmental Claims shall display any disclaimers or important limitations and qualifications prominently, in clear, plain and specific language;
- (c) s 1(c), which provides that Environmental Claims shall represent the attributes or extent of the environmental benefits or limitations as they relate to a particular aspect of a product or service in a manner that can be clearly understood by the consumer;
- (d) s 2(a), which provides that Environmental Claims must be relevant, specific and clearly explain the significance of the claim;
- (e) s 2(b), which provides that Environmental Claims must not overstate the claim expressly or by implication;
- (f) s 3(a), which provides that Environmental Claims shall be substantiated and verifiable. Supporting information shall include sufficient detail to allow evaluation of a claim.

Migration Route Claim

10. Woodside's Migration Route Claim may breach the Code in representing that Woodside's seismic surveys are outside whale migration routes. As discussed below, Woodside's own Environmental Plan discloses that there are reported occurrences of whales migrating outside the known migration routes and through the seismic surveying operational area of the Scarborough project. This contradiction is not disclosed in any disclaimers or limitations of the seismic surveys or made clear on Woodside's Migration Route Claim on its website.
11. Woodside's Scarborough Seismic Environmental Plan, as assessed by NOPSEMA, discloses that peer reviewed research indicates the increased possibility of blue whale presence in and around the Operational Area.³ The research shows that high use (in both length of time and number of whales) and low move persistence off north-west Western Australia occurred, suggesting evidence of foraging.⁴
12. Further, Woodside's Scarborough Seismic Environment Plan includes the following figure which shows one of the 22 whales tracked migrates west of the pygmy blue whale biologically important area (**BIA**) migration route, entering the seismic survey operational area. This indicates that while

³ NOPSEMA Statement of Reasons relating to the Acceptance (with Conditions) of the Scarborough 4D B1 Marine Seismic Survey Environment Plan at 14. Retrieved from <https://docs.nopsema.gov.au/A855184>.

⁴ Thums, M., Ferreira, L., Jenner, C., Jenner, M., Harris, D., Davenport, A., Andrews-Goff, V., Double, M., Moller, L., Attard, C., Bilgmann, K., Thomson, P., and McCauley, R. (2022) Pygmy blue whale movement, distribution and important areas in the Eastern Indian Ocean Retrieved from <https://www.sciencedirect.com/science/article/pii/S2351989422000567?via%3Dihub>.

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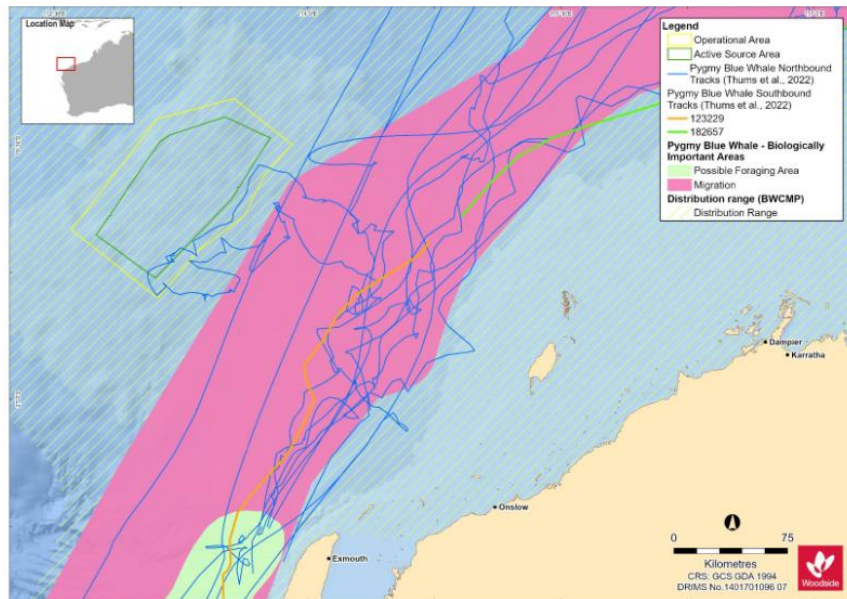
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the migration path represents the area most used by whales for migration, it is evident that whales do not stay wholly within the BIA migratory path. Moreover, the small sample size used by Woodside for its Environment Plan is arguably not representative of the pygmy blue whale population, nor of the other whale species that migrate through the region which may attribute similar behaviours.



Source: Woodside Scarborough 4D B1 Marine Seismic Survey Environment Plan⁵

13. Known migration outside the BIA is further supported by research referenced in Woodside's Scarborough Seismic Environment Plan.⁶ This research also shows that the blue whales migrate west of the BIA and through the proposed Operational Area. The figure below shows the migration BIA and the known distribution of the pygmy blue whales which is clearly to the west

⁵ Retrieved from <https://docs.nopsema.gov.au/A941007>.

⁶ Thums, M., Ferreira, L., Jenner, C., Jenner, M., Harris, D., Davenport, A., Andrews-Goff, V., Double, M., Moller, L., Attard, C., Bilgmann, K., Thomson, P., and McCauley, R. (2022) Pygmy blue whale movement, distribution and important areas in the Eastern Indian Ocean Retrieved from <https://www.sciencedirect.com/science/article/pii/S2351989422000567?via%3Dihub>.

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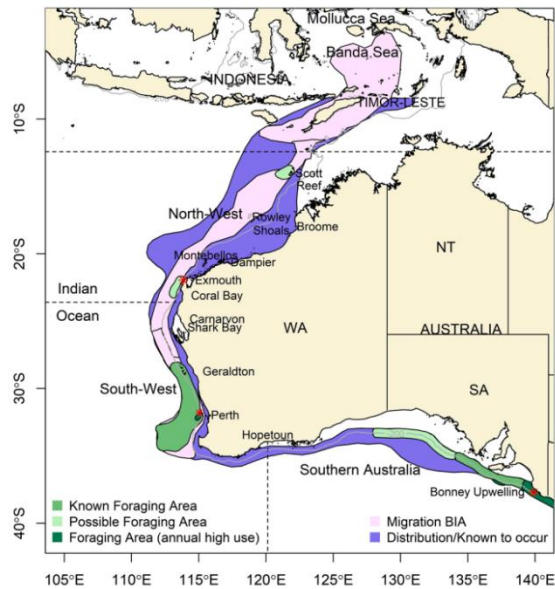
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and outside the migration BIA. This is the same region in which the Scarborough seismic surveys are proposed.



Source: Thums et al. retrieved from <https://www.sciencedirect.com/science/article/pii/S2351989422000567?via%3Dihub>

14. The following figure, extracted from the Western Australian Humpback Whale Migration Route IMMA⁷ (the **MMPA Task Force research**), shows movements of tagged humpback whales off the Western Australian coast and indicates again, that whales are tracked outside the “identified” whale migration routes. The MMPA Taskforce Research has found that there is increasing evidence of more calves being born on the Ningaloo Coast near Exmouth Gulf, which is also an identified resting area for humpback whales. It is in this area the whales have been found to

⁷ Marine Mammal Protected Areas Task Force *Western Australian Humpback Whale Migration Route IMMA*
Retrieved from <https://www.marinemammalhabitat.org/wp-content/uploads/imma-factsheets/AustralianNewZealandSoutheastIndianOcean/WA-Humpback-Whale-Migration-Route-AustralianNewZealandSoutheastIndianOcean.pdf>.

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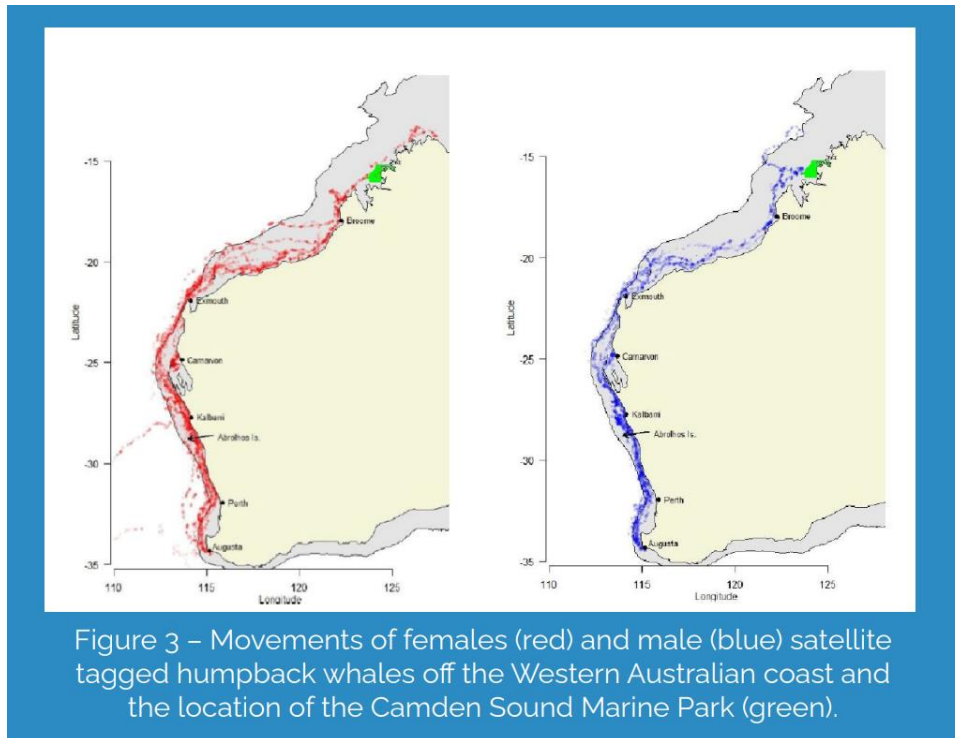
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migrate outside the identified whale migration route where the continental slope occurs close to the coast.⁸



15. The Migration Route Claim specifically states the survey area is outside of whale migration routes which, based on the evidence above, is not supported and, without the requisite disclaimers and qualifications, may mislead consumers.
16. For these reasons, the Woodside Migration Route Claim potentially contravenes:
 - (a) s1(a) of the Code: it is misleading or deceptive or likely to mislead or deceive, as an average consumer would likely be misled into thinking that seismic testing will be outside the whale migration route. The omission of information showing the project area overlaps observed migration routes, and information which shows that whales are known to migrate outside the known route and overlap with the project area is likely to mislead or deceive.
 - (b) s 1(b) of the Code: there are no disclaimers that qualify the representation that the project in fact overlaps with known whale migration routes.

⁸ Marine Mammal Protected Areas Task Force *Western Australian Humpback Whale Migration Route IMMA* Retrieved from <https://www.marinemammalhabitat.org/wp-content/uploads/imma-factsheets/AustralianNewZealandSoutheastIndianOcean/WA-Humpback-Whale-Migration-Route-AustralianNewZealandSoutheastIndianOcean.pdf>.



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- (c) S 2(a) of the Code: the known overlap of the project area and the whale migration route are not sufficiently specific and clear and creates an overall misleading impression that the seismic surveys for the Scarborough Project are outside whale migration routes.
- (d) s 3(a) of the Code: the claim does not include sufficient detail to allow a consumer to evaluate and verify the claim that seismic surveys for the Scarborough Project will be outside the whale migration routes.

Observer Detection Claim

17. Woodside's Observer Detection Claim states that Woodside has included measures to reduce potential impacts of seismic surveys to the marine environment including the deployment of qualified marine fauna observers to ensure work is paused if marine animals are detected close to the survey vessel. The claim does not provide disclaimers or limitations concerning the work hours of marine fauna observers nor the hours of seismic survey operations. The lack of clarification or disclaimers outlining the hours of operations of both observers and seismic operations may mislead consumers to believe work will be paused at any time whales are close to the survey vessel during the seismic surveys.
18. In the YouTube video embedded in Seismic Surveys 101,⁹ Woodside state that the role of the marine fauna observers on board the seismic vessel is to record the presence of animals like whales, dolphins and turtles to ensure that no animals sensitive to low-frequency sounds are nearby prior to starting the sound source. The YouTube video also states that the observers work only during daylight hours.¹⁰ There is no disclosure that the seismic surveys are carried out 24 hours a day for up to 80 days.¹¹
19. The lack of a disclaimer, limitation or qualification on the Observer Detection Claim outlining the continuation of the seismic testing during hours of darkness results in the claim being potentially misleading or deceiving. Consumers are led to believe that the operations will be paused to ensure no harm comes to marine animals. If the marine fauna observers are not working throughout the hours of darkness while the seismic surveys continue, this claim cannot be substantiated by consumers and is therefore likely to be misleading.
20. For these reasons, the Observer Detection Claim potentially contravenes:
 - (a) s 1(b) of the Code: the claim implies that the seismic surveys will be paused if the marine observers detect marine fauna in the vicinity of the seismic vessel. A clear qualification should be included to address the fact that the seismic surveys continue 24 hours a day while the marine fauna observers only work during daylight hours. The lack of

⁹ Oil and Gas 101: Offshore Seismic Surveys at Woodside. Retrieved from [youtube.com/watch?v=hXTcnd1pXBU](https://www.youtube.com/watch?v=hXTcnd1pXBU).

¹⁰ Woodside Energy, Oil and Gas 101: Offshore Seismic Surveys at Woodside. Retrieved from <https://www.youtube.com/watch?v=hXTcnd1pXBU>.

¹¹ NOPSEMA Statement of Reasons relating to the Acceptance (with Conditions) of the Scarborough 4D B1 Marine Seismic Survey Environment Plan. Retrieved from <https://docs.nopsema.gov.au/A855184>.

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qualification or disclaimer means that the claim is not capable of standing alone without being misleading.

21. For the above reasons, our client considers that the Claims may breach sections 1(a), 1(b), 1(c), 2(a), 2(b) and / or 3(a) of the Code.
22. If you have any queries, please do not hesitate to contact us by email at kirsty.ruddock@edo.org.au and tracey.lynch@edo.org.au.

Yours faithfully

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Annexure A – Copy of the Claims on Woodside’s website as at September 2023

Source: Woodside Energy Group Ltd, ‘Seismic 101’, <https://www.woodside.com/media-centre/news-stories/story/seismic-101>, accessed 29 September 2023.

What are seismic surveys?

Seismic surveys are typically used to identify potential oil and gas reservoirs, but they have other applications.

Seismic surveys can identify reservoirs suitable for storing carbon dioxide to prevent it entering the atmosphere and contributing to climate change.

Marine seismic surveys are carried out by specialised ships that tow an array of acoustic sources and receivers across a defined area. Watch the video to find out more!



What controls are in place?

Woodside’s seismic surveys are conducted under strict Australian and international regulations and management controls.

These controls include measures designed to reduce the risk of potential impacts to whales and other marine fauna.

Available evidence shows that, when properly planned and mitigated, seismic surveys do not result in impacts to marine fauna populations, although the seismic sound source has the potential to temporarily affect an individual whale’s hearing, behaviours and communication.

Woodside has invested in more than 30 years of scientific research with partners such as the Australian Institute of Marine Science to support our environmental management approach and the measures we use to reduce potential impacts to the marine environment.

These measures form an integral part of Woodside’s Environment Plans, which are developed over a number of years and are assessed by NOPSEMA - Australia’s offshore oil and gas industry regulator.

These measures include:

- designing the survey to limit impacts in environmentally sensitive areas,
- avoiding migration and breeding seasons for sound-sensitive marine species,
- deploying marine fauna observers to ensure work is paused if marine mammals are detected close to the survey vessel; and
- implementing no-go zones adjacent to biodiverse offshore reefs.

For example, for Woodside’s Scarborough Project, the survey area is outside of whale migration routes, but the survey has been approved by NOPSEMA on the basis that monitoring is undertaken and that measures are in place to avoid or minimise the potential for impacts to marine fauna.

Industry collaboration, new technology and scientific research continues to improve the way our industry conducts seismic surveys.

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Source: Woodside Energy Group Ltd, 'Woodside Energy Fact Checker', <https://www.woodside.com/media-centre/woodside-energy-fact-checker>, accessed 28 September 2023.

Seismic surveys and managing environmental impacts

Marine seismic surveys are common around the world and have been safely used by industry for decades.

Seismic surveys are typically used to identify potential oil and gas reservoirs, but they have other applications.

Seismic surveys can identify reservoirs suitable for storing carbon dioxide to prevent it entering the atmosphere and contributing to climate change.

Marine seismic surveys are carried out by specialised ships that tow an array of acoustic sources and receivers across a defined area.

Woodside's seismic surveys are conducted under strict Australian and international regulations and management controls.

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Available evidence shows that, when properly planned and mitigated, seismic surveys do not result in impacts to marine fauna populations, although the seismic sound source has the potential to temporarily affect an individual whale's hearing, behaviours and communication.

Woodside has invested in more than 30 years of scientific research with partners such as the Australian Institute of Marine Science to help inform our approach to seismic surveying and the measures we use to reduce impacts to the marine environment.

These measures form an integral part of Woodside's Environment Plans, which are developed over a number of years and are assessed by NOPSEMA - Australia's offshore oil and gas industry regulator.

These measures include:

- **designing the survey to limit impacts in environmentally sensitive areas,**
- **avoiding migration and breeding seasons for sound-sensitive marine species,**
- **deploying marine fauna observers to ensure work is paused if marine mammals are detected close to the survey vessel; and**
- **implementing no-go zones adjacent to biodiverse offshore reefs.**

Industry collaboration, new technology and scientific research continues to improve the way our industry conducts seismic surveys.

For more information you can [watch a video](#) on offshore seismic surveys or visit [NOPSEMA's website](#).

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