

SUBMISSION TO THE SCIENTIFIC INQUIRY INTO HYDRAULIC FRACTURING IN THE NORTHERN TERRITORY 5 February 2018

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May I begin by congratulating the Panel on the comprehensiveness and thoroughness of its report? Considering the unusually wide scope of its inquiry, its mandate to consult widely with Territorians, the inadequacy of current knowledge levels, and the seriousness of the consequences of its recommendations, the report is a remarkable achievement. Thank you.

Seven months ago when I made my first presentation to the Inquiry, I expressed in some detail the reasons for my scepticism, well actually my incredulity, that the current or any previous NT government had the capacity, the will, or the financial resources to implement 'stringent regulations' in any area of its operations. This report has strengthened that belief.

The most contemporary case study of mine regulation (or the absence thereof) is McArthur River Mine, which I discussed in some detail in my previous presentation. The situation has not improved. A simple google of MacArthur River Mine is indicative:

- MRM dumps toxic waste at wrong site
- Toxic waste rock an ongoing problem
- Glencore's MRM pays zero royalties once again
- They get rich and go
- Authorities oblivious to toxic mine breaches

The message is nothing if not consistent, but the government appears to be impotent. Either it will not or cannot act to stop this outrageous degradation of our environment, curtail the long term costs to the community, or communicate with and protect the Indigenous landowners - (except to advise them 18 months after they first learnt of the toxic pollution of their water to limit their consumption of fish to two small serves a week!)

We know that Glencore has not only failed to contribute its due royalties but is claiming it cannot afford to return the toxic waste to the pits as adequate rehabilitation of the mine demands. Instead it will be left on the surface to erode its toxic legacy onto the land and into the water every wet season. What does this tell us about the likelihood of enforcement of the Inquiry's recommendations for Government to mandate minimum requirements for the abandonment of onshore shale gas wells in the NT, and its insistence that such regulations must be enforceable? How can this be taken seriously in the light of the NT's abject failure to control McArthur River Mine, in a Territory which hosts some of Australia's worst examples of toxic abandoned mines?

The report is outstanding in clearly and comprehensively outlining the multitude of issues that would need to be addressed to ensure the safety and integrity of hydraulic fracking:

- water (quality and quantity)
- land
- air
- public health
- Aboriginal people and their culture
- social impacts
- economic impacts
- land access
- regulatory reform

There are no fewer than 19 detailed recommendations with regard to the regulation of water, 16 regulations to minimise the impact on land, plus very specific recommendations on all the other topics listed.

The Inquiry report is honest in its acknowledgement that for most people attending public hearings and the community forums "the consensus was that hydraulic fracturing of onshore shale gas in the NT is not safe, is not trusted, and is not wanted".

It acknowledged the unacceptability of the current arrangement whereby the DPIR is both the regulator and promoter of any onshore shale gas industry, which rules out the possibility of it making independent decisions. It recognises the consequent necessity to separate the two responsibilities.

In its recognition of the need to improve decision making, the Panel has made recommendations to increase the transparency of the decision-making process, the accountability of the decision-maker, and the quality of the decision-making.

With regard to the environmental impacts of fracking, it is refreshing to read of the Panel's awareness both of the need for adequate pre-development assessment, and environmental baseline data, but also its recognition of the NT's substantive lack of the basic information so essential for informed decision-making. One can only speculate on the likelihood of realistic funding to enable the collection of this baseline biological data essential for rational decision-making.

Attention has been given to the particular requirements for fair and balanced agreement-making processes for land owners. The impact that the development of any onshore gas industry will have on Aboriginal people their land and their culture is addressed, while acknowledging the current inadequate communication processes.

Of particular interest to me is the section of the report concerning regulation. I am puzzled by the statement that

'Regulatory reform is considered by the Panel to be a mitigating factor rather than a risk requiring assessment. That is, if the regulatory framework is sufficiently robust in content and implementation, it SHOULD (emphasis mine) reduce the risks posed by the development of any onshore shale gas development'.

At this stage I wondered why I was bothering to participate at all. Regulatory reform? Where in the Northern Territory is there evidence of the enforcement by the Government of any current "regulatory regime"? What is the basis for the confidence of the above claim? Is this just a case of the panel 'whistling in the wind'?

Re-reading the report I became painfully aware of the number of times it speaks of 'low risk', of 'reducing risk', of 'minimising risk'. And even this minimisation of risk is dependent on the legislation and implementation of the detailed recommendations in the report. What is revealed, and this honesty is to the credit of the panel members, is that even under the most controlled and propitious of circumstances hydraulic fracturing involves undeniable risk!

What reason is there for the Northern Territory to take such serious risks to the land, to the water, to a unique biodiversity, to our inheritance, to current and future generations? Do we have the right to force our decisions on them simply for our perceived, questionable short term economic advantage?

Why are we still rooted in the mindset of earlier centuries - caricatured as 'if it moves shoot it, otherwise cut it down, dig it up and ship it out!' Do we have the right to jeopardise the next generation's chance to participate in the new industries of the twenty-first century?

No wonder respondents don't trust politicians, whose vision is limited to the next election. No wonder when our PM, Treasurer, and Minister for Resources are still quoting 10,000, 12,000 and 14,000 jobs at the proposed Adani coal mine, despite Mr Adani, under oath in court in India estimating 'up to 1200 jobs in the construction stage but confirming that the mine itself will be 95% robotic'. Their predictions for the jobs that will be created if the NT Government opens up to fracking are equally fanciful. Nor is the economic modelling commissioned by the Panel measuring the impact of hydraulic fracturing on existing industries convincing, and is in direct contradiction of the independent modelling of the Australia Institute.

The report to me is problematic, not because its analysis is at fault, but because all those qualifications to its qualified support for hydraulic fracturing will be ignored and will instead be seized upon by the politicians and mining industry as a green light to forge ahead.

There is a major credibility gap, a quantum leap, from the report's analysis and detailed recommendations to its final assurance that:

... the conclusion of this Inquiry is that the challenges and risks associated with any shale gas industry in the NT are manageable.

This can only confirm my pessimism.
Thank you.