



## ***Darwin – Jo Vandermark***

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***Speaker: Jo Vandermark***

Jo Vandermark: Jo Vandermark. Private citizen, resident of the NT for the 23 years, which includes nine years in Kakadu and years in a number of remote communities. May I begin by congratulating the panel on the comprehensiveness and thoroughness of the 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; so thank you.

Seven months ago, when I made my first presentation to the inquiry, I expressed in some detail the reasons for my scepticism, 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 of its 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 the McArthur River mine is indicative. 'MRM dumps toxic waste in wrong site.', 'Toxic waste rock an going problem.', 'Glencore's McArthur River Mine pays zero royalties once again. They get rich in gold.', 'Authorities oblivious to toxic mine reaches.'.

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 cost of the community, or communicate with and protect the indigenous land owners; except to advise them 18 months after they first knew of the toxic pollution of their river 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 an enforcement of the inquiries recommendations for governments to mandate minimum



requirements to the abandonment of onshore shale gas wells in the Northern Territory? Its insistence at 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 the Territory which hosts some of the 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 fracturing. Water will attain quantity, land, air, public health, aboriginal people and their culture, social impacts, economic impacts, land excess, regulation re-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's honest in its acknowledgement that for most people attending public hearings and the community forums wrote 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 making independent decisions. It recognises the consequent necessity to separate these 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 basic information so essential for informed decision making. One can only speculate on the likelihood of realistic funding to enable a 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 [inaudible] of any onshore gas industry will have on aboriginal people, their land, 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'm puzzled by the statement that quote, "Regulation reform is considered by the panel to be a mitigating factor rather than a risk requiring assessment. That is if the regulator 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 wonder why I was bothering to participate at all. Regulation reform? Where in the Northern Territory is there evidence of the enforcement by the government at any current regulatory regime? What is the basis for the panel's confidence in the above plan? Or 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. Even this minimization 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 our 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, highly 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 options to participate in the new industries of the 21st century?

No wonder the respondents don't trust politicians, whose vision is limited to the next election. No wonder, when our PM, Treasurer and Minister of 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 would be 95% robotic.

The federal government's predictions for the jobs that will be created, if the NT government only 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 to 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 the 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's a major credibility gap. A quantum leap from the reports, 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 only confirms my pessimism. Thank you.

Jo Vandermark: Thank you very much. Any questions? Yes, Dr. Jones.

Dr. David Jones: I guess, a question about your comment on regulation. If I take what you say correctly, you're saying that, that is actually a risk in itself which is worth analysis rather than being in mitigation. Is that ... ?



Jo Vandermark: Both. In my previous presentation-

Hon. Justice Pepper: I do, actually.

Jo Vandermark: I talked quite a bit about regulation and gave various examples from the Northern Territory of how even the most simple regulatory regimes have failed to be enforced, let alone the more demanding ones like McArthur River Mine.

I really don't understand your confidence in the fact that all these risks are manageable. Considering, because the question, probably not from the last speaker. One of the questions is, who is responsible for taking the risks? Who will be answerable for the risks and the consequences of the risks?

Jo Vandermark: Any further questions? Did you have one, Barry? No?

Prof. Barry Hart: No.

Hon. Justice Pepper: Thank you. Again, thank you very much for your articulate and passionate presentation. It's very much appreciated. It is very much appreciated by the panel. Thank you for taking the time to present again, to the panel.

Jo Vandermark: Thank you.