



Darwin - Billee McGinley

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Speaker: Billee McGinley

Billee McGinley: So, yeah. My name is Billee McGinley, I'm just representing myself. I'll acknowledge firstly that we meet on Larrakia and pay my respects to the elders, past and present. And pay my respects to all the elders past and present of lands we're speaking of today. Last time we met in much more casual circumstances at Humpty Doo community forum on a Friday afternoon. There was only a couple of us that turned up so we got to sit around and have a bit more of a casual conversation, which was nice.

So, I got this great slide up here and you know, sort of pulling on what Naomi was saying from Lock the Gate is, we can't really trust these oil and gas companies. Last time I introduced myself in detail, I'm not a fly-in, fly-out activist. My concerns about fracking aren't based on anxiety. I'm qualified and practiced as a scientist in the area of natural resource management, and these companies you seem to be handing, sorry, I do feel you're handing fracking to, on a silver platter to, are fly-in, fly-out profit driven environmental vandals and criminals as case may now be presented.

At the last hearing, I discussed about ecological sustainable development and reflected on AST history in the Northern Territory and gave the opinion that this has not been enforced on a number of occasions where maybe it should have been or ever been enforced. It seems to be no stop on development no matter what the risks, certain or uncertain. The territory has become an environmental crime scene and I think if the stop button is gonna be pressed, it needs to be now with hydraulic fracturing. I'll just go to the next slide. In the last meeting, am I pointing this in a particular direction?

Billee McGinley: Okay.

Hon. Justice Pepper: You got it now.

Billee McGinley: Okay. So at the last hearing I also raised my concerns with this sentence at the beginning of the report, which I feel just sort of sets the scene for the whole inquiry really. I know that the inquiry sets out to look at what regulations can be used to mitigate risks, this sentence sets the scene and



sort of makes this assumption that, if there's good regulations, there's less environmental problems. At the time of the hearing, I didn't follow that question up at the end of my presentation but discussed it with you a bit more at the community forum. It took a while, it's different logic I suppose and it was acknowledged what I was talking about. As I was leaving the community forum, Justice Pepper came up to me quietly and said that they probably wouldn't be changing that sentence. So yeah, it's an interesting sentence and I'll go back to that a bit later on.

Next one. So just in terms of my comments about any inquiry, seem to be handing out fracking to the Northern Territory Government and the industry on a silver platter, even the oil industry has commented on that themselves and saying that, this is just interim report phase that's it's being qualified positive for Falcon Origin, major recommendations consist with other Australian International views is that the environment associated with hydraulic fracking can be majorly affected subjected to creation of a robust regulatory regime. So again set on that premise that regulations mitigate risks.

I'm not meaning to highlight this sentence more, it's just to put on the other slide. Indeed the inquiry actually said there were risks that groundwater or so could be contaminated by chemicals but this could be contained by system management strategies. Anyway, we'll get onto some more of the nitty gritty I suppose but not as nitty gritty as Naomi from Lock The Gate. So I'll start with your recommendations that are a very important matter, climate change and justifications for these. It's referenced quite a bit in this section Scone et al life cycle analysis of natural gas extraction and power generation. It's the report, makes the statement that new technology and best practices have been out to reduce emissions to more acceptable levels and it seems this evidence has been used to go forth with the premise that it can be mitigated through best practices and new technologies.

The report, this Scone et al is actually produced by the National Energy Technology Laboratory which, you know, is hardly an independent source. So it says here the modal scenario produce emissions of 20 - 30% lower than historical practices and also in that reference it says that those technologies have not been achieved broad commercialisation. I just feel that's not really a strong point, it's not a strong reference and again, just shows me that there's so much other evidence out there and why hasn't the world caught up with this great news. Whereas since then, still scientists are saying that this is from an article shale gas is one of the less sustainable ways to produce electricity. Saying how high the emissions are and even though Shale gas has high emissions it also has the lowest employment rates. So it just feels like sometimes in this draft final report there is a filtering of information to paint that nice picture that all these risks can be mitigated. The World Bank has said to end financial support for oil and gas extraction because of the impacts on climate change and basically your recommendations don't really address the impact on climate change or make any comment about that whether it's sustainable or not. It just goes into we're just going to monitor, monitor, monitor and then introduce world



best practices whatever they are, which haven't been commercially produced.

There's further studies around too, you don't have to look far, that show at best you can reduce the greenhouse gas emissions to CSG levels and this particular report here actually comments on the Scone et al findings and the USEPA statements about reducing emissions and says that they are a little bit short sighted. The EPA subsequently reduced the estimates of upstream emissions cut relying on non-peer reviewed industry report. And then of course yesterday, just yesterday you were presented some very different views on greenhouse emission. So I just feel this is an example of, that I see throughout the report of, you've set the scene from the start that we can mitigate all of this and then just finding that evidence to prove it and not really interrogating that information and looking at what's happening worldwide or mainstream or peer reviewed. So that's just one example of climate change. Just down the road you've got Elon Musk Tesla in South Australia. Making deals on putting solar everywhere and we're talking about this fracking.

I've been searching through the report and my time is very limited. I'm not getting paid to assess this and it goes on about this world's best regulations a lot. You've decided to consult with Alberta Energy Regulator and British Columbia as well and neither of them have actually started doing shale gas on a commercial level, is that right? No. This is taken directly from Alberta Energies website saying, "has extensive experiences in development energy source". Oh it has started shale gas, but it hasn't created specific regulation for shale gas. It's still using CSG regulations. Just getting back to that sentence I suppose, in the report it says that regulatory form is considered by the panel to be a mitigating factor rather than a risk requiring assessment. So going back to that sentence from the start, I can't find the evidence or the report that's looked at fracking all over the world in different jurisdictions with different regulatory systems and come to a conclusion that there's modern ways to regulate this that are better and have less problems. Which is the basis or sets the scene for this whole inquiry.

Currently there are not statutes operating specifically for shale gas operations, again, another one. So that same oil industry report said that even though the fracking inquiries not making a decision about fracking in the territory, Mr Gunner has said that when the decision is made it will take only by the cabinet and government and solely on the recommendations of the Pepper inquiry. There is a responsibility in this inquiry to the end result as well. So I suppose just maybe a couple of questions, in relation to the new technologies and practices to reduce greenhouse emissions, can anyone on the panel elaborate on that. Maybe you Vaughan Beck, Dr Vaughan Beck? And why is that regulation considered a risk? Is one of my two main questions.

Hon. Justice Pepper: Sorry this is your opportunity to present to us.

Billee McGinley: Yeah, okay. So I can't ask questions?



- Hon. Justice Pepper: Yeah, again. If you just finish your presentation.
- Billee McGinley: I've finished, I'll just finish, yeah. And then probably just want to ask you cause I couldn't find it in the report.
- Hon. Justice Pepper: If there's something you can't find, then tell us-
- Billee McGinley: Yeah, sure.
- Hon. Justice Pepper: -And we can perhaps comment on that, I think that's probably the way to deal with it.
- Billee McGinley: Okay, no worries. Yeah, so just in relation to the new technologies and practices to reduce greenhouse emissions, can anyone elaborate on?
- Hon. Justice Pepper: Hold on, sorry for this to work, your comment is you couldn't find in the report, specification of those new technologies. Is that what your criticism is?
- Billee McGinley: There was a little bit of stuff, but yeah. If there is any further comment on that, from what I see it's not being used commercially yet. Have you seen evidence of that? Yeah. It did state some technical things have been implemented but not really what's being practiced.
- Hon. Justice Pepper: So, again if I could perhaps rephrase it, you would like to see more specificity in relation to what those new technologies are?
- Billee McGinley: Yeah whether they are ready to be adopted and commercially
- Hon. Justice Pepper: Okay.
- Billee McGinley: Yeah.
- Hon. Justice Pepper: We will take that on board, thank you. Anything further? Any questions?
- Billee McGinley: Was there any more comments, sorry, about this whole premise that, where are you getting your evidence that regulations can mitigate risks? A big question, I don't see that presented, it's just assumed from the start. I don't know if I'm missing something. Is there something in the background studies or terms of reference? But I don't see, to make that conclusion you would need to do a bit of research and analysis.
- Prof. Brian Priestly: Want to make a comment on that?
- Hon. Justice Pepper: Well again, this is your opportunity to present to us. I understand-
- Billee McGinley: Its my concern that [crosstalk].
- Hon. Justice Pepper: Hang on a second, please, please let me finish. That's your very powerful submission. If I understand your presentation correctly it's your principal



submission that regulation isn't the answer as you say we've said in the draft final report. Have I understood that submission correctly?

Billee McGinley: I think it's just an assumption. Like other people say there's still uncertainty around controlling these risks. But this inquiry is saying there is an uncertainty around controlling these risks. So therefore we will continue on now and we'll write a report about how we can regulate it. So I just feel like the inquiry is not really, I think it's selling short the risks and using smoke and mirrors basically with all these regulatory recommendations to cover up the risks. I just don't see the evidence to set that premise.

Hon. Justice Pepper: I understand that submission. And I suppose you accept that you would like to ask more detailed questions of the panel. Just a reminder that we will be starting this week, our community forums.

Billee McGinley: Unfortunately, can't make it.

Hon. Justice Pepper: They will be, of course, in Humpty Doo in the Friday evening and Darwin on the Saturday morning. Sorry, Dr Jones had a comment, more a question.

Dr. Dr. David Jones: Just in terms of evidence about the effectiveness of regulation, there is actually a body of published work which has looked at improvements and regulation through time. And actually has been in distinct correlation with a marked decrease in a number of incidences as a result of that increased regulation. So there is actually an evidentiary base in saying that improved regulation has led to improved performance. Might not be 100% performance but it has certainly reduced the-

Billee McGinley: Yes, okay.

Dr. David Jones: -Number of incidences that are occurring.

Billee McGinley: Okay, great. And where can I find that sorry?

Hon. Justice Pepper: Again, I'll leave you to do your own research. But I think Dr Beck has a question.

Dr. Vaughan Beck: Yes, in terms of greenhouse gases, just let me observe in the report there is a description of what new regulations have been implemented in the United States. There is a description of those regulations and as a result of those implementations the emission in the United States have dropped. So there's been a marked relationship between introduction of regulations and changes in emissions.

Billee McGinley: But you know, they haven't reduced it too remarkably or reduced them completely. It's still an issue, it's still a climate change issue, still producing greenhouse gases at CSG levels according to some people, at best.

Dr. Vaughan Beck: As I said, they've reduced them, they haven't eliminated them and in most activities, not all. It's very difficult to eliminate risk to zero. So there is always some residual. What we've done is indicate a raft of activities not



only greenhouse gases but in other areas as well, our recommendations for implementation that will reduce the level of risk to something that is either low or acceptable. And in greenhouse gases the assessed risk was medium and then with mitigation it was deemed to be acceptable. And a raft of recommendations prescribed in the draft final report.

Billee McGinley: Okay.

Hon. Justice Pepper: Thank you very much for coming today and presentation. What's, sorry one final question, what's the date on the article? The article says January 23rd, what's the date on the article? Have you given us a link to the entire article? The reason I ask is because we have a recommendation in relation to whistleblower protection.

Billee McGinley: The 24th of the first, 2017.

Hon. Justice Pepper: This year? So we can find it this year? Thank you very much. [crosstalk]

Billee McGinley: Last year, I'm sorry last year.

Hon. Justice Pepper: That's what happens when you do an inquiry, you lose sense of time. Thank you very much for coming today and we'll chase that article down. We will have a very short break now.