

Northern Territory Hydraulic Fracturing Taskforce

Dear Justice Pepper,

One of the fundamental questions the Northern Territory Inquiry has to consider is, if the unconventional gas industry is permitted in the Northern Territory, can it or can it not be regulated into safety.

There are some salient events evolving which reinforce the answer that this industry cannot be regulated into safety.

Corruption of due process

At a local level, I don't doubt you are intimately aware of the overt corruption of process which has already been demonstrated by the consultants tasked with undertaking the social impact report commissioned by the Northern Territory Inquiry.

<http://www.abc.net.au/news/2017-10-07/nt-indigenous-community-urged-to-consider-fracking-benefits/9022170>

At a national level it is apparent that the politicians who make the laws that the rest of us have to abide by wish to push through unconventional gas development regardless of consequences.

Despite the fact that the Northern Territory Scientific Inquiry is still ongoing, and in New South Wales the Narrabri Gas Project EIS is undergoing appropriate scrutiny regarding environmental approval, federal politicians have adopted an attitude of supporting the industry and bullying the states into accepting it at all costs. "The Turnbull government has flagged it could use the GST carve-up to try to force states to end bans on gas exploration and development."

<http://www.sbs.com.au/news/article/2017/10/01/states-gas-bans-could-lose-gst>

Our previous prime minister Tony Abbott has gone so far as to say that defence powers should be used to force states to approve mining projects.

<http://www.news.com.au/finance/business/mining/tony-abbott-says-defence-powers-should-be-used-to-force-states-to-approve-mining-projects/news-story/d5fbbd8de55dbc4658765dc8fc1a9efe>

When due process, the planning legal framework, and an approach based on evidence is being actively and openly interfered with by the most powerful politicians in the land, what protection would "regulations" give?

Where would the money (and the political will) come from to continually monitor such vast tracts of land, (from now to eternity) and where would the money (and political will) come from to enforce consequences?

Regulations can be changed.

In Queensland according to Premier Palaszczuk we have the “strictest environmental regulations.”

No doubt if unconventional gas were permitted Territorians would also be reassured that the companies were required to conform to the strictest Environmental Authorities. But how long would it be before the EAs were changed?

In Queensland yet another change in EA is in progress. This time Shell has applied to the (misnamed) Department of the Environment and Heritage Protection for a major change to the Curtis Island site’s environmental authority to increase smoky flaring from 30minutes to several hours at a time.

As the Gladstone Conservation Council rightly points out:

"Changing the Environmental Authority to allow more pollution instead of insisting that QGC fix the problem sends a message that 'anything goes' in Gladstone and that the State Government is not serious about holding these industries to account for their actions."

However the reality of the regulation of the unconventional gas industry is that this is the norm. When it becomes obvious that the regulations are not being enforced, they are simply changed to maintain the lawfulness of the company’s activities.

<https://www.gladstoneobserver.com.au/news/departmentswamped-by-submissions-for-smoky-flarin/3231453/>

With best wishes,

Geralyn McCarron
8th October 2017