

**From:** Ben Robertson  
**To:** [EPSC EPSC](#)  
**Cc:** [REDACTED]  
**Subject:** Water Amendment Bill 2019  
**Date:** Tuesday, 5 March 2019 7:55:51 PM

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Dear Economic Scrutiny Subcommittee,

Thank you for the opportunity to raise my concerns with the Water Amendment Bill 2019.

Firstly, I'm very concerned with the drafting of section 17.2B.

17.2B currently reads that a fracking company is not liable for offences if they pollute ground water with fracking waste water during the process of hydraulic fracturing. This is absolutely unacceptable. The definition of ground water in the Act includes aquifers. This section must be updated to ensure a fracking company cannot hide behind 17.2B to avoid pollution liability if they pollute an aquifer with fracking waste while fracking.

This is made worse by the current Water Act at 7(2)(b), where the Act allows water pollution 'confined within the mining site or petroleum site'. It is critical that the site is clearly defined, long term movement of pollution is considered, and that polluting an aquifer at a fracking site is a high order offence.

I am also concerned that the offences stepped out in 17A subsections (1)-(4) do not reflect modern standards for environmental offences. As drafted, in order to have been found to cause an offence, it must be proven that the fracking company had knowledge or intention to cause the offence, or was reckless in behaviour.

It's very difficult to prove intent. It's also critical that fracking companies are accountable when they make mistakes and cause accidents that pollute water. Fracking is a risky industry. These are not best practice environmental offences. They are not even consistent with other offences in the Act which were amended in late 2018. Modern standards require a strict liability offence, the reversal of the burden of proof, and increased penalty amounts. Section 17A must be redrafted to reflect these standards.

Finally, I'm very disappointed that these ad hoc changes to the Water Act are happening without a chance for Territorians to see the full collection of changes being proposed. There are supposed to be further changes in regulation that relate to water protection in the Codes of Practice under the Petroleum Act and Petroleum (Environment) Regulations. But the community hasn't had a chance to see these yet. We should have had ample opportunity to read the full extent of all the changes, alongside considering changes to the Water Act.

There has been very little public consultation or community meetings to get into the details. There have been no remote community consultations on these matters. The community has not been actively approached for interactive feedback on one of the most important legal and policy challenges facing regional areas of the Northern Territory: fracking.

We request that the Subcommittee recommends far more meaningful consultation to hear from Territorians into the future.

Do not engage in fracking. Do not jeopardise the water: everything is water.

Besides that, do not think for a minute that these resources will not be needed in the future? Please do not engage in fracking - whatever the hell that means. Do you not remember that BHP was sued for over \$7 billion a few years ago when a tailings dam failed in South America? Who can you sue following the wholesale loss of aquifers and water supplies? I will tell you; no one. You have put the miners above/beyond the law. Do not be so foolish.

Thank you for the opportunity to have my say on this Bill.

Yours sincerely,

Ben Robertson

[REDACTED]

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