

From: Barkly Environment Group
To: [EPSC EPSC](#)
Cc: [REDACTED]
Subject: Water Amendment Bill 2019
Date: Saturday, 9 March 2019 5:55:34 PM

Dear Economic Scrutiny Subcommittee,

The Barkly Environmental Group is newly formed party of concerned citizens who live in the Barkly region. All current members live within the Tennant Creek area, however we hope to expand our reach further into the Barkly in the near future.

The Group was formed in November 2018 as a response to collective concerns and frustrations that are being felt by the Tennant Creek community in relation to the impending threat of fracking in the Northern Territory. Our aim is to further raise awareness in the Barkly of the reality of fracking and the imminent threat to this sacred land that fracking brings.

We are pleased to have the opportunity to raise our serious concerns with the Water Amendment Bill 2019.

Firstly, we're 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.

We are 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, we're 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, including our Barkly region, 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. We welcome the Subcommittee to meet with the Barkly Environment Group and engage with us on these highly important matters. We want to see water in the Northern Territory be kept free from pollution, so it can continue to nurture this land for generations to come.

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

Yours sincerely,
Barkly Environment Group

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