

Dear Secretary and Chair of the Economic Policy Scrutiny Committee,

I request that the Assembly amends the Water Act Bill further. With limited water, we need protection for current water users to take priority over fracking.

The currently proposed amendments of the NT Water Act fall far short. The Bill even locks in the ability of fracking companies to pollute water across their huge NT petroleum licences.

We have to be very careful with water allocation and pollution impacts in the NT. Water is the bedrock of all our NT industries. Without access to clean water, no population or industry can survive here.

Below are the key areas for amendment.

1) Section 7(2) of the updated Water Act gives an exemption for mining and fracking companies - it gives them the okay to pollute water. If the Act stays as written, a miner or fracking company can pollute water if the waste or polluted water stays within the mining or petroleum site.

Fracking licences across the Territory go for thousands of square kilometres. As written, the company may not be in breach of Section 16 if they pollute pastoral water bores or cultural water sites in their vast licence areas.

This general exclusion is inappropriate. I would rather not see ANY precious NT water polluted. Sadly, the very act of fracking means poisoning millions of litres of water with fracking chemicals to put into the well. But this general ability to pollute water must not be spread across their entire fracking leases.

2) The penalties in the Act are not enough to deter pollution and should be amended. The minor penalties proposed can be simply factored into the cost of doing business by mining and fracking companies. The penalties should be at least 10 times what is proposed. This is more like what they have currently in NSW.

3) The definition of Hydraulic Fracturing in the Act needs to be updated. It must cover all forms of petroleum recovery using unconventional method of hydraulic fracturing, to read:

“hydraulic fracturing means the process of injecting fluid at high pressure into a hole in the ground to extract petroleum resources and hydrocarbons from subterranean rock.”

This update is critical. For example, Origin plans to use hydraulic fracturing to target shale oil and ‘wet gas’ in 2019. This activity must be defined as hydraulic fracturing.

4) There are still lots of gaps where The Fracking Inquiry recommendations are not implemented. For example, there is nothing in the Bill that implements:

-Recommendation 7.6 – the prohibition on fracking using surface water.

-Recommendation 7.8 - the 1km bore exclusion zone; o

-Recommendation 7.9 - the prohibition on re-injection into deep aquifers.

-Recommendation 17 - to prohibit the discharge of treated or untreated wastewater into waterways.

These failings need to be addressed and the Fracking Inquiry recommendations properly enforced with strong legislation. It is inappropriate to put out amendments to the Water Act and other related Acts piece by piece. We need to consider the amendments as a whole to avoid missing anything.

Territorians deserve transparent public consultation for all the amendments relating to fracking and water in one package. We want to understand the full suite of water protections that will apply, and how they are being implemented.

Thank you for considering my submission and the critical amendments required to this Water Act Bill.