

To the Economic Policy Scrutiny Committee  
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## Water Legislation Amendment Bill 2019

Dear Economic Policy Scrutiny Committee

Hello. I am writing this submission in regards to the changes in the Water Legislation Amendment Bill 2019. Please consider this submission and its content.

There has been confusion with so many changes happening in such a short period of time. Amendments of Acts and Bills are being RUSHED through; without the adequate time frame, due care and following the process, to fully comprehend the information, flaws, contradictions, loopholes and the implications that may arise from this Industry.

It has come to my attention via the media release on 11<sup>th</sup> March 2019, that Parliament will be reviewing and debating these legislations over the next 2 weeks. I sincerely hope these legislations are thoroughly reviewed appropriately with enough time for the decision makers to be well informed.

The Governments 'Have Your Say' comments are due 31st March. People will be commenting AFTER the submissions date.

*Water should not to be put at risk by pollution or contamination by the mining, petroleum or Fracking industries. Water is a precious resource and should be protected.*

The Fracking Inquiry Panel made 135 Recommendations to *Mitigate the risks in* Hydraulic Fracturing (Fracking). The recommendations are being hurried and not yet implemented in the latest changes in the Acts.  
-The likely hood of contamination to Aquifers still remains unaddressed.  
-Water Management.

The Fracking Inquiry Recommendations;

7.1 Gas Companies are to have a licence to extract water for Fracking activities.  
Drilling Licence to drill or extract water.

7.2 There should be **no exemptions** for mining, petroleum, Fracking (or UCG industries).

7.6 – Prohibition on surface water take for petroleum activities

7.8(a) – Prohibition on water extraction for hydraulic fracturing within 1km of landowners bore without agreement or hydro geological information.

*-The distance should be at least 5 km.*

7.9 – prohibition on reinjection of hydraulic fracturing wastewater into aquifers

*- should also be no reinjection of hydraulic fracturing wastewater into the ground. -Penalties should apply.*

7.17 – prohibition on release of hydraulic fracturing wastewater to surface waters - *and also groundwater.*

Fracking waste water/products should not be re-injected into the ground, especially aquifers, nor come into contact with bores, ground or surface water during the process of hydraulic fracturing.

Re use and re-injecting Fracking waste fluids will be adding more contaminates into the ground.

Any waste that comes in contact with water, *within* the mining site is still polluting the environment.

-These issues should be prohibited and higher penalties apply.

Part 1, section 7 in the Water Act 2018, should be removed from the Amended Act 2019,

As it exempts "the contact or pollution that occurs in the course of carrying out a mining activity or petroleum activity"

The statement - "*flow back fluid* means fluid that is a mixture of hydraulic fracturing fluid and formation fluid that is allowed to flow from the well following hydraulic fracturing."

- This is giving permission for the fluid to contaminate the surface and the statement should be deleted.

-This is supplying a loophole with potential risks and implications .

Waste discharge and pollution control measures are out of scope to Environmental Protection Legislation.

*This is not the intent of the Fracking Inquiry recommendations.*

Millions of litres of water mixed with chemicals into the ground at high force, creates a completely different underground environment and can cause contaminates underground.

Waterways and Aquifers in the NT have a connection and are not fully understood.

Such as the Beetaloo Basin, Tindal Aquifer, flows north to the Katherine, Daly and Roper rivers.

Areas where there is limited knowledge of the interactions within waterways underground that are unknown, are at high risk.

The Policies needs to be tighter with greater protection for all the Waterways and Aquifers in the NT.

Water is already allocated and limited in the NT.

Mining, petroleum and Fracking industries use millions of litres of water.

"The Controller must not grant a licence under section 45 if the proposed beneficial use of water under the licence is petroleum activity."

-What is the definition of "petroleum, including other activity."

-This should be specified if mining, petroleum or Hydraulic Fracturing (Fracking).

Changing mining, petroleum & Fracking industries to just 'Petroleum', will not cover the range of resources they find.

Each activity needs to be specified for its use, prior to extraction or production.

Fit & Proper person - If a company gets granted a licence, then shareholders buy into the company or it is resold, the licence should then be reviewed and re application should apply, for national security.

Any Polluted/contaminated waste water/ flow back fluid created from an Industry should not be allowed to interfere with any waterways, ground water, surface water, Aquifers, water bores, pastoral or other, while in the course of carrying out mining, petroleum and Hydraulic Fracturing (Fracking) activities, on or off the site.

If pollution, contamination, deterioration of the water quality, in a bore, waterways, ground water, surface water or Aquifers occurs, including Disposing waste directly or indirectly into ground water, bores, waterways, surface water or Aquifers while carrying out mining, petroleum and Hydraulic Fracturing (Fracking) activities on or off the site;

For the criminal offence, the Penalty should be in the millions.

*It is a criminal offence to pollute or contaminate waterways & diminish enjoyment of human, animals and land.*

Industries should be responsible for the environment while carrying out mining, petroleum & Fracking activities, including rehabilitation.

Waste water or by products should not be stored in dams or re-injected into the ground, nor in any waterways, ground water surface water or Aquifers, but should be put in an enclosed container for transportation to a treatment plant; while in the course of carrying out mining, petroleum and Hydraulic Fracturing (Fracking) activities, on or off the site. Millions of litres of waste water/chemicals these industries use, needs to be stored, transported and disposed of correctly.

Waste should not be left on a mining site as it can cause pollution/contamination within the site.

Mining licence sites expand for many kilometres.

The NT rains can be plentiful and has the potential to wash the *Waste* that remains on the mining licence site, into waterways, ground water, surface water, Aquifers, Pastoral water bores, cultural water sites and affect the ecosystem.

Any Interference by chemicals, polluted waste water or other substances that can leech into ground water, bores, waterways, surface water or Aquifers that decreases the *Water Quality* should be Prohibited and companies legally charged.

The penalty units should be at least in the \$1,000,000 - Australian soil & water is precious.

The lowest penalty level of \$59,675 for corporations & \$11,935 for individuals, undermines the 17A as a prohibition.

Higher penalties may deter the company from catastrophes and ensure the Industries use proper care and management and to prevent illegal drilling or re-injecting waste pollution/ contamination anywhere on the site and into waterways, ground water, bores, surface water, Aquifers, Pastoral water bores, cultural water sites, while carrying out mining, petroleum and Hydraulic Fracturing (Fracking) activities on or off the site.

We require clean, quality, uncontaminated Water, that is necessary for the survival of people, food sources and land.

Water should not to be put at risk by pollution or contamination by the mining, petroleum or Hydraulic Fracking industries.

There are no social or economic benefits to the Territory.

The damage that the Industry can have on the waters quality, quantity and sustainability to NT waterways, ground water, bores, surface water, Aquifers, Pastoral water bores, cultural water sites if impacted, will be unfixable.

With all the Acts and Bills changing, careful consideration is required for the protection of the water.

It is detrimental the Bill ensures that the purpose of the Act is to protect the safety, health and wellbeing of Territorians, the water and the land.

Regards,

Heidi Jennings



\*Please do not publicise my contact details.