

EPSC@nt.gov.au

Water Legislation Miscellaneous Amendments Bill 2019

To Economic Policy Scrutiny Committee.

Please accept this submission in regards to the Water Legislation Miscellaneous Amendments Bill 2019.

I write this in trepidation. I have great concerns regarding protecting the quality and quantity of water in the Northern Territory.

Amendments of the Acts and Bills are still being rushed through, seemingly without the adequate time frame, due care and following the process as recommended.

The Fracking Inquiry Panel made 135 Recommendations to *Mitigate the risks* in Hydraulic Fracturing (Fracking). These recommendations are not yet implemented in the changes to the Acts.

Water is a precious resource and needs to be protected.

Water should not be put at such a high risk by pollution or contamination by the mining, petroleum or Fracking industries.

Water in the NT is already over allocated and the water systems are not fully understood.

The Waterways and Aquifers in the NT have areas where there is limited knowledge of the interactions within waterways underground that are still unknown, are being put at high risk.

The times for protecting the water is now, as we all require the basic human right to clean water.

The Territory is experiencing weather changes, with less rain than usual. If this weather pattern continues, the NT may end up in a drought.

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 ground surface and the statement should be deleted.

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

This is not the intent of the Fracking Inquiry recommendations.

-The likely hood of contamination to Aquifers still remains unaddressed, as does Water Management.

Some of the Fracking Inquiry Recommendations;

7.1 Companies to have a licence to extract water for Fracking activities. *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 from a bore.*

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 ground water.*

Industries that use huge amounts of water must be carefully considered and the implications that may arise from these Industries, for the benefit of the wider community of the Northern Territory.

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

Clause 5. Section 71B amended (Notice of intention to make a water extraction licence decision) Removes the requirement to circulate a notice in a newspaper circulating throughout the Territory and instead requires that the notice only be published in a local newspaper.
Reduces the onus to notify occupiers of land immediately adjacent to the land which the notice relates to require the use of reasonable efforts to identify the occupiers of the land and providing them with a copy of the notice. There are no changes to require all owners to be notified.
- 71B (2) Publications should be throughout the NT, as it will then seem being open and transparent. Notices should be publicly available for viewing and on the web. Isolating the notification to only the general locality is being deceiving.

As stated: Division 1 Permits and licences except drilling licences

5 Water investigation permit

(1) An application under section 36(1) of the Act for a permit to explore for water (a *water investigation permit*) must be in accordance with the approved form. *- should be no exemption.*

The quantity of water that may be taken under the new licence or licences will not exceed the quantity of water permitted to be taken under the existing licences.

The quantity of water that may be taken under the new licence or licences will not exceed the quantity of water that may be taken or used under the existing licences.

Water extraction licences resulting from a trade between two parties that already have a water extraction licence. The resulting water extraction licences must not result in a net increase in licensed water entitlement.

4(c) as a result of the subdivision or consolidation, the grant of one or more new licences is needed in relation to the use of the land as subdivided or consolidated to replace the existing licences; and

(5) This Part does not apply to an application for the grant of one or more water extraction licences if:
(a) the holders of 2 or more water extraction licences (the *existing licences*) have entered into an agreement to trade an entitlement to take water under an existing licence; and

-The Industry should be clear on the amount they will be using, not an estimate with such a high range difference.

-The Industry may need more water and new bores, but if they are 'water trading', their entitlement would be exceeded and a new extraction licence should not be permitted in that area.

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.

The Fracking Inquiry recommendations were to protect our valuable resource, water.

In regards to **Human Rights**, was as a statement of compatibility prepared in respect of the Bill also an assessment of whether the Bill is compatible with human rights and presented to the House.?

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

The rights and liberties of individuals are being compromised for the benefit of risky extraction techniques, which have the potential to contaminate the water and we will be unable to rectify the water for future generations.

Many Communities rely on the water sources around them and some have cultural significance.

Recently, at The Permanent People's Tribunal, Dr. Geralyn McCarron GP was one of the experts that supplied a submission to the Tribunal and has had concerns and issues validated by the PPT. The PPT have called on Human Rights and the Environment to investigate the violations of rights of humans and nature by the unconventional oil and gas extraction Industry.

The UN Resolution 64/292 states the United Nations General Assembly recognise the Human right to water and sanitation, and acknowledged that clean drinking water is essential to the realisation of all human rights.

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

[REDACTED]

[REDACTED]

[# Please do not publicise my contact details.](#)