

AFANT



Senate Inquiry Submission

The adequacy of Australia's legislative, regulatory and policy framework for unconventional gas mining including coal seam gas (CSG) and shale gas mining.

Representing recreational fishing in the NT and ensuring the quality of our sport

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Introduction

The Amateur Fishermen's Association of the Northern Territory (AFANT) welcomes the opportunity to provide a submission into the adequacy of Australia's legislative, regulatory and policy framework for unconventional gas mining including coal seam gas (CSG) and shale gas mining.

AFANT was formed in 1980 by a group of keen anglers who wanted a body to represent and advocate their interests to the government of the day. Incorporated in 1980 the organisation is recognised by both the NT and Commonwealth Governments as the peak body representing recreational fishing interests in the Northern Territory.

Recreational fishing is an important social and cultural component of the Northern Territory lifestyle as well as being a major tourism drawcard and a significant contributor to the economy. Recreational fishing surveys and fishing tour operator data indicates that more than 35, 000 Territory residents and 54, 000 visitors participated in recreational fishing in the Territory in 2010. And it is estimated that the current figures for 2015 far exceed these with 43,000 tourists from 62 different countries registering for the recent NT Tourism 'Million Dollar Barra' promotion. Recreational fishing was estimated to contribute at least \$100 million directly to the Northern Territory economy during 2014.

As identified in the NT Governments Recreational Fishing Development Plan (2012-2022), seventy per cent of recreational fishing in the Territory occurs in its regional areas, where it is often the primary economic and development driver. King Ash Bay on the McArthur River, the Daly River, the Roper River and Dundee Beach are examples of communities where recreational fishing underpins development. Fishing tourism also providing impetus for regional development on Aboriginal land, such as the Tiwi Islands, Arnhem Land and Groote Eylandt.

Issues of Concern

AFANT has serious concerns regarding the adequacy of Australia's legislative, regulatory and policy framework for unconventional gas mining including coal seam gas (CSG) and shale gas mining not just for the recreational fishermen and economy of the Northern Territory but to the millions of recreational fishermen and Australian communities and businesses that rely on business and tourism opportunities from recreational fishing. The unconventional gas industry has the potential to greatly benefit the economy of the Northern Territory and Australia however it is important to acknowledge that there are significant international and domestic examples of unintended negative impacts to the environment, water aquifers and human health as well as significant economic and social impacts on communities.

AFANT is concerned about the impact of unconventional gas mining including coal seam gas (CSG) and shale gas mining on the groundwater and surface water environment of the NT as any negative environmental consequences may directly translate to irreversible damage of our iconic Top End rivers and valuable fisheries.

During exploration and production thousands of unconventional gas wells may be drilled in the Northern Territory. AFANT believes there is the potential for the contamination of aquifers and surface waters should the integrity of these wells be compromised. This includes failures in the containment and safe storage of waste water laden with chemicals and by-products.

The major recommendation of the Hawke Inquiry into Hydraulic Fracturing in the Northern Territory (2014) was that the environmental risks associated with hydraulic fracturing can be managed effectively subject to the creation of a robust regulatory regime. Unfortunately despite stringent regulations both within Australia and internationally there appear to be broad failure of regulatory regimes within the unconventional gas industry to prevent environmental damage. Indeed evidence presented to the South Australian Parliament Natural Resource Committee inquiry into Fracking (2015) by Antony Ingraffea, Professor of Engineering and Weiss Presidential Teaching Fellow, Cornell University suggests that even with the most stringent regulations the leakage of gas wells is unavoidable. Information provided by Prof. Ingraffea is that despite the state of Pennsylvania having very tough

regulations; regulations that have twice been revised in the last five years “statistics provided to us by the Pennsylvania Department of Environmental Protection—that's the regulatory body in Pennsylvania—and their records show that shale gas wells were showing a leak rate of about 6.2 per cent in the first five years as compared to an overall failure rate in conventional wells of 1 per cent—one in 100 conventional wells and six in 100 shale gas wells. In some regions of the state where drilling occurred very, very quickly, where operators were totally inexperienced, the failure rate in the wells was almost 10 per cent—one in 10—within the first five years, leaking”.

AFANT understands that in almost all legislation that is geared towards unconventional gas mining the regulator has the burden of proof to prove that the nearby gas mining well had contaminated a water source or aquifer. AFANT believes that legislative controls should reverse the onus of proof so that it is up to the company which is drilling and operating the gas mining well adjacent to a water source or aquifer to prove that their well was not the source of contamination. The concept of reversing the onus of proof is not new and is used across other areas of legislation to great effect. If the burden of proof is placed on the operator under legislation to prove they didn't cause any contamination AFANT believes this will ensure companies conduct operations more cautiously, responsibly and with greater foresight into environmental protection.

Many of the spectacular recreational fisheries such as the Daly (Oolloo aquifer) and Roper River (Tindal-Mataranka aquifers) are totally reliant on groundwater flows, both during the wet season and the dry to ensure the health and adequate stock recruitment of numerous fisheries. AFANT believes that these fisheries and the economic, social and cultural benefits they bring to the Northern Territory should not be risked. AFANT has the view that leaking wells used in the process of unconventional gas extraction pose an unacceptable risk to aquifer contamination in the Northern Territory.

At present within the Northern Territory the Government budget is severely limited and groundwater monitoring and assessment programs are constrained by lack of resources. The IAH (NT) Submission to the Northern Territory Government's

Hydraulic Fracturing Inquiry iii (20014) identified that the Northern Territory's has a social and economic dependency on groundwater and that the groundwater environment of the NT is poorly understood. It also raised concerns that the NT Government does not currently have the local skill set to effectively predict and manage the impacts of fracking on water resources.

In addition to our concerns over the contamination of ground and surface water by the unconventional gas mining industry AFANT believes that any environmental reform in regards to the regulatory regime around hydraulic fracturing is meaningless until the NT EPA is a truly independent body with strengthened powers of prosecution and significant penalties for breaches of environmental legislation. The head of the NT EPA Dr William Freeland has himself described the current NT EPA as a 'toothless tiger' in the media. AFANT has for some time raised the appointment of an impartial EPA with funding and staff outside of any Northern Territory government department as our primary concern in the process of environmental reforms for the unconventional gas industry.

Conclusion

AFANT has a strong commitment to ensuring the protection of the quality of the recreational fishing in the Northern Territory which is inextricably linked to the health and quality of the top end aquifers, rivers and waterways. Due to the risk associated with contamination of ground and surface water by the unconventional gas industry AFANT cannot support the further development of coal seam gas (CSG) and shale gas mining in the Northern Territory. Without a regulatory framework that guarantees no adverse environmental impacts and a strong and effective EPA we have real concerns that the drive to develop the unconventional gas industry in Northern Australia will come at a significant cost to the spectacular recreational fishing and natural environment that the Northern Territory is renowned for.

We would welcome the opportunity for greater engagement and consideration of AFANT's views in regards to the adequacy of Australia's legislative, regulatory and policy framework for unconventional gas mining including coal seam gas (CSG) and shale gas mining.

Yours sincerely



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Amateur Fishermen's Association of the NT Inc.

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