

## **Coal Seam Gas In The Northern Rivers - For All Concerned.....**

This paper was presented to both the Honourable:

Tony Windsor on March 8<sup>th</sup> 2013 and Janelle Saffin on March 28<sup>th</sup> 2013.

The Northern Rivers of New South Wales is the situation which best exemplifies the cynical attitude of the current New South Wales' Government toward regional based industry and these industries relationship with the Coal Seam Gas industry. This paper has been prepared to demonstrate this cynicism and to question the legality of both the State and Federal Government in their handling of this matter. There is a previous paper that needs to be understood which was presented verbatim to the New South Wales Government and is on the Hansard record. This previous paper was prepared when the community believed that the Hon. Tony Windsor, Federal representative for New England had been successful in introducing an amendment to the Federal Mining Act where 'water would be the trigger' for curbing the excesses of the mining industries.

With the focus on the proposed amendment, the need for key areas to be exempted for their agricultural and or environmental value was recognised at State and Federal level. We believed at that time that the voice of reason would prevail at both State and Federal level, thus, we presented the case for the diversity and sustainability of our agriculture and the diversity and efficiency of other locally based industries, including education and tourism. We emphasise that tourism brings in billions of dollars annually to the region. Effective analysis of this situation brought the Hon. Peter Garrett to our region to launch the Green Caldera tourist project. This was a little disingenuous as the project without the title had been up and running for three decades, ably managed by the local business community in many forms; however, it demonstrates Federal recognition of that aspect of local industry.

The ecological presentation in the now Hansard document was prepared by Professor Robert Kooyman and Professor David Milledge who are respectively accepted as the world's foremost experts on the botany and wildlife of the region. They bring to light the transcendental environmental status of the Northern Rivers Region placing it front and centre of the UNESCO recognised thirty fifth planetary hot spot that extends from North Queensland to the Hunter as a coastal strip that includes sections of the Great Dividing Range and the New England plateaux including both Rob Oakshott's and Tony Windsor's electorates. This was announced in 2011.

Australia as a nation is somewhat blasé about World Heritage status for a number of reasons, however, Australia **is** a signatory to a raft of United Nations treaties that recognise the serious endeavours of tens of thousands of biologists worldwide to isolate and protect 'hotspots' for the future genetic survival of our world. They have been recognised and protected at the highest level possible on our planet.

Australia has signed treaties for the preservation of bio-diversity, genetic diversity of food sources and potential food sources, fresh water and indigenous heritage: Four UN treaties establish the legislation of the area considered in our submission and reading the fine print may yet reveal three more. These substantiate the value of the Northern Rivers Region and beyond and have been signed by the Australian Federal Government.

In our previous document presented in its entirety to the New South Wales Government, Professor Kooyman makes the point that the Great Caldera of the Northern Rivers was recognised as a '*refugia*'. Very few people it seems understand what this means, but briefly; climatic integrity was maintained during the late Pleistocene era, or, colloquially, the 'ice ages', thus, maintaining genetic diversity that extends back in time to the Gondwanaland super-continent while vast regions of Australia were drying out and dying out. It establishes the Northern Rivers as the most genetically exalted landscape on the Australian Continent!!! Surely this alone is reason for considering our region to be of great importance, but this reason does not stand alone.

To further contextualise our situation locally there is a need to highlight the endeavours of the local community to engage in meaningful dialogue with State and Federal Government. These endeavours include visits to Canberra and conversation with the Hon. Tony Burke, Federal Minister for Environment and Water, John McQueen, who is Prime Minister Julia Gillard's land advisor, Simon Crean's office and the Australian Water Commission (AWC) among others.

We as a community among others participated in the state Senate Commission into CSG and at our invitation and insistence met repeatedly with representation of Metgasco Company and Arrow Energy. The Arrow licenses have since been taken up by Dart Energy to whom they were sold for a nominal fee. These concerns have been picked up by Shell Petro-China effectively putting our underground water in the hands of the Chinese government. People demonstrated their opposition by the thousands in streets and towns all across the region and this situation was brought to the attention of the Federal Parliament by our local member the Hon. Janelle Saffin and more recently the Richmond M.P Justine Elliot resigned from her position as Parliamentary Secretary for Trade, citing conflict of interest with her electorate's position on CSG. We have visited and been visited by Brad Hazzard, the New South Wales Minister for mining, but all to no avail.

All of the local council areas with the notable exception being the Richmond Valley Council have voiced strong opposition to the industry in our region and across the board both politically and socially organisations have presented their opposition in eloquent terms. The Lismore Council organised a plebiscite at the local council elections of 2012 where 87% of the population registered their opposition to CSG. The companies have tried to make out that this rich tapestry of opposition is a lunatic fringe. Doctor Marian Lloyd-Smith one of the foremost toxicologists nationally and internationally recognised has presented the situation in print and verbally and recently returned to Australia to inform us that the United Nations itself has grave concerns over what this industry could do to fresh water resources across the entire planet.

We quoted the Director of the International Scientific Advisory Committee of Australia's National Centre for Groundwater Research, Professor Craig Simmons who is the founder of the idea of hydro-geological national parks. He brought to the attention of the press United Nations statistics revealing that 97% of global fresh water is under the ground and that Australia's sub-surface water is a matter of national security. He concluded, "Where our national security is concerned, we should spare no effort to assure it". Professor Craig Simmons has since become the Director of the Federal Commission investigating the matter for Prime Minister Julia Gillard.

We publicised the findings of the AWC in the second biennial assessment of progress in implementation of the National Water Initiative and repeat them here. "The commission considers that unless and until it can be demonstrated otherwise, surface water and ground water resources should be assumed to be connected and water planning and management of the resources should be conjunctive. This is the reverse of the current situation."

This 'reverse' was held up in Arnold versus the government in a challenge to the conditions of a bore licence. This challenge reached the High Court where it was overturned as the judges considered that surface water was distinct from underground water. We have urged constitutional reform particularly of point one hundred of the Australian Constitution to remedy this glaring anomaly in understanding between the High Court and the Australian Water Commission. We have brought to the attention of State and Federal Government of the AWC publication of September 2011 titled, *onshore co-produced water extent and management*, which brings to light both national and global data on water management and the CSG revealing a serious lack of baseline data leaving communities across Australia facing intangibles, and unknowns.

We asked for caution and emphasised what the cumulative impact of CSG and mining operations could mean to our precious water supply, all to no avail.

We made clear our local climatic reality; i.e., we are the second wettest region in the country and receive annually over two metres of rain and on occasions over three metres, which is more than the Lower Amazon Basin. The mining operations are to take place in the floodplains of the Northern Rivers and mid North Coast that are repeatedly subject to inundation. They have been flooded many times in the last two years and at the time of writing we could 'go under' for the third time in a month and this is in the national news across the country. We pointed out that this flooding is not just a terrestrial event but voluminous flows of floodwater blast off the coast into the most species diverse oceanic region of Australia where fish kills have already become far too common.

When both the State and Federal Government gave credence to the necessity of high quality productive land being exempt from the potential impacts of the CSG industry and mining in general

we believed that the case had been more than adequately presented for the Northern Rivers and the mid-north coast. We believed that 'knee jerk' we would be included, after all, we are a Pleistocene *refugia* and the most exalted genetic landscape on the Australian continent with perhaps the most diverse land and water regionally based industries in the country: We decry the absolute cynicism of the O'Farrell government in exempting and only after intense public pressure, horse breeding and viticulture from the immediate ravages of this industry, after all these top end pursuits do nothing to feed the nation.

**And here we come to the heart and guts of the matter for us in the Northern Rivers:**

In 2013 the Metgasco Company was found to be in breach of several of the states codes of practice in the mining process still in its infancy in the Northern Rivers. The first of these was an illegal holding pond which put the local council also in breach of the same regulations. To contextualise further; the company was found to be in breach of its first and proposed second holding pond and it was discovered to have five holding ponds in operation, we believe though we have met with great obfuscation of the matter that four of them are illegal. Here we see the insanity of the process. Five holding ponds were found to be insufficient to manage what was a volume of water foreseen for two in the disposal and management of 'produced water'. This situation begs the comment; heaven help us when full term production begins. When five holding ponds were found to be insufficient a million litres of 'produced water' was flushed illegally through the sewage system. The NSW Environmental Protection Agency caught up with Metgasco on this matter and they were fined a mere \$5,000, but with-all, it demonstrated the illegality of the 'process'. The company was also found to be hiding the highly toxic drilling fluids from both the government and the public. Given the concentrated toxicity of the drilling fluids, this becomes a serious matter; we can well understand why the companies would seek to hide them.

Within the flow of these combined events we could expect the EPA to take the matter seriously, but in a display of open contempt for the community, the EPA responded by giving the company and the council a special dispensation to carry on operations. The company was given permission to flush yet another five million litres down the dunny. All that had hitherto been illegal is now hidden from public view while the onus is on the community to follow the disposal water trucks to check that they aren't just dumping into a swollen creek somewhere. We have a situation of total collusion between the EPA and the Metgasco company: I repeat, this is an industry in its infancy in the region and a company that cannot sell itself for love or money nationally or internationally. It was brought to light in the Sydney Morning Herald business section that there is serious doubt as to whether Arrow, now Dart or Metgasco will be able to run the process economically in the Northern Rivers region, but just in case they have received a special dispensation after serious breaches of practise. **Is this not a noteworthy scandal?**

The contempt is further exposed by the position of our local state National party member, Thomas George and his son, Stuart George, who has the official, yet farcical position of Public Communications Officer for the Metgasco Company. The Hon. Thomas George as shown by his comments in Parliament is acting against the wishes of the overwhelming majority of his constituency in urging the Parliament to hurry up the process for the Northern Rivers. His son held the position of councillor for the Richmond Valley Council, a member of the Committee for Rouse Water collective, which administrates water for four council regions in the Northern Rivers. When this apparent conflict of interest with his Metgasco employment was pointed out to the state ombudsmen no conflict of interest could be found. Councillor George just has to sit out any decisions on mining or its effects on water.

This would appear to be farcical to anyone but the Ombudsmen, but surely the comments of his father in state Parliament urging them to clear the way for Metgasco Company could be seen to be a conflict of interest given his son's official position in the company and his position in Rouse Water which has stated its objection to the industry in the region.

If not that, then the Hon. Thomas George's position on ICAC presiding over the McDonald-Obeid scandal could be seen as..... well anyway, welcome to New South Wales.

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