

Australian Greens' Additional Comments

1.1 The Australian Greens were proud to support the formation of this Select Committee, and to extend its terms of reference to include shale and tight gas, from the initial scope of only coal seam gas.

1.2 We support the recommendations in the majority report and the Chair's additional report, indeed many of the recommendations we Greens already have private members bills before parliament to act upon (landholders' right to say no, a ban on fracking and a ban on political donations from the fossil fuel sector), or have announced policy on in the lead up to the 2016 federal election (securing rehabilitation bonds upfront).

1.3 We welcome the acknowledgement of the need for such reforms by Senator Lazarus, but remain frustrated that the Liberal, National and Labor parties continue to ignore the environmental, social and economic problems with unconventional gas in their blind dedication to their fossil fuel donors.

1.4 The Australian Greens' position opposing unconventional gas has been formed in response to listening to the science and the community's concerns about unconventional gas over the last five years. Since 2011 the Australian Greens have been campaigning against the risky and unnecessary unconventional gas industry. We stand with the thousands of community members, scientists, health professionals and food producers who do not want to risk their land, water and the climate for the sake the private profits of multi-national corporations flogging another fossil fuel to worsen global warming, when there are abundant clean energy alternatives.

A potted parliamentary history of unconventional gas

1.5 The community is right to feel as though the majority of parliamentarians blindly back unconventional gas. Since 2011, Australian Greens Senators have stood alone in consistently opposing this dangerous experiment on our land and water, until the last two years when we have welcomed support from Senator Lazarus and some other independent Senate crossbenchers on this issue.

1.6 In 2011 on behalf of the Australian Greens I introduced a private members bill *Environment Protection and Biodiversity Conservation Amendment (Protecting Australia's Water Resources) Bill 2011* to add water to the list of issues the federal government could protect under our national environmental laws. That bill received no support from the big parties during the Committee inquiry into it, however, the Greens were able to work with then Independent member for New England, Tony Windsor to convince the Gillard Government to subsequently introduce such a 'water trigger' to our national environmental laws. We ensured that earlier drafts of the bill which automatically delegated back to states the newly created power over water were amended to make sure that the new federal power to protect water was kept in federal hands, and supported those laws to pass the Senate. On several occasions we subsequently sought to include shale and tight gas in that water trigger but did not receive any support from other parties in the Senate.

1.7 I have introduced legislation into the federal Parliament three times since 2011 to give landholders the right to say no to unconventional gas. The second iteration of the bill *Landholders' Right to Refuse (Gas and Coal) Bill 2013* was voted down by the Liberal, National and Labor parties in the Senate on 6 March 2014. I reintroduced the *Landholders' Rights to Refuse (Gas and Coal) Bill 2015* bill a third time in March 2015, and again restored it to the notice paper after the 44th Parliament was prorogued by Prime Minister Turnbull. The purpose of the Bill is twofold—to allow all landholders including farmers, graziers, residents, local councils and native title holders to say "no" to unconventional gas and coal mining on their land; and to ban hydraulic fracturing (or "fracking") for unconventional gas, because of the extraordinary risk to our land, water, climate and healthy rural communities from this industry and extraction method. That third version of the Greens' attempt to give landholders the right to say "no" went to inquiry, where the evidence received overwhelmingly supported the need for the Bill, and the body of the report supported the objectives of the Bill, yet the big parties recommended that the Bill not pass.

1.8 Over the last five years I have also introduced numerous motions calling initially for a moratorium on this risky industry until more scientific research was done, then calling for food producing land to be off limits for mining and gas, then as the risks became more clear, calling for a complete ban on fracking and unconventional gas. Each time the Greens have received no support from the Labor, Liberal or National parties.

Community sentiment

1.9 Over the last decade Australia has witnessed a huge community campaign of resistance against coal, coal seam gas (CSG), shale gas and other unconventional gas which has united city and country, farmers, environmentalists, scientists and Indigenous Australians. The Lock the Gate movement and many other local groups and individuals have resisted the destruction of our land, water and climate in the public interest. The Australian Greens wish to place on record our support and admiration for this grassroots movement. Very few predicted its success, but the campaign has upended the old certainties to challenge the fossil fuel industry and shown that organised people can defeat organised money. It has also taken its toll on communities and families, and the Australian Greens again formally convey our condolences to the family of Mr George Bender, a proud Queensland farmer who fought the unconventional gas industry that threatened to overrun his land. He will not be forgotten.

Looking forward

1.10 The Australian Greens believe that Australia must rapidly transition away from polluting fossil fuels like coal and gas towards clean energy. We therefore do not support any new coal or unconventional gas approvals.

1.11 The Greens will continue to push for landholders and local communities to be given the right to refuse coal and unconventional gas on their land, and will continue to support communities who stand up for their land, water and a safe climate. The chronic power imbalance between landholders and wealthy multinational coal and gas companies underpins every interaction, and hopelessly disadvantages landholders.

1.12 Landholders must be given the legal right to decide that they would prefer to be able to keep farming or living on their land, and for their children and grandchildren to have that option, rather than be forced to negotiate merely the price of entry with big coal and gas companies. Without the right to say "no", this David and Goliath situation forced upon families and communities across Australia is even more weighted in favour of big coal and gas.

1.13 There is unprecedented level of risk and scientific uncertainty associated with fracking and its impacts upon surface water, ground water, clean air and a safe climate. Threats to water resources from fracking are not adequately understood, but the evidence is building that they are severe and have potentially devastating consequences. Huge coal seam gas projects in Queensland were approved with minimal baseline data and hopelessly inadequate groundwater monitoring. Both of the major parties have approved huge fracking operations without adequate scientific certainty about their impacts. Even though federal approvals for the Santos and British Gas Group gasfields were given in 2010, and further approvals were given to Arrow Energy in 2013, the scientific work to assess the risks of those projects has not been done. The CSIRO, the National Industrial Chemicals Notification and Assessment Scheme (NICNAS) and the Environment Department's Office of Water Science have not even commenced scientific work on the impacts of fracking chemicals on deep aquifers.

1.14 Risks associated with aquifer contamination, fracture growth, leaks from well casings and earthquakes caused by fracking are all poorly understood but potentially very grave.

1.15 Alarming, the human health impacts of fracking are also very poorly understood although mounting evidence shows that they can be severe. Gas leaks caused by faulty equipment and fissures in the earth, as well as contaminated drinking water are unacceptable risks for our rural communities to endure. In the gasfields of Queensland, at Tara and Chinchilla, residents have reported headaches, nose bleeds, skin rashes and nausea amongst children. During the inquiry, the Committee heard directly from landholders affected by the CSG industry. Shay Dougall and Narelle Nothdurft from the Hopeland Community Sustainability Group provided powerful evidence which ought to ring warning bells.

1.16 A recent review of 685 peer-reviewed scientific papers on the impacts of unconventional gas published between 2009 and 2015 showed that the weight of scientific evidence 'indicates hazards and elevated risks to human health':

84% of public health studies contain findings that indicate public health hazards, elevated risks, or adverse health outcomes; 69% of water quality studies contain findings that indicate potential, positive association, or actual incidence of water contamination; and 87% of air quality studies

contain findings that indicate elevated air pollutant emissions and/or atmospheric concentrations.¹

1.17 Studies in the USA have shown that the fugitive emissions of greenhouse gas from fracked shale gas are vastly higher than for conventional gas. The claims of the gas industry that CSG, shale and tight gas are low-emissions alternatives to coal simply are not supported by robust Australian studies.

1.18 The precautionary principle, to which Australia has committed and which is written into our national environment laws, demands that where an action presents a risk of harm to the public or the environment, the absence of scientific consensus is not an excuse for regulators to do nothing.

Fixing the system – banning mining donations

1.19 Throughout the course of several inquiries I have now participated in into coal seam gas mining, and this inquiry into unconventional gas, we have received extensive evidence about the failure of State and Federal governments from both the Labor and Liberal-National sides of politics to regulate the coal and unconventional gas industries adequately. The massive expansion of CSG in Queensland and the unconstrained proliferation of coal mines in the Hunter Valley in NSW, the Bowen and Surat Basins in Queensland are each examples of a total failure of adequate regulation.

1.20 This failure of regulation has been consistent across both federal and State governments, and it calls for systemic reform. The Greens believe that reforming our democracy to curb the influence of corporate donors, especially those involved in extractive industries such as coal and unconventional gas, is vital to securing adequate protection for landholders, a healthy environment and a safe climate.

1.21 The Greens' Bill, the *Commonwealth Electoral Amendment (Donations Reform) Bill 2014* would ban political donations from mining companies, developers, tobacco, alcohol and gambling companies. The Australian Greens believe that passing that Bill would go a long way towards addressing the many failures of regulation identified during successive CSG inquiries.

Recommendation 1

1.22 That the Parliament pass the *Landholders' Right to Refuse (Gas and Coal) Bill 2015* in order to ban fracking and to give landholders the right to say 'no' to coal and unconventional gas on their land.

¹ Jake Hays and Seth B. C. Shonkoff, 20 April 2016, *PLOS One* Toward an Understanding of the Environmental and Public Health Impacts of Unconventional Natural Gas Development: A Categorical Assessment of the Peer-Reviewed Scientific Literature, 2009-2015
<http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0154164>

Recommendation 2

1.23 That the Parliament pass the Greens' *Commonwealth Electoral Amendment (Donations Reform) Bill 2014* in order to ban political donations from mining companies, developers, tobacco, alcohol and gambling companies.

Senator Larissa Waters

Senator for Queensland

