

The Senate
Environment and Communications Legislation Committee
Christine McDonald, Secretary
PO Box 6100
Parliament House
CANBERRA ACT 2600
Email - ec.sen@aph.gov.au

27 May 2015

Dear Ms McDonald

Re: Landholders' Right to Refuse (Gas and Coal) Bill 2015

Thank you for the opportunity to make a submission in relation to the Landholders' Right to Refuse (Gas and Coal) Bill 2015.

My name is Sarah Ciesiolka. I am a farmer and mother of three, growing food crops for NSW and Australian families on the highly productive and highly valuable lands between Narrabri and Wee Waa in North West NSW. Each year, year in, year out, our farm grows enough potatoes for 26 million roast dinners, enough peanuts for 2.4 million packets of beer nuts and 360,000 jars of peanut butter and enough wheat to make 3.3 million loaves of bread. The end point value of this product is in excess of \$50 million annually, and we also employ up to 20 permanent and seasonal staff. We have a single reliable source of water, uncontaminated underground water, for our business and also for drinking and everyday household tasks. Our property is located just 6km downstream from Santos' Proposed Stage 1 Narrabri Gas Project and operates utilising water flowing from this potential coal seam gas (CSG) field.

There is wide-scale community rejection of the coal seam gas industry in North West NSW and the Government must listen to, and respect the will of, the community. Community run surveys, which span an area of close to 3 million hectares across our region to date, have shown an average of 96% support for remaining Gasfield Free. This clearly demonstrates the overwhelming community rejection of the coal seam gas industry here and, in particular, Santos' planned Narrabri Gas Project (1).

It is imperative that landholders be given the right to decide what activities take place on their land. As such, the proposed Bill is welcomed and does go some way to providing long overdue protections for landholders. However, it falls well

short of addressing the complexity of issues required to protect landholders, water resources, farmland and communities from the threats posed by coal and coal seam gas extraction, the merits, or otherwise, of which are not covered within your Terms of Reference.

In NSW, coal seam gas companies Santos and AGL, together with the NSW Farmers, Cotton Australia and the NSW Irrigators Council signed an Agreed Principles of Land Access on 28 March 2014. However, this only served to cover drilling activities, and has never actually been tested. Even the Prime Minister, Tony Abbott has said that no one should be forced to have a gas well on their land (2). The Landholders Right to Refuse (Gas and Coal) Bill 2015 will go some way to enshrining in legislation protection for landholders against the uneven playing field that currently exists.

However, this Bill fails to explicitly and fully stipulate that landholders right to refuse should include any and all infrastructure associated with coal and coal seam gas extraction, such as powerlines, gas and water pipelines, quarries, borrow pits, gas processing and compressing stations, water treatment facilities, roads, accommodation support camps for staff, fuel storage areas, compressor stations, flare pits, ponds, fences etc. Presently there is no mention of the associated infrastructure in the Bill and this needs to be included as a matter of high priority.

Contamination of our water resources, our air and soils is a very real risk and does not respect property boundaries. Potentially one could be faced with a situation where access is refused, but a neighbour grants access. This granting of access by the neighbour has the potential to cause a detrimental impact including contamination of the air, soils and/or water resources. Just such a situation was highlighted to devastating effect by the blow out of a coal seam gas waste water dam wall near Miles in Queensland in early May 2015, which led to huge volumes of waste water flowing onto a neighbouring farmers property (photos courtesy of John Reid Carew attached). On a personal note, our own insurance company, one of the largest rural insurers in Australia, have indicated they will NOT insure us against CSG contamination arising on our farm or from another farm, leaving us dangerously exposed.

With directional drilling technologies continuing to evolve, permission may be sought on landholdings where the physical act of drilling will take place, leading to the creation of unintended impacts on neighbouring lands. For this reason, proponents should also be required to seek consent from landholders whose

properties are being drilled underneath, despite an apparent lack of surface disruption. These neighbouring landowners also need to be protected by the right to refuse provisions contained within this proposed Bill.

I am also personally aware of discussions that have taken place between the coal seam gas company, Santos, and strategically selected landholders, within the Narrabri Gas Project area in PEL238. Faced with declining property values as a result of the neighbouring infrastructure, this has created a situation where landholders feel that they have no option but to grant access. The Bill fails to address this type of predatory behaviour on behalf of coal and coal seam gas companies.

On the surface, the Bill appears to impart some confidentiality to an access agreement, thus preventing landholders from speaking out, sharing information with friends and neighbours and providing coal and coal seam gas companies with an unfair advantage in the negotiation process.

I am not in support of the second reading speech that proposes the State or Federal Government can seek to compulsorily acquire land where they consider the resources to be vital. I believe this directly contravenes, and undermines, landholders rights.

The second part of the Bill addresses a complete ban on hydraulic fracturing (fracking). The evidence from the United States over a longer period, from many sources, points to a range of negative impacts linking fracking to groundwater contamination, an increase in earthquakes and seismic activity, exacerbation of drought conditions and a host of health concerns for humans and the local environment. It raises the entire question of government responsibilities to the community in the sphere of public health, and the potential for future class liability actions.

Concerns include, but are not limited to, -

- Only a minority of the chemicals used in fracking have been fully assessed by the National Industrial Chemical Notification and Assessment Scheme (NICNAS). Publicly available information on the chemicals used is limited at best, but is known to include allergenic and carcinogenic substances.
- The chemicals used in the fracking process have been linked to negative health impacts, including but not limited to, skin and respiratory problems (3); and reproductive problems including poor semen quality and

endocrine problems, to miscarriages, birth defects and low birth weight (4).

- In addition to the highly toxic chemicals used in fracking fluids, the fracking process mobilises dangerous chemicals and radioactive substances naturally occurring in the coal seam, which can then contaminate groundwater and soil, and leak into the atmosphere with consequences for public health and the climate. Again, some of these chemicals are known carcinogens and a growing body of research points to serious longer term impacts such as birth defects and cancers.
- Studies from the US suggest that fracking will inevitably lead to some contamination of water sources for human and agricultural use. Fracking fluids are brought to the surface with gas and may be released into surrounding groundwater or underground water (5). In addition, there are reports that abandoned wells continue to be a health hazard (6).
- There are concerns about air pollution adjacent to fracked wells. This has not been fully assessed.
- The fugitive emission of methane in fracking has not been fully assessed. US estimates have increased recently and indicate that this is an important greenhouse emission issue which might significantly undercut the supposed greenhouse advantage of CSG. Australia's greenhouse emissions are an international health consideration and we cannot divorce ourselves from our obligations.
- Causation of earthquakes due to fracking is now well documented in the US (7) (8).

France (9), together with the States of New York and Vermont (10) have already moved to ban fracking outright citing significant risks to groundwater resources and public health. A number of other developed countries around the world have instigated long term moratoriums against the practice, including Germany, Scotland, Wales, Tasmania, and many other American States.

In the words of New York Governor, Andrew Cuomo, on announcing the fracking ban, "We cannot afford to make a mistake; the potential risks are too great. In fact, they are not even fully known." It is unthinkable that any Government would risk "one off" extraction of fossil fuel resources through fracking whilst putting at risk a renewable long term resource (water) and public health, risking thousands of hectares across Australia vulnerable to a position that is unviable for life and agriculture. Once our groundwater resources, or our health, is contaminated or destroyed, there is no turning back, there is no "make good".

Given the reasons outlined above, I call on you to immediately legislate to protect landholders', and their neighbours', right to refuse access to coal and coal seam gas companies.

In addition, I call on you to outlaw the practice of hydraulic fracturing or fracking in Australia.

I look forward to your immediate action on these vital issues.

Yours sincerely

Sarah Ciesiolka (B.Comm)

- (1) <http://www.theland.com.au/news/agriculture/general/news/protest-sky-high-at-gunnedah/2726549.aspx>
- (2) <http://www.smh.com.au/federal-politics/abbott-honours-a-promise-with-meeting-on-gas-fears-20131102-2wtt9.html>
- (3) <http://rt.com/usa/187420-fracking-health-effects-pennsylvania/>
- (4) <http://www.theguardian.com/environment/2014/dec/05/fracking-chemicals-could-pose-risks-to-reproductive-health-say-researchers>
- (5) <http://www.bloomberg.com/news/2014-07-16/-saltwater-from-fracking-spill-is-not-what-s-found-in-the-ocean.html>
- (6) <http://insideclimateneews.org/news/20110407/oil-gas-wells-fracking-drinking-water-pollution-homes?page=show>
- (7) <http://www.eenews.net/stories/1060011066>
- (8) http://www.seismosoc.org/society/press_releases/BSSA_105-1_Skoumal_et_al_Press_Release.pdf
- (9) <http://www.theguardian.com/environment/2013/oct/11/france-fracking-ban-shale-gas>
- (10) <http://www.reuters.com/article/2014/12/17/us-energy-fracking-newyork-idUSKBN0JV29Z20141217>





