



MEDIA RELEASE – 24/06/16

Fracking regulator misleads communities over veto rights; fails to rule out fracking in South West.

The State Government is deliberately misleading South West communities by telling them landholders can prevent fracking on their properties.

In an open letter to South West residents published this week, an Executive Director of the Department of Mines and Petroleum, Jeff Haworth, states that: *“petroleum companies are legally required to obtain consent from private land owners and occupiers before approval to undertake any activities on their land is granted.”*

Frack Free Future campaign spokesperson Jules Kirby said Mr Haworth was deceiving the community by omitting key facts.

“While it is true that the the Petroleum and Geothermal Resources Act requires fracking companies to reach a Land Access Agreement with landholders to access private land, the reality is that fracking companies can still get on to private land if an agreement is not reached.

“If there is no agreement, the Act stipulates that the matter should be settled by a court, which will impose a Land Access Agreement and determine an appropriate compensation figure.

“Under WA law, fracking companies have all the power. The best a local landholder can hope for, if a fracking company is determined to get on their land, is to negotiate compensation. However, with the petroleum access laws stacked in favour of fracking companies, local landholders have little negotiating power.

“This lack of rights for landholders has serious implications for farming, tourism and other land-based industries in the South West, as well as local residents.”

Mr Kirby said the recent WA Parliamentary Inquiry into Unconventional Gas identified the lack of a veto right as a problem.

“In its report last year, the Parliamentary Inquiry correctly identified that the lack of veto rights resulted in a fundamental inequity between farmers and gas companies,” he said.

“The Inquiry recommended that a statutory process be set up to govern the negotiations between fracking companies and landholders to address this problem – a recommendation that was rejected by the State Government.

“The Chair of the Inquiry, South Metro MLC Simon O’Brien, was recently reported as saying the State Government’s response to his Inquiry’s recommendations was ‘underwhelming’.

“Earlier this year Nationals MLA for Moore. Shane Love. called for veto rights for farmers.

Mr Kirby said he was also very concerned that the open letter failed to rule out fracking in the South West.

“The Department is going to a lot of trouble to try and reassure South West residents that fracking is not the polluting industry we know it to be,” he said.

“Obviously, they wouldn’t be going to so much effort to try to convince anyone, if there were no plans to undertake fracking in the region.

“This letter is clearly the next step in trying to get the local community to accept fracking.”

The Frack Free Future campaign called on the DMP to retract its misleading open letter.

“We ask them to refrain from future efforts that seek to create a false sense of security in South West communities, in the face of the serious risks posed by the dangerous and accident-prone fracking industry,” said Mr Kirby.

“The Department should also consider whether, having misled the community in this way, Mr Haworth is a suitable person to hold such a trusted position in the public sector.

“Frack Free Future also calls upon Liberal, National, Labor and Greens politicians alike to outline how they are going to protect the interests of local landholders, and stop fracking companies coming onto private land against the wishes of local residents and businesses.”

Frack Free Future is a community campaign involving organisations and individuals from around Western Australia with a shared commitment to protecting West Australian land, water sources and communities from the dangerous impacts of the fracking industry.

OTHER MISLEADING STATEMENTS IN THE OPEN LETTER

The DMP open letter contains a number of additional misleading statements. Key claims are addressed below.

CLAIM	TRUTH
<p>Regulated petroleum activities have been occurring in Western Australia for the past 60 years without compromising health, safety or the environment. During that period, nearly 780 hydraulic fracture stimulation activities have been conducted without major incident.</p>	<p>The Department's own figures state that a very different type of 'fracking' has been used in 740 wells on Barrow Island to enhance oil recovery, but the comparison of this process to modern gas fracking is misleading. Oil drilling and extraction activities have polluted the groundwater below Barrow Island; however, this is a very different process to the fracking that would be employed in WA's onshore gas basins. Shale and tight gas fracking involves the drilling of tens, hundreds or even thousands of gas wells vertically through groundwater aquifers and then sometimes horizontally for several kilometers to access deep gas bearing rocks. A cocktail of chemicals, sand and water is pumped into each well at extreme pressure to fracture the underground rock and release the gas.</p>
<p>The Whicher Range permit area, EP 408, which extends south of Busselton and Capel, is the only area within the South West where petroleum exploration drilling has recently been undertaken. The current approved work program does not include hydraulic fracture stimulation.</p>	<p>Fracking has already been undertaken within the Whicher Range permit area, with serious environmental implications. In 2004, an estimated 1.2 million litres of diesel was used to frack a gas well in the Whicher Range, of which an estimated 500,000 litres of diesel remained underground.</p>
<p>Western Australia has some of the strictest regulations in the world relating to petroleum activities.</p>	<p>So far, there has been no EPA assessment of fracking projects in WA. Fracking in WA has also been effectively exempt from pollution control regulations including Commonwealth legislation to protect underground water from coal and coal seam gas mining. The regulator tasked with protecting the public – the Department of Mines and Petroleum – is also tasked with actively encouraging development of the fracking industry (hence this open letter, and an ongoing conflict of interest in the agency). Under WA regulations, no environmental monitoring data for gas fracking operations is released to the public.</p>
<p>Only chemicals with low toxicity and low concentrations are used.</p>	<p>Almost all of the chemicals used in fracking operations (including those in WA) have not been assessed for safety by the national regulator NICNAS. Many of the chemicals used overseas have been shown to be toxic or potentially toxic to humans and other animals.</p> <p>Benzene, for example, is highly toxic even in very low (> 1 ppb) concentrations and whilst it (and other BTEX chemical) have been prohibited from use in chemical additives, they are present in hydrocarbon deposits and therefore are present in wastewater from fracking operations.</p>