

TO THE STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS

FOR THE ATTENTION OF THE HON MATTHEW SWINBORN MLC

**RE: PETITION NO 030 – OPENING THE TERMS OF REFERENCE FOR THE FRACKING  
INQUIRY TO PUBLIC SUBMISSION**

Dear Sir,

Thank you for your letter of November 9, 2017. I am pleased to provide this written submission outlining the reasons for the petition. I have not, up to this time, taken any form of complaint to the Parliament Commissioner for Administrative Investigations (Ombudsman) regarding this matter.

I am the principal petitioner and have taken this action on behalf of the thousands of people I represent in my role as a coordinator for the Lock the Gate Alliance in WA.

I, together with the other more than 600 signatories to this petition, welcome the Government's commitment to investigate fracking in WA through an inquiry, the implementation of a fracking moratorium and the regional fracking bans. However, we believe these moves could be improved.

We would like the State Government to open the terms of reference (TOR) for the fracking inquiry to public submissions. This would ensure all issues relating to this industry are covered, including its impact on climate, water, health, air quality and existing industries.

The fracking inquiry presents WA with a unique opportunity to have the potential risks of fracking investigated by a scientific panel. However, as the TOR stand at present they will limit what the inquiry can examine.

We are asking for the TOR to be open to public submission for a period of no less than ten days. We ask this so that the community, who are the ones who will pay for this inquiry, will get the chance to put forward issues they would like to see examined by the panel.

We believe that this is in keeping with the spirit of the Aarhus Convention on public participation in matters of environmental concern, which we consider to represent best practice in community consultation, transparency and access to environmental justice.

The more than 620 signatures I am presenting to the committee in support of this petition were collected over just a few weekends at farmers markets and other regional events. Almost every person who was presented with the petition signed it. It is testament to the strength of feeling in the community about the impacts of fracking on land, water and health and demonstrates that this inquiry will be closely followed by ordinary West Australians, especially those in regional WA.

Although the inquiry is about to open for public submissions I believe it is not too late to let the public make submissions to the inquiry's TOR. I understand that the NT Fracking Inquiry allowed the community to have a say on the TOR for its inquiry. The result was a community that was, and remains, very engaged in the process and the inquiry. It is something that can enhance the value of the fracking inquiry and help build public confidence that it will be comprehensive, transparent and unbiased.

We believe that by opening the TOR to public comment, the TOR can be expanded to allow for a thorough investigation of all of the activities relating to hydraulic fracturing and unconventional gas development in WA.

If we are to get a full picture of the impact of unconventional gas mining and exploration on communities then it is imperative that the inquiry examine the potential social and economic effects of unconventional gas development on existing industries such as intensive agriculture and all forms of farming, beekeeping and tourism.

As the TOR currently stand, the inquiry will not even look at the potential impact of fracking on the Metro area, South West or Peel. This is supposedly because those areas are currently protected by a fracking ban, yet the bans have not been legislated by the parliament and could potentially be overturned by the Mines Minister at any point. The potential impact of fracking on these valuable food growing and tourism areas will not even be considered by the inquiry. Yet if the inquiry finds in favor of fracking in WA, these areas could be fracked.

The government and industry argue that in the south west fracking will not work due to the clay soils that expand when fracked blocking the movement of gas. But this technical issue is being worked on as I write and petroleum engineers from around the world are examining multiple ways to get around this issue. It is only a matter of time before another experimental unconventional method to extract gas is tried in our south west and through our valuable water resources. Already the Whicher Range east of Margaret River has been fracked using diesel as the fracking fluid. This experiment tried and failed. The result is that we still have more than 600,000L of diesel trapped in a well in a priority one water catchment area in our world-famous wine and tourism region.

In addition, under the current TOR, the inquiry is not even required to make a recommendation on whether fracking should be permanently banned in WA. Neither it is required to examine the impact of fracking activities against the precautionary principle and intergenerational equity.

Issues including the comparative benefits of alternatives to fracking such as the development of renewable energy will not be considered under the current TOR.

The robustness of this inquiry is very important to the many communities and landholders who would be impacted by onshore unconventional gasfields across WA.

We are calling on the committee to look closely at this issue and to allow the public to have a say on what the fracking inquiry will examine. It is a simple ask designed to aid transparency, participation, equity and environmental justice and to enhance the credibility and robustness of the fracking inquiry.

Yours faithfully,

Jane Hammond BA, Dip ED, MPC

WA Communications & South West Campaign Coordinator

Lock the Gate Alliance