

PROPOSAL 10 - Protection from the impacts of unconventional gas exploration and extraction

Social Justice Board

That the Presbytery and Synod:

1. Note that the Hydraulic Fracturing ('Fracking') process:
 - a. uses large volumes of toxic chemicals at high pressure to extract gas;
 - b. is known to have contaminated groundwater aquifers;
 - c. produces significant greenhouse gas emissions in both the extraction process and post-production usage and;
 - d. impacts on natural landscapes and ecosystems, and agricultural productivity when situated on viable agricultural landholdings.
2. Ask the Government of Western Australia to recognise
 - a. the inadequacy of the Petroleum and Geothermal Energy Resources Act 1967 (WA) to protect the environmental integrity of gas fracking sites.
 - b. the increasing risks to ecosystem and human health due to the cumulative impacts of multiple gas fracking sites.
3. Call on the Government of Western Australia to place a moratorium on all unconventional gas exploration and extraction activities in Western Australia.
4. Call on the Government and people of Western Australia to move towards renewable energy and away from fossil fuels for the sake of the earth and its peoples.

Rationale

I. Concerns for the water and land and the health of people

The method of extraction of gas or oil called Hydraulic Fracturing ('Fracking') requires pumping a mixture of carcinogenic and toxic chemicals deep underground at extreme pressure in order to fracture rocks and release natural gas. Where this has occurred elsewhere in the world it has permanently contaminated groundwater aquifers.¹

Western Australian regulation of fracking has a number of problems. The Government is unable to ensure that the effect of development on the environment is minimised, despite the fact that petroleum companies are currently both extracting gas and exploring gas reserves using fracking. Under Western Australian law, most activities that pollute or might pollute the environment are subject to licensing by the Department of Environment and Conservation (DEC) under the *Environmental Protection Act*. While other activities such as mining and minerals processing require *Operating Licenses* to control pollution, shale and tight gas fracking activities are currently exempt from these requirements. The State

¹ <http://cleanwaterhealthyland.org.au/content/water-0>

Government prefers that the environmental impacts of shale and tight gas fracking be regulated by the Department of Mines and Petroleum (DMP). The problem with that approach is that the DMP does not have the powers to enforce any conditions it places on developments. The DMP itself commissioned an independent report by Dr Tina Hunter. In this she states:

“There are no legal provisions in the Act [Petroleum and Geothermal Energy Resources Act 1967 (WA) (PAGERA)] that specifically pertain to the management of the environment in onshore petroleum activities. Environmental protection is provided under s95 of PAGERA, which confers authority on the Minister (or delegate) to give a direction to the leaseholder. Under this section, the direction to protect the environment arises from clause 114 of the Schedule. Under cl 114 (3), the operator is required to have an approved code of environmental practice relevant to the area of operations. At best this is an implied authority to demand an Environmental Plan (EP) or Environmental Management Plan (EMP). Otherwise, environmental protection (the requirement of an EMP or EP) is enforced as a condition of a title or an approval for an operation (e.g. drilling or seismic).

Under the current legislative framework, the EP or EMP is legally unenforceable.”²

The cumulative impact of multiple fracking sites is often under-appreciated. The sum of the fracking operations incrementally approved has a negative synergy - their effects may be multiplicative rather than additive - but even if additive there are problems. For instance, if there is only a one-in-one-hundred chance of a negative outcome (say, the extraction fluids fouling the water table) for each of one hundred extraction wells in an area, then the chance of at least one negative event is 100%, assuming independent probabilities. The multiplicative outcome may arise because more than one could be connected to the same ground water resource (highly likely to be the case).³

Vast areas of Western Australia, including some areas of great conservation and environmental significance in the South West, Ningaloo Coast, Kwonghan Heathland, and Kimberley, have been granted as petroleum exploration leases, for the purpose of exploration of shale and tight gas development. Additionally, the recently introduced Canning Development Bill provides government support for construction of the infrastructure required to develop the huge unconventional (shale and tight) gas reserves that have been discovered in the Canning Basin (Kimberley Region) using the fracking process.

Farmers and private land owners, including traditional owners, have limited rights under the PAGERA. Under the Act:

- The Minister for Mines and Petroleum may legally grant exploration, retention and development titles over ‘private land’;
- It is not a requirement that landowners be notified or consulted in the event a gas exploration title is granted over their land;
- In many circumstances, landowners have no rights of objection to exploration or development of unconventional gas resources on their ‘private land’;

² Regulation of Shale Coal Seam and Tight Gas Activities in Western Australia Dr Tina Hunter Faculty of Law Bond University, 25th October 2011 <http://www.dmp.wa.gov.au/documents/000041.jason.meddd%281%29.pdf>

³ See <http://www.euractiv.com/energy/high-risk-shale-gas-faces-calls-news-514661>; and <http://www.beefcentral.com/news/cumulative-csg-impact-to-trigger-aquifer-drawdowns/>

- Petroleum exploration and development companies have fairly broad powers in terms of accessing petroleum resources on ‘private land’; and
- Upon receiving formal notice from an exploration company, landowners have three months in which to reach a compensation agreement, or the matter will go to the Magistrate’s Court for determination.

There are ongoing concerns among Aboriginal communities about the impacts of gas fracking,⁴ as there is among agricultural landholders.⁵ Such is the concern among the community of Central Greenough that they recently voted to become the first Western Australian town to declare itself Gasfield-Free.⁶

Scientists and doctors around the world have pointed to the serious health risks associated with shale gas fracking. A variety of chemicals involved in gas fracking are known to be toxic, causing skin, respiratory, liver kidney and nervous system damage. These chemicals can affect people through water pollution, of either ground or surface water. Even more worrying, many of these dangerous substances can evaporate from fracking settling ponds, polluting the air that locals and workers breathe.

Long term, low-level exposure to many of these chemicals is linked with a range of diseases. For instance, some affect bone marrow, causing anaemia and cancers such as leukaemia or lung cancer, while others – ‘endocrine disruptors’ - can affect the growth and development of children, even at very low levels of exposure.⁷

2. Concerns for the rights of Aboriginal people

This Act overrides Native Title law. The Uniting Church in Australia in 1994 entered into a covenanting relationship with Uniting Aboriginal and Islander Christian Congress, saying in part that

“We lament that our people took your land from you as if it were land belonging to nobody, and often responded with great violence to the resistance of your people; our people took from you your means of livelihood, and desecrated many sacred places. Our justice system discriminated against you, and the high incarceration rate of your people and the number of Black deaths in custody show that the denial of justice continues today.

“Your people were prevented from caring for this land as you believe God required of you, and our failure to care for the land appropriately has brought many problems for all of us”.

In consideration of the many injustices Aboriginal people have suffered, and with due regard to the difficulties and obstacles they face in being granted Native Title, we are concerned that any law which overrides Native Title Law opens the way for further injustice and desecration of sacred lands.

The ongoing and continually renewing nature of the Covenant calls the Uniting Church to continually act to remove the systems and structures of discrimination and oppression in Australia. The Uniting Church works for just, inclusive and equal relationships, recognising the place of First Peoples in Australia.

⁴ <http://www.abc.net.au/local/stories/2014/08/08/4063892.htm?§ion=latest&date=%28none%29>

⁵ <http://www.lockthegate.org.au/>

⁶ <http://www.abc.net.au/local/stories/2014/08/19/4070205.htm>

⁷ <http://cleanwaterhealthyland.org.au/frack-free/our-health>

3. Concerns for the earth and its people

In its first public statement in 1977, the Uniting Church in Australia expressed what would be an abiding concern with the wellbeing of the planet for the rights of future generations:

“We are concerned with the basic human rights of future generations and will urge the wise use of energy, the protection of the environment and the replenishment of the earth’s resources for their use and enjoyment.”

The natural environment is, however, not merely a resource for the benefit of human beings but has intrinsic value as part of God’s good creation. In 1991 the Uniting Church declared that, Nature has a right to the protection of its eco-systems, species, and populations in their interconnectedness.

The Uniting Church’s commitment to the environment arises out of the Christian belief that God, as the Creator of the universe, calls us into a special relationship with the creation – a relationship of mutuality and interdependence which seeks the reconciliation of all creation with God.⁸(3) We believe that God’s will for the earth is renewal and reconciliation, not destruction by human beings. The foundational document of the Uniting Church in Australia, the Basis of Union, expressed this as the very heart of the Church’s mission.

The Uniting Church has also held grave concerns over the impacts of climate change advocating for the urgent transition away from fossil fuels towards renewable energy. In a statement entitled “Church Commends Clean Energy Future” on 11 JULY 2011 Rev. Alistair Macrae said, “The Uniting Church will continue to be a voice for the planet and all its people and will continue to support measures by the government to take action on climate change. Our hope is that Australia may show leadership in successful climate change policy and bold innovation in renewable technologies.” While gas is often touted as a ‘clean fuel’ it remains a significant source of carbon emissions⁹ from which we should be moving away rather than investing in.

Mover: Glen Banks

Seconder: David Gray

⁸ http://www.unitingjustice.org.au/images/pdfs/resources/UJA-booklets/climatechange_web.pdf

⁹ <http://www.environment.gov.au/system/files/resources/6b894230-f15f-4a69-a50c-5577fecc8bc2/files/national-inventory-report-2012-vol1.pdf>