

Issues for Inclusion in Broad Based Review

Facts	Comment	Issue for inclusion in government review	Covered by Inquiry Yes/No?
<p>Bunbury Energy, registered with ASIC as Unconventional Resource Pty Ltd in May 2013 and changed their name to Bunbury Energy in July 2015; just before it was announced that they had been chosen as the preferred applicant for a shale gas and oil exploration permit in the South West.</p>	<p>Why has an exploration license (for a highly populated area) been issued to a company that has only just been registered and has never drilled a well in Australia? At time of approval, the company had only a handful of staff in Australia, no office in WA and no website.</p>	<p>Develop open and transparent selection process.</p> <p>Review selection criteria resulting in selection of Bunbury Energy.</p>	
<p>I wrote to DMP and asked if farmers could refuse to allow gas companies access to their land. DMP responses were as follows:</p> <ul style="list-style-type: none"> • “The company must provide formal notice to the landowner”. DMP letter 2 Oct 15. • “The company is required to obtain consent, generally in writing from landholders” . DMP letter 25 Jan 16 • “The land owner does not have the power of veto”. DMP letter 10 May 16. 	<p>It should not take three letters to get a straight and unambiguous answer from a government department.</p> <p>Note: Although all of these statements are technically true, DMP should have given a clear answer (that land owners do not have veto) in their first letter.</p>	<p>Review information provided by government departments</p>	
<p>At a workshop on 12 Nov 16 at Busselton Bowling Club, Albert Jacob said (three times) “every proposal would require the highest level of EPA assessment (Public Environment Review). They cannot get around this. I am 100% confident that every well must have this.”</p> <p>When I wrote to confirm this I received the following replies:</p> <ul style="list-style-type: none"> • “I can confirm that proposals for ‘production’ wells will require assessment by EPA” . MEH letter dated 7 Dec 16 • “It is the EPA which determines the level of assessment, and where there is public interest, it is likely that the level of assessment would be the Public Environment review”. MEH letter 12 Jan 17 	<p>One of the major problems at the moment is the lack of data regarding environmental impact. Farmers have only anecdotal evidence to say that land/water has been degraded because no data is collected before mining begins.</p> <p>Every exploratory well should have a Public Environment Review. Conducting an assessment at the stage of production wells is too late.</p>	<p>Review information provided by government Ministers and departments</p> <p>Review approval process to ensure that data is collected and that landholders, neighbouring properties and water resources are well informed.</p>	

Under the current law, if a landholder refuses to allow a mining company access to their property, the company can take the landholder to court and the Magistrate will determine the amount of compensation that they will receive.	Landholders have no rights.	Review current laws to protect landholders	
The Farm Land Access Agreement Template has been promoted by DMP as a tool used to protect landholders but it was not included in legislation.	A comprehensive process needs to be put in place to protect the rights of landholders. This needs to include extensive community consultation.	Review effectiveness of FLAA Template in its current format.	
The Farm Land Access Agreement Template Section 21 states "The landholder must not assign or sell land without first procuring that the purchaser enters into a deed of covenant with the Operator". This means that a caveat is placed over the land so that it cannot be sold unless the purchaser agrees to the continued operation of the mine.	This caveat should not be placed on a landholder unless they have voluntarily agreed to the mining operation. This could seriously impact the ability of a farmer to sell their land later on.	Review effectiveness of FLAA Template in its current format.	
APPEA repeatedly claims that "fracking has been used in WA for decades" but the WA Health Department Report 2015 says: <ul style="list-style-type: none"> fracking has been used in WA for 65 years, until 2005 fracking used conventional (single) drilling methods. 	Terminology used make these misleading statements. Mining companies (like Bunbury Energy) now say they are looking for conventional gas. Will conventional gas extraction include angle drilling? How far will drills extend from the well head? What chemicals will be used?	Clarify terminology used.	
At a public meeting 2011 (reported by Sydney Morning Herald) APPEA said "good management could minimise the risks of water contamination, but never eliminate them. Drilling will, to varying degrees, impact on adjoining aquifers...it is a matter of monitoring and managing those impacts". APPEA and other respected scientist have all clearly stated that fracking is safe "subject to good regulation".	The process of regulation needs to be explained. Do the companies self regulate? How is this managed? As the regulator, DMP should release documents which state how many inspections DMP staff have carried out and make results available to the public.	Review regulation process and method of informing the community.	
The mining industry say that oil and gas is good for the economy and good for jobs. ABS statistics (2012) show that the whole oil and gas industry in Australia increased employment by only 9,372 people.	DMP advise that the State receives 10 -12.5% royalty from each well head but there is widespread doubt about the financial benefit to the State of Western Australia.	Conduct an open and transparent assessment of benefits for: <ul style="list-style-type: none"> mining companies WA government Individual landholders Wider communities 	

<p>Mining companies are required to carry out community consultation before commencing activities. Until the fracking movement evolved, this comprised of talking to local governments and not widespread community consultation.</p>	<p>Fracking involves not just wellheads, but also pipelines that run through communities. It has the potential to become very intrusive and to have an adverse effect on industries such as tourism.</p>	<p>Review consultation process.</p>	
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