

HON. ROBIN CHAPPLE MLC

Independent Scientific Panel Inquiry
Locked Bag 33
Cloisters Square
PERTH WA 6850

Via Email: info@frackinginquiry.wa.gov.au

To The Independent Scientific Panel,

RE: SCIENTIFIC INQUIRY INTO HYDRAULIC FRACTURING STIMULATION IN WESTERN AUSTRALIA

Thank you for the opportunity to provide comment on the *Scientific Inquiry into Hydraulic Fracturing in Western Australia* (WA). Whilst I welcome the Government's commitment to halt hydraulic fracturing stimulation in WA to set up this panel of independent experts to conduct a scientific inquiry, I would like to state my position that I am opposed to hydraulic fracturing stimulation in WA.

Before I provide my submission below, I would like it noted that I have raised serious concerns about the scientific inquiry to the Parliament of WA regarding the resources allocated to the inquiry, the Terms of Reference for the inquiry, and the independence of the inquiry panel members. More information is contained in the attachment *Petition No.030 – Opening the Terms of Reference for the Fracking Inquiry to Public Submission*.

I am aware that the scope of the inquiry is focused on the 'potential environmental impacts', and the 'regulation and management of hydraulic fracturing stimulation'. The scope does not extend to 'considerations of harm to social or economic values that do not arise directly or indirectly from degradation, pollution or loss of physical or biological values'; nor the 'future of the oil and gas industry in WA', or the 'comparative impacts of oil and gas versus other energy sources, or to the consequences of resource development more generally'. Importantly, the inquiry does not consider induced climate change as a result of hydraulic fracturing for unconventional gas.

I am aware the Conservation Council of WA, Environs Kimberley and The Wilderness Society of WA will also provide submissions. Their input on the 'unique WA geographical and geological settings in which hydraulic fracturing for oil and gas development may be proposed and the specific environmental values potentially harmed' will be the most credible and I fully support their submissions.

I fully support the submission by my colleague, Hon Diane Evers MLC who has outlined the impact on the South West Region of WA.

As a State Parliamentarian since 2001 for the Mining and Pastoral Region and the portfolio holder for Mining and Petroleum, I will focus on the 'local regulatory environment and how it might need to be changed'.

HON. ROBIN CHAPPLE MLC

SUBMISSION:

‘The local regulatory environment and how it might need to be changed.’

Regulations and/or requirements that relate to the management of fluid from hydraulic fracturing operations:

It is my understanding that, in WA, unconventional gas production would most likely consist of shale gas production and production of gas from ‘tight’ gas sands; conventional gas reservoirs that do not produce sufficient gas without stimulation or fracturing, for example Barrow Island. Whilst it is unclear whether these forms of gas are economically viable to produce, the WA Government seems determined to review its regulatory framework around onshore oil and gas development. Importantly, the Government, in answers to questions asked in Parliament (see attached Questions C1325 and C1166) has demonstrated a lack of clarity of ‘unconventional gas’ as the correct term.

The prospect of coal seam gas (CSG) production in WA is poor, and the production of shale and tight gas differs considerably from CSG that has occurred in the Eastern States. Due to CSG being relatively shallow (300-1100m deep) and shale gas being relatively deep (2-4km deep or more), and unlike CSG – because shale and tight gas is not held in place by water pressure – it is not necessary to de-water the gas well to produce gas.

Due to shale and tight gas being held by impermeable geological structures, hydraulic fracturing is required to produce a satisfactory flow of gas. This involves forcing water and sand, combined with low concentrations of additives (surfactants, acids, and viscosity modifiers) into the well at high pressure to induce fractures in the geological formations. Whilst some of this fluid is absorbed by the formation, some flows back as produced or flowback water. Although the flowback is on a smaller scale compared to the water produced by CSG wells, the management of this fluid still requires appropriate hazard management.

Shale gas is located in areas of geological instability with unstable tectonic plate movement. It is inappropriate to have wells located in these areas, where the breaking and release of gas and water occurs under pressure. Overtopping of wells and ponds occurs during the wet season and heavy rainfall. The syphoning of wells and ponds occurs to prevent the overtopping but it is unclear where the excess is syphoned to. An example was the recent syphoning of the Ungani Ponds.

To my knowledge, there are no codified regulations or guidelines relating to the management of produced water as a separate issue in WA. Instead water is dealt with as part of the overall process of approving petroleum developments. There is also no charge for the use of water by mining companies, and no oversight on the overtopping. This is inadequate.

Petroleum operations in WA relating to tight and shale gas are governed by the *Petroleum and Geothermal Energy Resources Act 1967*, which regulates onshore petroleum operations. Under this Act, there are provisions made for regulations, such as the *Petroleum and Geothermal Energy Resources (Environment) Regulations 2012* that prescribe environmental plans for Ministerial approval. These regulations include petroleum activity that involves hydraulic fracturing but are not prescriptive on the issue of produced water. Although the environmental plans must include an implementation plan and plan for monitoring the impacts on the environment, they are only a risk-assessment approach, produced by the proponent detailing the assessment of risks, projected impacts and environmental performance standards.

HON. ROBIN CHAPPLE MLC

As an adjunct to the Act, the *Resource Management Regulations* replaced the *Schedule of Requirement* for onshore petroleum production to include a 'field management plan' and a 'well management plan'. However, neither are prescriptive on the issue of produced water but only 'waste fluids', (which for fracturing activity would include produced water and other fluids).

The environmental plan must also include details of any emissions and discharges anticipated to land, air, marine, seabed, sub-seabed, groundwater, sub-surface or inland water environment and how they can be monitored and recorded in a verifiable way. Past experience shows the inadequacy of these reporting and monitoring requirements.

Attached are a series of questions I have asked in parliament which show deficiencies in the regulatory framework for monitoring, reporting and effective environment protections.

I refer to Question Without Notice 306, and in particular the answer in question (2): 'Commitments within environment plans are confidential under the provisions of the *Petroleum and Geothermal Energy Resources Act 1967*. There was no action taken against Buru for the April 2013 incident, due to this incident being considered insignificant and causing no environmental damage'. This highlights that there is no transparency within the current regulatory framework, and that the framework does not meet global best practice.

This is also contrary to the recommendations made by the Independent Review Board, when seeking input into the draft *Petroleum and Geothermal Energy Resources (Resource Management and Administration) Regulations 2014*. The Board recommended that the regulatory processes should be strengthened and that legal enforceability needs to be improved through developing new environmental and resource management regulations. The Independent Review Board called for key legislative amendments to:

- strengthen enforcements provisions for regulators;
- mandate full disclosure of chemicals; and
- mandate public release for approved Environment Management Plans.

Making Environment Plans subject to public disclosure in the *Guidelines for the Development of Petroleum and Geothermal Environment Plans in WA*, in November 2016 was a positive step. However, these are just guidelines and are not enforceable by the *Petroleum and Geothermal Energy Resources Act 1967*.

Furthermore, the Environment Plans are assessed and approved by a proponent for industry – the Department of Mines and Petroleum (DMP). This is an inherent conflict of interest within the DMP as the environmental regulator. The circumstances in which the Environment Protection Authority approve oil and gas developments or may impose conditions on the management of any part of the petroleum operation, (including produced water) must be toughened to protect the environment first and foremost.

Regulations and/or requirements that relate to the handling and storage of chemicals used in hydraulic fracturing operations:

The range of additives used in both drilling and fracturing operations, which can be classified as hazardous or dangerous goods in their concentrated forms, are substances generally diluted to lower concentrations. It is imperative that these additives retain a dangerous goods classification pre and post use, regardless of levels of concentration.

HON. ROBIN CHAPPLE MLC

Hydrochloric acid is a very commonly used additive in petroleum operations. Regardless of whether a well is to be fractured or not, it is likely that it would be washed with hydrochloric acid at some point. Only in its concentrated form, where it is usually shipped as a 35-37% solution, is hydrochloric acid classified as a Class 8 (corrosive) dangerous good. Its handling and transport is subject to the *Dangerous Goods Safety Act 2004*, Section 8.

The actual requirements for transport and storage of dangerous goods are mainly prescribed by the regulations under this Act but they vary depending on the quantity of the dangerous goods that are stored and/or used at a particular site. A flaw in this regulation is that, where large quantities of dangerous goods are stored for an extended period, the site of use may be required to be licensed to do so but where smaller quantities are stored, it may not be necessary for the site to be licensed.

I refer to Questions on Notice 1107 and 1203, which demonstrate the extent of the flaw in this regulation where a stockpile of forty 1000-litre plastic containers full of diesel oil and (possibly other chemicals) had been left behind after the fracking operation at Arrowsmith, a site near Eneabba. The containers were not covered and had no bunding around them, and at least one had deteriorated to the point of leaking its contents into the bare ground.

In the water produced on/or after treatment (or evaporation) of the water, some residue may remain containing the additives that were put in the well, as well as naturally occurring contaminants that have been picked up by the fluid while in the well. Uranium scale is produced on pipework and must be cleaned periodically but it is unclear what the process is to regulate this safely. This must be considered environmentally controlled waste under the *Environmental Protection (Controlled Waste) Regulations 2004*; it must be only disposed of at a licensed facility, and transported in an approved manner by a licensed operator.

In conclusion, I strongly urge that all Environment Plans are exempt from permanent confidentiality. The regulations must include legally enforceable environmental controls to cover:

1. Groundwater and aquifer contamination.
2. Air pollution.
3. Disturbance to native farmland and native vegetation.
4. Corroding, cracking and leaking wells.
5. Uncontrolled fugitive methane emissions.
6. Large volumes of liquid waste dumped into the environment.

Regulations must also include:

1. Provisions for WA farmers, Native Title Holders and other landowners the right to say no to hydraulic fracturing stimulation on their land.
2. Protections of our precious water resources from overuse and/or contamination by hydraulic fracturing stimulation.
3. Independent measurements of leaking methane from hydraulic fracturing stimulation and results to be made publicly available.
4. Stronger environmental laws to protect our natural environment.

I strongly recommend that the main elements that need to be considered in the regulatory framework are:

- regulations and/or requirements that relate to the management of fluid from hydraulic fracturing operations; and

HON. ROBIN CHAPPLE MLC

- regulations and/or requirements that relate to the handling and storage of chemicals used in hydraulic fracturing operations.

I hope that my submission has been of some value and I am available for further comment and clarification.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'R. Chapple', is positioned below the closing text.

The Hon Robin Chapple MLC
Member for the Mining and Pastoral Region
19 March 2018

LEGISLATIVE COUNCIL

C310

QUESTION WITHOUT NOTICE (Of which some notice has been given)

Friday, 21 March 2014

Hon Robin Chapple to the Minister for Mental Health representing the Minister for Environment.

I refer to Question On Notice No. 760 asked in the Legislative Council on 20 February 2014, and ask:

- (1) What roll does the Environmental Protection Authority (EPA) and Department of Environment Regulation (DER) have in relation to events and breaches described in this question and answers?
- (2) If none to (1), why not?
- (3) Given that the EPA has had no oversight or given any assessment of these test fracking wells, does the EPA or the DER consider the failure of the Department of Mines and Petroleum to effectively manage fluids on site a reason to become involved in the licencing or assessment of these fracking wells?
- (4) If no to (3), why not?
- (5) Has the release of waste water and drill cuttings, drill fluid, and cement from these ponds into the environment breached any environmental standards, licences, conditions or requirements of DER?
- (6) If yes to (5), what action will the Minister or DER or the EPA take against Buru on this matter?
- (7) If yes to (5) but no to (6), why not?

I thank the Hon. Member for some notice of this question.

- (1)-(2) The Environmental Protection Authority (EPA) does not have a role in the control of implementation of proposals. The Department of Environment Regulation's (DER) role in this matter is limited to investigating incidents of potential pollution, environmental harm and unauthorised discharges to the environment in accordance with the provisions of Part V of the *Environmental Protection Act 1986* and its subsidiary legislation.
- (3) No
- (4) The EPA has previously provided public advice that these types of small scale, 'proof of concept', exploration drilling proposals are unlikely to have a significant effect on the environment, and that the potential small-scale impacts can be evaluated, regulated and mitigated by the Department of Mines and Petroleum and the Department of Water. The 2014 fracking proposal by Buru Energy Limited does not include the production of oil or gas at a production or design capacity of 5000 tonnes or more per year and therefore does not trigger a prescribed activity under Schedule 1 of the *Environmental Protection Regulations 1987*.

(5) No. DER has not been advised of any specific discharges that may breach the *Environmental Protection (Unauthorised Discharges) Regulations 2004* which would be the only regulations that may be applicable if materials discharged were included in Schedule 1 of the regulations.

(6)-(7) Not applicable

AJ

C308

LEGISLATIVE COUNCIL

QUESTION WITHOUT NOTICE
(Of which some notice has been given)

Tuesday, 1 April 2014

Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Mines and Petroleum.

I refer to Question On Notice No. 760 asked in the Legislative Council on 20 February 2014, and ask:

1. I refer to the answer to (e) (i) will the Minister table Buru's approved Environment Plan that allowed for the discharge of this water to the well site firebreak?
2. If no to (1), why not?
3. On what dates was the water discharged to the well site firebreaks?
4. On what dates was the water tested for constituents of potential concern and determined to pose no risk to the environment?
5. On what dates was the Department advised of the discharge of this water to the well site firebreaks?
6. On what date was the Department provided evidence that the water was tested for constituents of potential concern and determined to pose no risk to the environment?
7. If no evidence was provided to the department that the water posed no risk to the environment, why not?
8. Was the EPA or DEP advised of the discharge?

I thank the Hon. Member for some notice of this question.

The Department of Mines and Petroleum advises:

1. No
2. The content of Environment Plans remains confidential under the provisions of the *Petroleum and Geothermal Energy Resources Act 1967*.
3. The Department is unaware as to whether the water in the firebreak is discharge water or rainwater. Nevertheless, the Department does not require to be notified

of the date of discharge to the firebreak where discharged water has been tested and the chemical content is not of concern.

4. The Department is unaware of testing of water in the firebreak, see answer to 3 above.
5. See answer to 3.
6. See answer to 4.
7. Not applicable, see answers to 3 and 4 above.
8. Not to the knowledge of the Department of Mines and Petroleum.

bi

C307

LEGISLATIVE COUNCIL

**QUESTION WITHOUT NOTICE
(Of which some notice has been given)**

Tuesday, 1 April 2014

Hon Robin Chapple to the Minister for Agriculture and Food representing the
Minister for Mines and Petroleum

I refer to Question On Notice No. 760 asked in the Legislative Council on 20
February 2014, and ask:

1. Regarding answer to (c) (iii), on what date in May 2013 did Buru make modifications to ensure that there will be no further overflow?
2. Regarding answer to (c) (iii), what was the actual date in April 2013 that the department was advised of this initial event?
3. Regarding answers to (c) (iii) and (1 and 2) above, on what date was the department advised of the overtopping event that occurred in early February 2014?
4. If the department was not informed of the overtopping in 2014 why not?
5. Has the Department visited the sites since the flooding events of February 2014?
6. If no to (5), why not;
7. If yes to (5), will the minister table the inspectors report?
8. If no to (5), why not?

I thank the Hon. Member for some notice of this question.

The Department of Mines and Petroleum advises:

1. The Department is unaware of the exact date the modifications were made.
2. 12 April 2013.
3. The Department is not aware of an overtopping event in early February 2014.
4. The Department is not prepared to speculate.

5. No

6. The Department has had no reason to vary its planned inspection schedule.

7. - 8. Not applicable

u

C306

LEGISLATIVE COUNCIL

QUESTION WITHOUT NOTICE
(Of which some notice has been given)

Tuesday, 1 April 2014

Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Mines and Petroleum.

I refer to Question On Notice No. 760 asked in the Legislative Council on 20 February 2014, and ask:

1. Was the answer to question (a) incorrect given that all ponds had overtopped in the week preceding when the photos were taken and the ponds had been drained as per answer to question (e) and that it had rained consistently up until the time the photos were taken?
2. Given that answer to (c) indicates that it was not permissible for the fluid to have escaped from the lined dam, will the Minister table the conditions that prescribe this, and indicate what action the Minister will take against Buru for having failed to comply with this requirement?
3. If no to any of (2), why not?
4. With respect to (2), was Buru prosecuted or issued an infringement notice for this breach?
5. If yes to any part of (4), will the Minister table either the prosecution or infringement notice?
6. If no to any part of either (4 or 5), why not?

I thank the Hon. Member for some notice of this question.

The Department of Mines and Petroleum advises:

1. No
2. Commitments within Environment Plans are confidential under the provisions of the *Petroleum and Geothermal Energy Resources Act 1967*. There was no action taken against Buru for the April 2013 incident, due to this incident being considered insignificant and causing no environmental damage.
- 3 - 4. See answer to question 2 above.

5- 6.
Not applicable

hi

LEGISLATIVE COUNCIL

C309

QUESTION WITHOUT NOTICE
(Of which some notice has been given)

Tuesday, 1 April 2014

Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Water.

I refer to Question On Notice No. 760 asked in the Legislative Council on 20 February 2014, and ask:

1. What roll does the Department of Water (DOW) have in relation to events and breaches described in this question and answers?
2. If none to (1), why not?
3. Was the DOW made aware of the breaches in 2013 and 2014, if so by whom and on what dates?
4. If no to (3), why not?
5. What action will the DOW take to ensure that waste water and drill cuttings, drill fluid, and cement from these ponds do not contaminate any standing water in the region?
6. Has Buru beached any standards, licences, conditions or requirements of the DOW?
7. If yes to (6), what action will the Minister or his Department take against Buru on these matters?
8. If yes to (6) but no to (7), why not?

I thank the Member for some notice of this question.

- (1) None
- (2) Oil and gas exploration and production is regulated by the Department of Mines and Petroleum (DMP) under the *Petroleum and Geothermal and Energy Resources Act 1967*. Environmental pollution is regulated by the Department of Environment Regulation under the *Environmental Protection Act 1986*.
- (3) No
- (4) See response to Question 2.
- (5) None. Monitoring for the purposes of detection of contaminants and drilling fluids around drill sites are regulated by the Department of Mines and Petroleum.
- (6) No
- (7) Not applicable
- (8) Not applicable


01 April 2014.

LEGISLATIVE COUNCIL**Question on notice****Wednesday, 7 May 2014**

1203. Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Mines and Petroleum.

I refer to the Arrowsmith fracking well site and photos at http://www.robinchapple.com/sites/default/files/Arrowsmith_fracking_containers.jpg and http://www.robinchapple.com/sites/default/files/Arrowsmith_fracking_container_leak.jpg, and I ask:

- (a) when was the site drilled and fracked;
 - (b) was a stockpile of 40 full 1000 litre plastic containers left at the site;
 - (c) what did those plastic containers contain;
 - (d) were any of those containers leaking, if so, how many and what was the material that was leaking;
 - (e) when were the plastic containers removed;
 - (f) was environmental remediation of the areas impacted by the spills remediated;
 - (g) was the remediation checked by the Department of Mines and Petroleum (DMP) and found to be successful;
 - (h) if no to (g), why not;
 - (i) was the basis of removal of those plastic containers because of an alert by the community;
 - (j) if yes to (i), when was that alert provided to the DMP;
 - (k) if yes to (i), who provided that alert;
 - (l) how many times during the lead up to the frack and subsequently to the current date have DMP officers visited the site and on what days; and
 - (m) if no dates were given in (l), why have the DMP officers not visited the site?
-

Answer

The Department of Mines and Petroleum advises:

- (a) Drilling was undertaken from May to June 2011. Hydraulic fracture stimulation was undertaken from July to September 2012.
- (b) Yes, 44 x 1 000L containers, with one only partially filled were temporarily left on site for 20 days due to delays with the transportation company.
- (c) Oil/condensate recovered from the Arrowsmith 2 well.
- (d) Yes, one 1 000L container leaked onsite, resulting in one litre of oil/condensate being spilt onto the ground.
- (e) 28 April 2014.
- (f) Yes, contaminated soil was removed from the site and disposed of at an appropriate waste disposal facility.
- (g) Photo evidence was received to confirm remediation that was completed to the Department of Mines and Petroleum's satisfaction.
- (h) Not applicable
- (i) No
- (j) Not applicable
- (k) Not applicable
- (l) Officers from the Department of Mines and Petroleum visited the site 10 times: on 21 September 2011, 26 July 2012, 27 to 29 July 2012, 12 August 2012, 22 August 2012, 7 to 8 February 2013, 14 May 2013, 9 July 2013, 19 September 2013, and 18 September 2013.
- (m) Not applicable



C 1166

LEGISLATIVE COUNCIL

**QUESTION WITHOUT NOTICE
(Of which some notice has been given)**

Tuesday, 14th October 2014

Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Mines and Petroleum

I refer to Question Without Notice 828 asked on 19 August 2014, in which the Minister advised, and I quote: "there is no such thing as unconventional gas in Western Australia", and I ask:

1. If there is no such thing as unconventional gas in Western Australia, to what does the 'Inquiry into the Implications for Western Australia of Hydraulic Fracturing for Unconventional Gas' being conducted by the Environment and Public Affairs Committee owe its name?
2. If there is no such thing as unconventional gas in Western Australia, what is the 'Inquiry into the Implications for Western Australia of Hydraulic Fracturing for Unconventional Gas' investigating?
3. What does the Minister understand the term 'unconventional gas' to mean?
4. What does the Minister understand the term 'renewable energy' to mean?

I thank the Hon. Member for some notice of this question.

1. The Minister is not a member of the Environment and Public Affairs Committee and has no involvement with its operations and inquiries.
2. The terms of reference are available from the Environment and Public Affairs Committee.
3. Not applicable. There is no accepted definition for the term 'unconventional gas'.
4. Energy from a source that is not depleted when used.

W

LEGISLATIVE COUNCIL
Question on notice

Tuesday, 6 May 2014

1107. Hon Robin Chappie to the Minister for Agriculture and Food representing the Minister for Mines and Petroleum.

I refer to recent hydraulic fracturing (fracking) activities at Arrowsmith 02 near Eneabba, and I ask:

- (a) when did the fracking operation(s) occur;
- (b) who conducted the fracking operation(s);
- (c) is the Minister aware that about 40 x 1000 litre plastic containers full of diesel oil, and possibly other chemicals, are stored uncovered and un-bunded on this frack site;
- (d) how long have the containers been there;
- (e) have the containers been inspected by officers from the Department of Mines and Petroleum:
 - (i) if yes to (e), when did this occur and what were the findings;
- (f) is the long term storage of these 1000 litre plastic containers full of chemicals on the frack site approved under the plans and conditions that apply to this operation under the department's regulatory system:
 - (i) if yes to (f), will the Minister please table these plans and conditions, and if not, why not;
- (g) is the Minister aware that several of these 1000 litre plastic containers are now leaking onto the ground:
 - (i) if yes to (g), what has been done to rectify the situation; and
 - (ii) if no to (g), why not and will the Minister now order an investigation;
- (h) who is responsible for the safe storage, removal and disposal of these chemicals; and
 - (i) if the company is responsible, will it be prosecuted if found to be negligent, causing pollution:
 - (i) if no to (i), why not?

Answer

The Department of Mines and Petroleum advises:

- (a) From July to September 2012.

- (b) Norwest Energy.
- (c) Yes, the Department of Mines and Petroleum (DMP) is aware 44 x 1 000L sealed containers containing oil/condensate (recovered from the Arrowsmith 2 well) were stored on site. These have now been removed.
- (d) DMP has been advised that the containers were stored onsite for a total of 20 days due to delays with the transportation company removing the containers from site.
- (e) No, the containers had been removed from the site before the delay in removal was reported to DMP.
 - i. Not applicable
- (f) No, the long term storage of the unbanded containers containing oil/condensate was not approved by DMP. The Environment Plan commits to 'All chemicals and hazardous materials are stored in a suitably banded tank or storage area at the well location.' It was the operator's intention for the transportation company to remove these from site immediately, however, due to unforeseen delays they were stored unbanded on site for a total of 20 days.
 - i. Not applicable
- (g) DMP is aware that one container had leaked and one litre of oil/condensate had leaked onto the ground. This was reported to DMP after the spill had been cleaned up.
 - i. The hydrocarbon spill and contaminated soil have been removed from site and disposed of at an appropriate waste disposal facility.
 - ii. The situation has been rectified.
- (h) Norwest Energy.
 - i. No
- (i) The spill of one litre is not considered significant and the contaminated soil has been removed from site and disposed of at an appropriate waste disposal facility.



LEGISLATIVE COUNCIL

QUESTION WITHOUT NOTICE
(Of which some notice has been given)

Thursday, 23 October 2014

Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Mines and Petroleum

I refer to the Minister's statement in reference to Question Without Notice 828 asked on Tuesday, 19 August 2014 that "there is no such thing as unconventional gas in Western Australia", and a further statement in reference to Question Without Notice 1166 asked on Tuesday, 14th October 2014 that "there is no accepted definition for the term 'unconventional gas'", and I ask:

1. To what were you, as Minister for Environment, referring to in the answer to Question on Notice 7974 asked on 15 May 2012 in the Legislative Assembly when you answered "The unconventional gas proposals referred to the EPA have been small scale trial proposals"?
2. To what were you referring to in your Ministerial Statement (Tuesday, 7 May 2013) when you reported on your visit to the United States for the Liquefied Natural Gas 17 conference held in Houston, Texas and you stated "These messages were well received, especially at a time when Western Australia's emerging unconventional gas sector is gaining early momentum in the exploration and appraisal phase"?
3. What definition of unconventional gas, outlined in questions 1.) and 2.) above, were you using?
4. If there is no such thing as unconventional gas in Western Australia, to what were you referring to on these occasions?

I thank the Hon. Member for some notice of this question.

The Minister for Mines and Petroleum advises:

- 1-4. In my role as the Minister for Mines and Petroleum I have become increasingly aware that the term 'unconventional gas' is inappropriate. 'Unconventional Gas' has been a popular umbrella term for natural gas from shale, tight sands, coal seams and ocean floor hydrates.

With over twenty years of extracting natural gas from the first three sources it is difficult to continue to classify these sources as 'Unconventional'. Further, natural gas sourced from shale and tight rocks is identical to other sources of natural gas available in the State.



LEGISLATIVE COUNCIL

C310

QUESTION WITHOUT NOTICE (Of which some notice has been given)

Friday, 21 March 2014

Hon Robin Chapple to the Minister for Mental Health representing the Minister for Environment.

I refer to Question On Notice No. 760 asked in the Legislative Council on 20 February 2014, and ask:

- (1) What roll does the Environmental Protection Authority (EPA) and Department of Environment Regulation (DER) have in relation to events and breaches described in this question and answers?
- (2) If none to (1), why not?
- (3) Given that the EPA has had no oversight or given any assessment of these test fracking wells, does the EPA or the DER consider the failure of the Department of Mines and Petroleum to effectively manage fluids on site a reason to become involved in the licencing or assessment of these fracking wells?
- (4) If no to (3), why not?
- (5) Has the release of waste water and drill cuttings, drill fluid, and cement from these ponds into the environment breached any environmental standards, licences, conditions or requirements of DER?
- (6) If yes to (5), what action will the Minister or DER or the EPA take against Buru on this matter?
- (7) If yes to (5) but no to (6), why not?

I thank the Hon. Member for some notice of this question.

- (1)-(2) The Environmental Protection Authority (EPA) does not have a role in the control of implementation of proposals. The Department of Environment Regulation's (DER) role in this matter is limited to investigating incidents of potential pollution, environmental harm and unauthorised discharges to the environment in accordance with the provisions of Part V of the *Environmental Protection Act 1986* and its subsidiary legislation.
- (3) No
- (4) The EPA has previously provided public advice that these types of small scale, 'proof of concept', exploration drilling proposals are unlikely to have a significant effect on the environment, and that the potential small-scale impacts can be evaluated, regulated and mitigated by the Department of Mines and Petroleum and the Department of Water. The 2014 fracking proposal by Buru Energy Limited does not include the production of oil or gas at a production or design capacity of 5000 tonnes or more per year and therefore does not trigger a prescribed activity under Schedule 1 of the *Environmental Protection Regulations 1987*.

(5) No. DER has not been advised of any specific discharges that may breach the *Environmental Protection (Unauthorised Discharges) Regulations 2004* which would be the only regulations that may be applicable if materials discharged were included in Schedule 1 of the regulations.

(6)-(7) Not applicable

AJ