

Extract from Hansard for Inquiry for Queensland Government Administration related to Commonwealth Government Affairs - Certain aspects of Queensland Government Administration related to Commonwealth Government Affairs - 19/02/2015

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Relating to testimony provided to the International Permanent People's Tribunal into the Human Rights Impact of Unconventional Gas by Mrs Pam Bender

BENDER, Mr George Thomas, Private Capacity

BENDER, Mrs Pamela Hazel, Private Capacity

HILL, Mrs Jennifer, Private Capacity

HILL, Mr Joseph, Private Capacity

CHAIR: I welcome xxxx, Mr and Mrs Bender, Mr and Mrs Hill, and xxxx when he arrives. Information on parliamentary privilege and the protection of witnesses and evidence has been provided to you. The committee has your submissions and I now invite you to make a short opening statement. At the conclusion of your remarks I will invite members of the committee to put questions to you.

Chair: ...Mr Bender?

Mr Bender : I am George Bender from Hopeland, which is about 22 kays south of Chinchilla. I have lived in that district all my life. We have been dealing with the coal seam gas company since 2006 actually; but, more recently, it is about what the gas is doing to the underground water. We have two bores in Walloon Coal Measures, and the water is gone. Those bores are only releasing methane at the moment. We measured them on Tuesday, and the methane that is in them now is above explosive limits. That is all caused by the coal seam gas industry, no ifs or buts about it. The water impact reports said there are 85 bores in the immediately affected area that the companies had to make good on. They had to find you some more water or do something.

We started negotiating with the company. You sit down with the company, like we are here today, and everything is written down. A couple of weeks after, it comes out and it is not anything whatsoever that was discussed at that meeting. I have the documents here to prove it. You bring that up with the company and the government, and the company say, 'We apologise; we'll make sure we read it next time before we send it out, to make sure it's right.' You take it up with the GasFields Commission too, and all their response is that they apologise for doing what they did and, 'Just move forward.' The term they like to use is: 'Move forward in good faith.'

That is what has happened. There are 85 bores out there in the immediately affected area, and the water is gone. Of our two bores—I have it here—one was predicted to have a draw-down of 95 metres and the other one 105 metres. That was predicted two years ago. In the long term, there are another 529 new bores. This is all in the Walloon Coal Measures. Anyone who has bores in the Walloon Coal Measures is going to have no water. The government thinks, 'Oh, well; the company's made good.' If a company is going to 'make good' by drilling to the next aquifer, which is the Hutton—well, there is not enough water in the Hutton to 'make good'. We said, 'We might be going to put a bore into the Hutton,' because we had a five-megalitre licence to drill into the Walloon Coal Measures, but it is no good putting it in there now, because the water is gone. So, if we want underground water from now on, we are going to have to go down into the Hutton. That is about all I want to say at this stage.

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CHAIR: That is all right. We will get back to it when we ask some questions. Mrs Bender, do you have anything to say?

Mrs Bender : I am just horrified with what is going on. We are the driest continent on earth. What is going to happen to our sons, our grandsons? We have stuffed the water, we have stuffed the land and no-one cares. Do you understand what I am talking about? And health.

CHAIR : I can certainly hear your frustration.

Mrs Bender : I have been dealing with this for 10 years, and it is not fun.

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CHAIR: Mr Bender, you said that you have bores on your property.

Mr Bender : Yes.

CHAIR: Did you give them permission to do that?

Mrs Bender : They are water bores.

Mr Bender : They are bores, not wells.

CHAIR: Oh, water bores. Okay. What impact has all this had on your business?

Mr Bender : We are a little bit fortunate that we have some reasonably good surface water, but the bores are there to be used. If your dams are dry, you rely on the underground water. Now it is gone.

CHAIR: Has it had an impact on your work and on your business?

Mr Bender : Yes. We accepted monetary compensation. We will be putting the bore down into the Huttons, maybe. This summer our service waters have replenished somewhat, so we are not desperate to get into the Huttons at this stage. As I said before, when we sat down and discussed things they offered us so much money. That is what they are doing now. They know they are going to spend half a million dollars trying to get down into the Huttons. If they get down there and there is no water they still have to do find the landholder some water. They have given that idea away now; they want to go money.

Senator LUDWIG: Can you explain that a little bit more; just expand on the point you are making. I am interested in understanding the way you say they have changed. If you say what they did before and what they are doing now.

Mr Bender : Because these bores are in the immediate aspect area—the company has admitted the water has gone.

Senator LUDWIG: So they have put a well head somewhere near. How has the water disappeared?

Mr Bender : Because of all the wells around the district.

Senator LUDWIG: They are lowering the water table, and then your well, as a consequence—

Mr Bender : Our bores, yes.

Senator LUDWIG: has gone dry.

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Mr Bender : That is exactly right.

Senator LUDWIG: That I understand. What I am trying to understand is that you then said that the companies changed the way they operate to do something differently.

Mr Bender : If they go and spend half a million dollars and they do not get water in the next aquifer below the Walloons they have to find an alternative. The way around that is to say, 'We'll give you compensation and you take the risk of going down and spending that.'

Senator LUDWIG: In your case, did they offer you compensation? I am not asking you to disclose any amounts.

Mr Bender : Yes, they offered us compensation: 'Okay, right.' We agreed on an amount. It was a bit of blackmail on their part—actually, it's not blackmail; it's highly illegal. They wanted to put 13 wells on the property, too. They said, 'Right, here is a map. If you let us put these wells here and sign it,'—it was 30 June, which was only about six weeks to conclude—'if you sign a CCA agreement for the 12 wells we'll give you a little bit more upfront over here.' That is blackmail, at the very least. I reckon it is illegal, because the make-good agreement is under the water act and the drilling of wells on your property is under the petroleum gas act. It is blackmail, anyway, and I reckon it is illegal. They expected us to fall for that, but we didn't, of course.

The agreement came out with all of that on it, with two amounts on it. The amount they were going to pay was 50 per cent on signing and 50 per cent when they finished their operations. When would that be? In 30 years bloody time? That was not mentioned in any of the discussion. Here is the reply: 'We apologise.' I'll check it this time before I send it out. They signed it.

Senator LUDWIG: They did not read it themselves, by the sound of that.

Mr Bender : Here is our property on the map. You heard from Joe. Then you have Paul, and I have three. We have Origin, Queensland Gas and Arrow, plus we have the other dirty stinking underground coal gasification just up the road. It is like living in a gas field. I have a letter here. I wrote to our local member Howard Hobbs and talked to him about health in the area and all he said in reply was: 'Contact Lifeline; they'll talk to you.'

CHAIR: What sorts of health issues are you talking about?

Mr Bender : It is not only human health; it is animal health. I own a piggery. I have had pigs all my life and there are some things happening that I have never seen happen before.

CHAIR: Like what? Give us an example.

Mr Bender : You go down to feed your pigs in the morning and come back half an hour later—and they are gasping for breath.

Mrs Bender : And then they die like that.

Mr Bender : They just die like that—heart attack. I cannot prove it is coming from the gas industry or whatever, but you people should come out there and watch these flares. What is coming in with these flares? The government will not tell us and the industry will not tell us.

Mrs Bender : We have them all around.

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Mr Bender : Going back to this company I was talking about. It took them four attempts, after we had the first discussion, to get it right.

Senator WATERS: Thank you for your evidence so far, Mr and Mrs Bender. I jotted down that you said your bore had dropped—one by 95 metres and one by 105 metres. That is a huge amount. Often when they do their environmental impact statements, they do an estimate of how much they think the groundwater level is going to drop. I am interested in what they said it was going to drop by compared to how much it has actually dropped.

Mr Bender : Those figures came from the water impact report. I have it here somewhere.

Mrs Bender : They told us they were not going to affect our water.

Mr Bender : When it first started it 2005-06, these gas companies were going around saying, 'It won't affect any water that the farmers are using for their stock and domestic'. Just in the last six weeks or so, a bore not too far away from our place started spurting water into the ground and the casing started shaking in the ground. It happened again last week.

Senator WATERS: Can you tell me more about that? Because if that casing fails, you will connect your aquifers and your empty coal seam with all the heavy metals and the BTEX in there. That is a serious contamination issue. Can you just tell me more about that—the shaking casing?

Mrs Bender : It is an old bore.

Mr Bender : It is a stock water bore on another property. A couple of months ago, all of a sudden there was a heap of water squirting out. We went over and had a look and that casing in the ground, or a metre around it, was shaking—like this.

Senator WATERS: The bore casing not the well casing?

Mr Bender : The bore casing, yes.

Mr Bender : And it happened again one day last week. I have seen that the company are in there doing something with it now.

Senator WATERS: Why do you think it is doing that?

Mr Bender : Why? Because they are lowering the water.

Senator WATERS: It is changing the pressure and then—

Mr Bender : We measured our bores the other day—the methane coming out of them—and it is above explosive limits. That is because they are lowering the water and there is only methane coming out.

Mr Bender : Just getting back to the animal health, we did receive an email from the company saying that they want to decommission these bores as quickly as possible—

Senator WATERS: I bet they do!

Mr Bender : to make it safe for human health and animal health. Isn't that admitting—

Senator WATERS: Maybe they should just leave, and then it would be safe!

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Mr Bender : With our make-good agreement, on 29 November they said they would come in to have a look to see what they had to do. They turned up at the front gate. First of all, they said they would have 10 people. When I read '10 people', that is 10 people. They did not say anything about vehicles. It was '10 people'. I thought, 'Well, there are only 10 people coming.' Then they said they would be there at a quarter to eight. Then, late Friday night, they said, 'Oh, we made a mistake; we'll be there at half past 11.' They did not get there till 12 o'clock, so they were late anyhow. I was pretty cranky. My temper does go up pretty quickly. So they turned up in their vehicles. It says here in the agreement that you must have your vehicles all cleaned and washed down. 'Oh, no we don't.' So we turned them away. Until they admit that they have breached the agreement, they will not come in, and these bores too might start shaking next week.

Senator WATERS: Can I just go to your make-good agreement, Mr Bender. Am I right, in summarising what you said before, that they said they would give you water because of your own bore drying up, and then, when they realised they could not get that water because they have bugged up all of the aquifers in the vicinity, they said you can have money instead of water?

Mr Bender : Yes.

Mrs Bender : But they took X amount of money off.

Mr Bender : Yes, they said, 'Right, you can have'—

Senator WATERS: How are you meant to drink the money? How are you meant to water your stock with the money?

Mr Bender : It went on for ages, months. We were arguing back and forward about how much. Actually, the compensation we have got really is only for the devaluing of the property because the underground water is gone. That is all it is. But they said, as I said before, 'We'll give you some more if you let us put these wells in.'

Mrs Bender : We did deepen our dams.

Mr Bender : So we have spent the money.

Mrs Bender : We have spent the money.

Senator WATERS: You would have to because you have no other water source because they have dried it up.

Mrs Bender : Exactly.

Senator WATERS: And you are meant to somehow substitute water for money.

Mrs Bender : But they could start bubbling too.

Senator WATERS: What happens when the company finishes? These gas leases only generally last about 30 years. What are you meant to do for water then?

Mr Bender : I won't be here!

Mrs Bender : That is where I say our grandkids are going to kill us. We will be dead, but they would—

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Senator WATERS: This is my concern about a make-good agreement. You cannot make good an aquifer that has dried up. You just cannot.

Mrs Bender : We said that when we first heard.

Mr Bender : Actually, in the impact report it says that, when it is all finished in 25 or 30 years, it will probably take—

Mrs Bender : Years.

Mr Bender : I think it says 70 or 100 years or something for the water to get back to what it was before they started.

Senator WATERS: Yes, exactly, and what you do in the meantime?

Mr Bender : There are 85 bores there now. In the long term, if they keep going in and putting in more wells, there are another 529.

Mrs Bender : They have just started on good agricultural or cropping land. They are trying to get in on our place. Like Joe, we are stubborn. I will say no.

Senator WATERS: Can I praise you for that and encourage you to continue to do that.

Senator KETTER: I have a couple of questions of Mr Bender as well. Mr Bender, you said that you have two bores on your property, and they are currently releasing only methane. Is that correct?

Mr Bender : Yes, that is right.

Senator KETTER: I am aware of a report of an explosion at a bore at Hopeland, near Chinchilla, which sounds fairly similar to the situation that you were talking about, I think. Are you aware of that particular explosion on 20 November?

Mr Bender : Yes, that is the bore I am talking about. That is our neighbour's bore. I know exactly where that is.

Senator KETTER: The report I am looking at says that there was a huge gush of water and gas which spouted metres into the air, and this was a bore that had been disused but stable for at least 30 years. You are now sitting on two bores that are releasing only methane at the moment. What are your concerns about your bores?

Mr Bender : They will probably do the same thing. But, as I said before, the companies have to come in and plug and abandon these bores. Till the companies admit that they have done the wrong thing with weed and seed, we are not going to let them come in. So these bores might do it too. Maybe we might be at fault there, but someone has got to stand up to these companies and tell them. When they do the wrong thing, they have got to admit that they have done the wrong thing. They say that because they did not actually drive the vehicles onto the property they did not commit a breach. If you go to rob a bank and you are at the front door trying to get in but you do not get in, you will still be charged, won't you? So to use that argument is just—well, I cannot understand it. Anyhow, the gas commission is behind them. They have apologised for doing what they did, so the gas commission says that is okay.

Senator KETTER: You are still in the process of finalising the negotiations for all of that?

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Mr Bender : The plug and abandon, yes—but I will just go a little bit further. When we started this make-good agreement and that, the company said to us, 'Look, we'll buy your property,' and we said no. About halfway through the negotiations, they said, 'We still want to buy it,' and we said, 'No, go to buggery.' We thought that was the end of the story until about a month ago. They organised a third party to approach us to buy it.

My thinking behind that is that they want this property for some major infrastructure to be put on it. I have the map here of the wells that they intend putting on it, and, if you look at where the wells are and where the bores are, if they can purchase that property, they will not be decommissioning those bores. They will just go and put in a coal seam gas well. They have got it marked here, only 10 metres away. They will just go straight in, put coal seam gas wells down and that will fix the methane coming out of the bores.

Senator KETTER: Going back to your negotiations with the CSG company, in your submission you mention that after 18 months of negotiation you reached an agreement, and the next step was for Origin to send you the cost of the legal fees so that you could pay the legal fees by 11 September. Have I got that right?

Mr Bender : Yes, that is right.

Senator KETTER: Then they failed to send you the costings of the legal fees, and then you received a letter of demand from the solicitor. I am not quite sure what happened then, because you received a letter from Origin saying that they would investigate and they apologised. What happened after that?

Mr Bender : The legal fees were sent to us and we had to pay the solicitors for their legal advice, and then Origin reimbursed us for that amount. It finally happened. They were late—we were out of pocket for a month or so.

Senator KETTER: I am interested in your attempt to speak to your local member, Mr Hobbs, and you said something about the fact that he referred you to Lifeline. I would imagine that there are a number of people in that area raising this issue with their local member, whether it be Mr Hobbs or other local members. Have you sought to have a meeting with Mr Hobbs?

Mr Bender : Yes, I did, but Mr Hobbs is not interested in it at all. He just completely ignores you. We just get back to contamination, too. On our other property, where the piggery is, we have a bore there, which is in the Walloon Coal Measures, which is in the long-term affected area. It is not far away from Link Energy, which is the underground coal gasification, and on our DVD we have to sign to say that the water has no benzene in it. I brought that up with Mr Hobbs, too, and his remark was 'Find out from your organisation how much benzene can be in the water.' It says none. We have to sign to say there is no benzene in the water, and the only way a farmer can make sure of that is to have that water tested every week to make sure there is no benzene in it. That would just cost too much—you could not do it. So I do not know whether there is benzene in it or not, but I am signing the thing to say that there isn't—but there could be. It is the same thing that Mr Hill was talking about—everything can get contaminated.
