

# Crown Minerals (Petroleum) Amendment Bill, October 2018

## Submission from Climate Justice Taranaki

### Explanatory note – General policy statement

1. Climate Justice Taranaki (CJT) recognize that the Bill is intended to give effect to the Government's announcement made on 12 April 2018 relating to offshore petroleum permitting and further exploration in onshore Taranaki.
2. CJT fully support no new petroleum prospecting, exploration, and mining permits anywhere offshore (including both territorial waters and the EEZ and continental shelf) or onshore outside Taranaki. This reflects the call made in the latest IPCC Special Report (8/10/2018)<sup>1</sup>, New Zealand's commitment to the Paris Agreement on climate change (2016), our international obligations to protect threatened marine species and the importance of safeguarding the integrity of marine ecosystems and the life-supporting capacity of the environment.
3. CJT cannot support the granting of future offshore petroleum mining permits as a subsequent right to offshore petroleum exploration permits.
4. CJT strongly object to any new petroleum prospecting, exploration, and mining permits in onshore Taranaki or anywhere else in Aotearoa, on or off-shore.
5. CJT object to allowing new or existing onshore petroleum permit holders to access conservation land for any petroleum associated activities, including minimum impact activities.
6. CJT object to allowing new or existing onshore petroleum permit holders to carry out activities underneath conservation land, notably directional drilling from outside conservation land boundaries.
7. CJT request that existing prospecting and exploratory petroleum permits, on and offshore, be revoked.
8. CJT request a ban on extension of all petroleum prospecting, exploratory and mining permits, on and offshore, as they reach their expiry dates.
9. CJT request that section 101A, 101B and 101C of the Crown Minerals Act 1991 which constitute the 'Anadarko Amendment' be repealed.
10. CJT call for a full review of the CMA including provisions to end coal mining, ban seabed mining, and properly reflect Te Tiriti o Waitangi.

### Specific clauses of the Bill

11. **Amend Sections 23A, 24 and 36 to reflect our point 4 above.** While oil corporations, other fuel-intensive industries and a small section of the Taranaki population have profited from oil and gas, local environments and communities around well-sites have suffered from the decades of exploitation. In our many submissions on government policies, regulations and consent applications, we have written<sup>2</sup> substantively and repeatedly about the many negative impacts of the oil/gas industry in Taranaki, the consideration of climate change in

decision-making and the urgency of just transition. Taranaki should not remain as the 'sacrificial zone' while the rest of the country marches onto sustainable energies and a low-carbon future. Rather than making Taranaki a special case for further fossil fuel exploration, the government should be supporting Taranaki in fast weaning itself off fossil fuel reliance and in comprehensive just transition<sup>3, 4, 5</sup> plans and actions starting now, as called for by the NZ Council of Trade Unions<sup>6</sup> and others.

12. **Amend existing CMA sections 35, 35A, 35B, 35C, 36 and new Schedule 1 Part 2 proposed in the Bill, to reflect our points 7 and 8.** The costs of climate change impacts are enormous<sup>7, 8, 9, 10</sup>. The longer we procrastinate, the greater the costs and the harder it will be to transition off fossil fuels. The remaining consent durations of existing permits set clear 'deadlines' for companies and workers to wind up operations, retrain and shift to more sustainable economic activities. There should be no extension of expiring permits.
13. **Clarify and revise new section 50A to disallow petroleum associated 'minimum impact activities' inside Taranaki conservation lands.** CJT strongly object to allowing petroleum permit holders to enter 'Taranaki conservation land' for any petroleum associated activities, including 'minimum impact activities' on the surface, as well as seismic testing, drilling, fracking, deep-well injection, etc. underneath the land.
14. Section 50 and 55(2) of the CMA give conservation land some level of protection from 'minimum impact activities' as they require permit holders to seek consent from owner or occupier of the land which may involve public notification. It is unclear whether the addition of s 50A (as written) removes or strengthens this protection for Taranaki land under the CMA Schedule 1 (e.g. national parks) and the Conservation Act 1987.
15. We would support s 50A(2) if it strengthens the protection of Taranaki conservation land, by over-riding s 55 and other sections (1A and 53 to 80) to make it impossible to access conservation land and other classes of land listed in 55(2) for petroleum prospecting, exploration or mining. We support over-riding or revising s 1A Purpose of the Act so that it no longer promotes prospecting, exploration and mining of minerals including fossil fuels.
16. We are concerned that with the addition of s 50A (or not), petroleum permit holders may be allowed to conduct surveys of various kinds inside conservation lands to collect data. As s 57 excludes the sub-surface of any land from control of access, allowing 'minimum impact activities' inside 'Taranaki conservation land' may lead to drilling, fracking and deep-well injection under such land.
17. **Introduce a new clause to amend s 57 of the Act to expand the meaning of 'entry on land' to include the sub-surface ground of the land and to reflect our points 5, 6 and 13.** A significant body of credible research<sup>11</sup> has revealed serious harm to freshwater (both surface and ground-water) and people caused by unconventional drilling, fracking and deep-well injection of wastes. Such damage may not be obvious at the surface but could be substantial and irreversible to the owner/occupier of the land and to the natural ecosystem.

## **Additional comments**

In terms of economics and in relation to the Regulatory Impact Assessment, we support the analysis presented in the submission by the Fossil Fuel Aotearoa Research Network (FFARN).

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- <sup>1</sup> IPCC, 2018. Summary for Policymakers of IPCC Special Report on Global Warming of 1.5°C, 8/10/2018. [http://www.ipcc.ch/pdf/session48/pr\\_181008\\_P48\\_spm\\_en.pdf](http://www.ipcc.ch/pdf/session48/pr_181008_P48_spm_en.pdf)
- <sup>2</sup> Climate Justice Taranaki website, Resource page. <https://climatejusticetaranaki.wordpress.com/resources/fact-sheets-presentations/>
- <sup>3</sup> Climate Justice Alliance, June 2018. Just Transition Principles. [https://climatejusticealliance.org/wp-content/uploads/2018/06/CJA\\_JustTransition\\_Principles\\_final\\_hi-rez.pdf](https://climatejusticealliance.org/wp-content/uploads/2018/06/CJA_JustTransition_Principles_final_hi-rez.pdf)
- <sup>4</sup> How to achieve just transition to green jobs, 4/10/2018. <https://www.radionz.co.nz/national/programmes/ninetoonoon/audio/2018665317/how-to-achieve-just-transition-to-green-jobs>
- <sup>5</sup> NZ Productivity Council, Aug 2018. Low-emissions economy. [https://www.productivity.govt.nz/sites/default/files/Productivity%20Commission\\_Low-emissions%20economy\\_Final%20Report\\_FINAL.pdf](https://www.productivity.govt.nz/sites/default/files/Productivity%20Commission_Low-emissions%20economy_Final%20Report_FINAL.pdf)
- <sup>6</sup> NZ Council of Trade Union, Oct 2018. Just Transition – Decent work in a low-carbon economy. <http://www.union.org.nz/wp-content/uploads/2018/10/NZCTU-Just-Transition-Ten-Point-Plan.pdf>
- <sup>7</sup> Westpac NZ, April 2018. Climate Change Impact Report. <https://www.westpac.co.nz/assets/Sustainability/Westpac-NZ-Climate-Change-Impact-Report.pdf>
- <sup>8</sup> Burke, M., W.M. Davis & N.S. Diffenbaugh, 2018. Large potential reduction in economic damages under UN mitigation targets. Nature 557, 549-553. <https://www.nature.com/articles/s41586-018-0071-9>
- <sup>9</sup> Scientists' estimate of rising costs of climate change could improve planning, 7/10/18. <https://www.stuff.co.nz/environment/107618921/scientists-estimate-of-rising-costs-of-climate-change-could-improve-planning>
- <sup>10</sup> New Zealand is busy bickering about petrol prices while the world burns, 9/10/18. <https://www.stuff.co.nz/environment/107702871/new-zealand-is-busy-bickering-about-petrol-prices-while-the-world-burns?cid=app-iPhone>
- <sup>11</sup> Physicians for Social Responsibility, 2018. Compendium of scientific, medical, and media findings demonstrating risks and harms of fracking (Unconventional gas and oil extraction), Fifth Edition. [https://www.psr.org/wp-content/uploads/2018/04/Fracking\\_Science\\_Compendium\\_5.pdf](https://www.psr.org/wp-content/uploads/2018/04/Fracking_Science_Compendium_5.pdf)