Victoria bans fracking for good, but quietly lifts onshore gas exploration ban
19 March 2020, by Samantha Hepburn

Amid coronavirus chaos, the Victorian government announced its decision earlier this week to lift the ban on onshore gas exploration, but also to make the temporary state-wide ban on fracking permanent.

This decision was made three years after an investigation found gas reserves in the state could be extracted without any environmental impacts, and new laws will be introduced to parliament for drilling to start in July next year.

The state government first introduced the moratorium (temporary ban) on onshore conventional and unconventional gas production in 2017, enshrined in the Mineral Resources (Sustainable Development) Act 1990. It effectively made it an offence to either conduct coal seam gas exploration or hydraulic fracturing (fracking) until June 2020.

The ban was originally imposed amid strong concerns about the environmental, climate and social impacts of onshore gas expansion. But lifting the ban to allow conventional gas exploration while banning fracking and unconventional gas (coal seam gas), doesn't remove these concerns.

The fracking ban isn't so permanent

The new laws seek to do two things: lift the ban on conventional onshore gas production, and to entrench a ban on fracking and coal seam gas exploration into the state constitution.

The government has stated it wants to make it difficult for future governments to remove the fracking ban. But this is highly unlikely to be legally effective. Unlike the federal constitution, the Victorian constitution is an ordinary act, and so it can be amended by another legal act.

The only way entrenching an amendment in the state constitution so that it is permanent and unchangeable is if it relates to the operation and procedure of parliament. And fracking does not do this.

This raises the spectre of a future government removing the fracking ban in line with an accelerating onshore gas framework.

Conventional vs unconventional gas

The main difference between conventional gas and unconventional gas (coal seam gas) lies in their geology.

Conventional gas can generally be extracted without the need to frack, as gas can move to the surface through gas wells. To release unconventional gas, particularly shale gas, fracking is always required.

Fracking technologies risk water quality from
ground disturbances, spills, the release of chemicals, exploration in Victoria, and other fluids, and the underground migration of gases and chemicals.

So lifting the conventional onshore gas ban while keeping the fracking ban will mean less risk to the environment. But extracting conventional gas is still risky.

**Greenhouse gas leaks**

Extracting conventional gas risks fugitive emissions. This refers to greenhouse gases, such as methane, that can escape into the atmosphere during mining fossil fuels, such as from equipment leaks, deliberate or accidental venting, or from gas flaring.

Precise measurements of the fugitive emissions from onshore conventional gas production are difficult to predict, but their effect on climate change is alarming.

The latest estimates indicate fugitive emissions account for approximately 6% of Australia's national greenhouse gas emissions. Fugitive emissions also have about 27 times the greenhouse harming potential of carbon dioxide.

In 2017, the Australian Gas Industry argued well managed sites produce little fugitive emissions, and poorly managed sites were responsible for 75% of fugitive emissions.

This means any expansion of onshore conventional gas must be accompanied by strict management and regulation. But there's no industry-wide code of practice in Victoria focused on reducing this emissions risk.

**Increasing annual emissions**

Even in the unlikely scenario of zero or limited fugitive emissions, expanding conventional gas exploration will still add to Victoria's annual greenhouse gas emissions.

The proposed laws follow the conclusions of a three-year study that reviewed the climate, environmental, economic and social impacts of gas.
are yet to be implemented.

At what cost?

Lifting the ban on onshore conventional gas in Victoria comes at a time when the need to reduce greenhouse gas emissions is profoundly important.

Climate change is accelerating. While gas may be an important resource as we transition to renewable energy, accelerating its production, particularly in the absence of stringent regulatory controls, comes at a very high price.

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