



The Honourable Anthony Roberts,
Minister for Resources and Energy
52 Martin Place
Sydney 2000

By Hand

5 February 2015

Dear Mr Roberts,

**RE: SUBMISSION BY GROUNDSWELL GLOUCESTER CONCERNING
SUSPENSION OF PEL285**

Groundswell Gloucester is the leading stakeholder in terms of representing community concerns relating to AGL Upstream Investment Pty Ltd's (AGL) Coal Seam Gas Activities in the Gloucester basin, under PEL285.

Groundswell submits that for the reasons set out below all operations under PEL285 should be immediately suspended. In broad terms the three bases for suspension of all operations are:

1. AGL has committed many breaches of its community consultation obligations.
2. AGL is not a fit and proper person to hold a Petroleum Exploration Licence.
3. AGL has breached both its Environmental Protection Licence (EPL) and the Code of Practice for Coal Seam Gas Fracture Stimulation

Full details of breaches and corroborating evidence are provided in the accompanying schedules as set out below:

Schedule A: Particulars and evidence of AGL's provision of misleading and incomplete information.

Schedule B: Particulars and evidence of AGL's failure to fully inform stakeholders of works and to provide accurate and timely information in response to questions and community concerns.

Schedule C: Particulars and evidence of AGL's provision to the Office of Coal Seam Gas of inaccurate records of community consultation.

Schedule D: Particulars and evidence that AGL is not a 'fit and proper person' to hold PEL285.

We now provide detailed information to assist the Minister in making his determination that all AGL's operations under Petroleum Exploration Licence (PEL285) should be suspended under section 22 of the *Petroleum (Onshore) Act 1991*.

Reason 1: BREACHES OF COMMUNITY CONSULTATION LICENCE CONDITIONS

From 2012, the NSW Government has made 'genuine and effective community consultation' a condition of all petroleum exploration licences. The *Guideline for Community Consultation Requirements for Exploration* dated March 2012 (Guidelines) specifies what engagement strategies should be used by Exploration companies. The main purpose of the Guideline is to ensure that '*the interests of the community are considered during the planning process*'.

Condition 56 of AGL's PEL285 specifically requires AGL to carry out consultation in relation to activities authorised under the licence in accordance with the Guidelines.

On 6 August 2014 AGL obtained an approval of Category 2 and 3 Prospecting operations for the carrying out of Fracture Stimulation of four coal seam gas wells. This is known as the 'Waukivory Pilot Project'. That approval also required AGL to comply with the Guidelines in relation to community consultation.

In addition to the requirements for consultation specified above, condition 6 of the relevant PEL requires AGL to comply with the *NSW Code of Practice for Coal Seam Gas Fracture Stimulation* (NSW Trade and Investment 2012). That code requires 'effective consultation' in line with the Guidelines.

We set out below and in the schedules enclosed details of events or incidents which we have identified as breaches by AGL of its consultation requirements. However, the Minister will be aware of some recent events which we submit illustrate in a particular way a pattern of behaviour by AGL in failing to take its consultation requirements seriously.

The disposal of flowback fluid has been a matter of particular concern to the community and in our submission AGL has failed to consult and inform the community and other stakeholders on this issue. Before AGL commenced its fracking operations on the Waukivory Pilot it provided minimal information on this subject. The disclosures by AGL were limited to telling the community that it was going to "lawfully transport flowback water for disposal at an approved, EPA-licenced facility."

On 1 December, 2014, Groundswell wrote to AGL asking 11 specific questions relating to the management and disposal of its flowback water. (A copy of this letter is attached and is also included as part of Schedule A – see below). Some days later, AGL's local community relations manager, Karyn Looby rang me and suggested that we hold a meeting. I agreed to that course, provided that written

answers to Groundswell's letter were received before any such meeting. By letter dated 18 December 2014, Mike Moraza provided a response on behalf of AGL. (A copy of this letter is attached and is also included as part of Schedule A). You will observe that Mr Moraza's letter makes no attempt to properly answer the specific questions raised by Groundswell. In that letter, he suggests that he has asked AGL's local community relations manager, Karyn Looby, to set up a meeting, but she has not contacted me and the questions still have not been answered.

In an email dated 18 December, 2014, addressed to John Watts, Ms Delvecchio, head of community and stakeholder relations at AGL advised that AGL were not 'at this time disclosing which site or sites will be processing this material' (flowback water). A copy of that email is attached.

Later in December, 2014, as a result of its own enquiries and media coverage, Groundswell ascertained that AGL's flowback water was being transported by Transpacific to a facility near Newcastle and you will be aware of the publicity surrounding those events. Upon receiving that information Groundswell sent a further letter to AGL dated 23 December (a copy of this letter is attached and is also included as part of Schedule A) seeking a response to ten further questions on the subject of flowback fluid. No reply, or even acknowledgement, has been received to that letter.

No doubt the Minister and his advisors will note carefully the contents of Mr Moraza's letter of 18 December, however we draw your attention particularly to paragraph 2 of that letter which asserts that "the community has been thoroughly informed of AGL's Waukivory Pilot Program since 2011 including our plans to manage flowback fluid." That assertion is simply incorrect. As mentioned above all that AGL had ever told the community was that it intended to lawfully transport flowback fluid for disposal at an approved EPA-licenced facility, which is again restated by Mr Moraza in the last sentence of paragraph 2. It is our submission that on the question of the disposal and treatment of flowback fluid AGL has clearly breached its community consultation obligations.

It is a requirement of AGL's community consultation obligations that it identify all stakeholders who should be consulted. Clearly in relation to the disposal of flowback fluid, the Gloucester community and relevant interest groups such as Groundswell should have been identified and consulted. However, in relation to this issue, it seems clear that other groups such as Hunter Water, the Hawkesbury authorities and community should have been effectively informed and consulted, including being provided with the kind of information identified in Groundswell's letters of 1 and 23 December. This clearly did not take place.

A further particular example of AGL's failure to comply with its community consultation requirements relates to its recent handling of the discovery of BTEX chemicals in flowback fluid. It appears from a media release by the EPA that AGL became aware of the presence of BTEX chemicals at least by 15 January, 2015. On 21 January 2015 Mr Moraza addressed a public meeting in Gloucester sponsored by Advance Gloucester. At the meeting Mr Moraza spoke about and

responded to questions asked of him relating to the Waukivory Pilot operations. He told the meeting, inter alia, that the operations had gone well and there were no signs of any problems. He made no mention of the finding of BTEX chemicals in the flowback fluid.

On 22 January, 2015, Mr Moraza attended a meeting of the Gloucester Dialogue and again failed to make any mention whatsoever of the BTEX chemical problems. It is our submission that AGL's behaviour in relation to the BTEX issue is another clear breach by it of its community consultation obligations.

The above are some particular examples of AGL's failure to comply with its community consultation obligations. We ask the Minister to note that Groundswell is not alone in its view about AGL's failure to engage in genuine and effective community consultation. The Minister will be aware that Gloucester Councillor Aled Hogget resigned from the Gloucester Dialogue in November 2014 suggesting that the process had not been open and frank. We attach to this letter a copy of his media release dated 1 November 2014. Further particulars of his reasons are contained in [Schedule B](#). The Minister will also be aware that Gloucester Mayor John Rosenbaum has indicated that he has lost 'faith and trust' in AGL and its willingness to consult the community.

In addition to the aforementioned recent examples, AGL has failed on many occasions to comply with its obligation to engage in genuine and effective community consultation in three broad areas.

A. AGL has provided misleading and incomplete information and as a result failed to consult 'genuinely and effectively'.

For communication to be genuine and effective it must be accurate, honest and full. Attached to this letter is [Schedule A](#) which sets out in detail numerous instances where AGL has not complied with this obligation. AGL has repeatedly provided incorrect and misleading information to the community. Attached to [Schedule A](#) is the material which substantiates each instance of AGL's failure to provide accurate and full information.

One recent example, which is mentioned above, relates to the detection of BTEX chemicals in the flowback fluid. One looks in vain through AGL's material to find any proper analysis of this issue. This is clearly a significant issue which should have been dealt with in frank and open discussions with the community and with the government.

B. AGL has failed to keep stakeholders and the community properly informed

i. AGL has failed to inform landholders and the community of works.

It is a vital part of AGL's consultation requirement that they inform landholders and the community of planned work, works in progress and changes to stated work plans. [Schedule B](#) sets out

instances where AGL failed to communicate its work program to affected landholders and the wider community.

ii. AGL has failed to provide genuine, timely responses to community concerns

It is also a vital part of AGL's consultation obligations that it respond in a timely, accurate and comprehensive manner to issues raised with them by members of the community. AGL has repeatedly failed to provide full and comprehensive answers to issues raised with them. Schedule B also sets out in some detail numerous instances where AGL has failed to respond or has responded inadequately. Attached to Schedule B is material which substantiates each instance of AGL's failure to keep the community informed or to respond genuinely and effectively to community concerns.

iii. AGL's Consultation mechanisms have failed

As you will be aware, the Gloucester Dialogue was established to provide AGL with a means of communicating and consulting with the Gloucester community and other stakeholders. We note that this was established in 2014, some five years after AGL assumed ownership and operation of PEL285 and some months after the Waukivory pilot REF was submitted to the OCSG, with no process for submissions or consultation on the plan in place in order to inform the plan post-submission and pre-approval. We note that its late start, in and of itself, indicates that it should not be relied upon as evidence of genuine consultation in the formation of the plan for the Waukivory Pilot, or as evidence of genuine consultation for AGL's PEL for the period before the Dialogue's inception. In addition, there is evidence that the Dialogue has not operated as a format for genuine or effective consultation. Appendix 26 in Schedule B is a document prepared by Gloucester Councillor Aled Hogget, who was until recently a Council representative on the Dialogue. That appendix sets out numerous instances where AGL has failed to provide answers to issues raised through the Dialogue. It is noted that the dialogue has been described as a 'monologue' and therefore it fails the 'genuine and effective' requirement of the Guidelines. This failure of the Dialogue process was of such concern to Councillor Hoggett that he resigned from it.

As mentioned above, Gloucester mayor John Rosenbaum has recently indicated that he has lost 'faith and trust in AGL and its willingness to consult the community.'

iv. AGL has failed to provide accurate and timely information on indications of potential chemical migration

Recent detections of indicator chemicals monoethanolamine and THPS in surface water were not communicated to the community or the EPA in a timely manner. While AGL obtained the information on the monoethanolamine spikes by early December, they did not inform stakeholders until the 15th January. In addition, AGL did not obtain or report concentrations of THPS in surface water until the 15th January, despite samples being taken, holding concentrations of the chemical, on 20 November. In their communications to the Gloucester community, AGL misrepresented the location of the chemical spikes and also the implications of the findings. Details of the misrepresentations are included in Appendix 63 of [Schedule A](#). The detection of unusually high concentrations of BTEX chemicals in the Waukivory pilot wells occurred sometime before 15 January, but it was not reported either to the EPA or the community until 27 January. Details of this incident are known to the Minister but more information can be provided if required.

In addition to the above it has become apparent that during the planning process for this project, AGL has consistently asserted that it will access and frack coals seams from 200m below ground level. It should be noted that AGL's recent water monitoring report dated 2015, on page 3, mentions that target coal seam depths will vary between 200m and 1000m below ground level. We note that AGL started fracking at 370m at the Waukivory Pilot Project, considerably deeper than 200m. This means that any impacts which occur during the Waukivory Pilot are not a realistic representation of the impacts which may occur during the operational phase, when fracking can be done as close as 200m to the surface.

C. AGL has failed to provide accurate records of consultation in its Waukivory Pilot Project REF

In June 2014 AGL provided to the Office of Coal Seam Gas (OCSG) a document setting out purported consultation carried out from September 2013 to May 2014. This document is provided in the front of [Schedule C](#). Inaccurate items are annotated with an item number and cross referenced to particulars of the inaccuracy in [Schedule C](#). To our knowledge, OCSG did not attempt to verify AGL's claims of consultation by viewing primary source documents, or by consulting with local community groups or residents and yet accepted AGL's in-house summary of 'consultation' as though it met requirements and therefore approved the Pilot based on inaccurate information (see 6.15 from Waukivory Approval and Revised Conditions, September 2014). In fact a review of source documentation of AGL's table shows AGL has failed to

comply with the Consultation Guidelines and in fact has provided an inaccurate record to the OCSG. Schedule C which is attached hereto, is a copy of that record containing notations detailing such inaccuracies. Attached to Schedule C is material which substantiates each instance of inaccuracy. In several instances, AGL disingenuously tables 'successful consultation', but the primary source shows the opposite: repeated failures by AGL to consult.

Government authorities such as the Office of Coal Seam Gas (OCSG) should be able to rely upon the accuracy of all information provided by corporations such as AGL.

Reason 2: AGL IS NOT A 'FIT AND PROPER PERSON' TO HOLD A PETROLEUM EXPLORATION LICENCE

The NSW government has highlighted the importance of protecting the public interest by ensuring that only appropriate people hold Petroleum Titles in NSW. It is our submission that AGL is not a 'fit and proper person' to hold PEL285 for the following reasons:

A. AGL has ignored directives of Hunter Water Corporation, risking Environmental Harm

AGL was advised in writing by Hunter Water Corporation on February 17, 2014 and again on September 30, 2014 that neither AGL, nor any subcontractors of AGL, were permitted to receive Gloucester basin groundwater, nor wastewater from fracture stimulation. (Copies of these two letters are attached) Hunter Water made it clear to AGL, in the February letter, that receiving the fluid would risk Hunter Water's ability to meet its Environmental Protection Responsibilities. Nonetheless, AGL engaged Transpacific to transport fracture stimulation fluid, mixed with groundwater to Transpacific's Newcastle facility. This action was only brought to the attention of Hunter Water by concerned community members, who in the absence of information from AGL, discovered the destination of the flowback fluid and reported the incident. In this one instance, AGL demonstrated a blatant disregard for Hunter water's directive. They also put Hunter Water at risk of failing to meet their Environmental Protection Responsibilities. AGL failed to communicate with Hunter Water, or the Community, the transportation, destination and treatment procedures for flowback fluid. In so doing, AGL greatly increased the level of community concern about the project and clearly demonstrated that they do not have the proper concern for regulations, the environment, the community, or proper process that would meet the 'fit and proper person' test.

B. AGL has engaged in misleading and deceptive conduct in providing misinformation.

AGL has engaged in misleading and deceptive conduct as set out in Schedules A and C. In addition to providing evidence of a failure by AGL to properly consult, Schedules A and C also provide evidence of behaviour which indicates that AGL is not a 'fit and proper person' to hold a PEL.

The above information and the enclosed documentation demonstrates that AGL has not provided full and accurate information to the government, including the Office of Coal Seam Gas. This is evidence of a corporation which is not 'fit and proper' to hold a licence.

A number of the matters detailed in Schedules A and C have been the subject of a formal complaint by Groundswell to the Australian Competition and Consumer Commission (ACCC). These matters are currently being considered by the ACCC to determine whether they constitute breaches of the law. A copy of the letter to the ACCC can be provided on request.

C. AGL has engaged in misleading and deceptive conduct in its commercial activities

In December 2014, AGL was found by the Federal Court of Australia to have engaged in misleading or deceptive conduct. A report of this finding is included in Schedule D and a copy of the judgement can be provided if required. The ACCC alleged the company misled customers during phone calls during 2012 and 2013 when they were told that they would receive discounts if they signed on to a particular energy plan. This finding is evidence that AGL is not a 'fit and proper person' to hold a licence.

D. AGL has failed to comply with legal obligations to report political donations

AGL has in several instances failed to comply with its legal obligations in relation to reportable political donations as follows:

- i.** It appears that on several occasions AGL has breached the provisions of the political donations provisions of the *Environmental Planning and Assessment Act 1979*. Details of these breaches are set out in Schedule D and are presently being investigated by the NSW Department of Planning and Environment.
- ii.** It appears that on several occasions AGL has breached the provisions of the *Election Funding, Expenditure and Disclosures Act 1981*. Details of these breaches are set out in Schedule D and are the subject of a complaint to the Election Funding Authority.
- iii.** It appears that on several occasions AGL has breached the provisions of the *Commonwealth Electoral Act 1918 (C'wealth)*. Details of these breaches are set out in Schedule D and are the subject of a complaint with the Australian Electoral Commission.

E. AGL has withheld and misrepresented information relating to chemical detection

The behaviour of AGL in its recent handling of the discovery of BTEX chemicals in flowback water is also evidence that the company is not a 'fit and proper person' to hold a licence. The fact that Mr Moraza, on behalf of AGL, failed on at least two occasions to inform the community about this matter amounts to misleading and deceptive conduct. As mentioned above, Mr Moraza asserted that the operations had gone well when he must have known of the BTEX problem. AGL's immediate association of the detection of migration indicators monoethanolamine and Tolcide with agriculture and dairy activities, in the absence of any evidence that the chemical detections stemmed from local sources is further evidence of misleading and deceptive behaviour.

Reason 3: BREACHES OF ENVIRONMENTAL PROTECTION LICENCE (EPL) AND THE CODE OF PRACTICE (CoP) FOR COAL SEAM GAS FRACTURE STIMULATION

A. Breach of EPL Condition L3.4

The EPL sets out a water concentration limit at five monitoring points of 'not detectable' for monoethanolamine. At all eight monitoring points there were detections of monoethanolamine. At points 11 and 12, there were detections of 60ppb and 12 ppb respectively; an increase of 15 times and 3 times the previously recorded maximum baseline levels.

B. Breach of Code of Practice (CoP) for Coal Seam Gas Fracture Stimulation

The CoP requirement 8.2 (c) states that the Fracture Stimulation Management Plan (FSMP) must 'describe the re-use, recycling or disposal methods' for flowback fluid. It is our submission that AGL's FSMP does not fulfil this requirement. We note that the OCSG in their assessment minute states the compliance with 8.2 (c) is demonstrated on p49 of the FSMP. However, in this location the only mention of disposal is that it will be taken to a licensed facility. This in no way constitutes compliance with 8.2 (c) as there is no description of the re-use, recycling or disposal methods; only an assertion of the type of facility which will receive the fluid. The subsequent rejection by Transpacific of additional flowback fluid indicates that, contrary to AGL and OCSG assertions, an *appropriate* licensed facility had not been secured at the time of the completion and approval of the FSMP; again indicating a contravention of the Mandatory requirements of the CoP.

CONCLUSION

It is our submission that the *Petroleum Onshore Act 1991* gives you a clear power to suspend all operations under PEL 285 in certain circumstances. Those circumstances include where the holder of a PEL has failed to fulfil or has contravened any conditions of the title and where the holder is shown not to be a fit and proper person. Our submission is that the material we have provided and the recent evidence of environmental harm gives you a clear basis for you to exercise your discretion to suspend all operations under PEL285, as you did so in relation to the CSG operations in the Northern Rivers and we now ask that in the public interest you do so in relation to PEL 285.

Yours faithfully,

Julie Lyford
Chair, Groundswell Gloucester

02.02.2015

Schedule A

| Date | MISLEADING INFORMATION PROVIDED BY AGL | APPENDIX | CORRECT INFORMATION | CORRECT INFORMATION | HOW THIS CONTRAVENES THE GUIDELINES |
|-----------|---|----------|---|---------------------|--|
| 8/11/2014 | A CSG gasfield operation is invisible and blends in with the landscape. | 61 | The Waukivory Pilot is highly visible. | 60 | Failure to provide information that is balanced and objective. Failure to undertake genuine and effective consultation. The gross underrepresentation of visual impacts deters genuine consultation by community members who may be unconcerned about visual impact as shown, but would wish to consult on the reality of the large scale actual visual disturbance. |
| 8/11/2014 | Fracking at Waukivory has resulted in no impacts. | 61 | It is impossible to support this statement; the extent of impacts will not be known for months; and even then problems with monitoring may never reveal the extent of impacts. In fact, several impacts on the community have been reported: a noxious smell emanating from the well site, traffic impacts as the school bus route was disturbed, local residents were woken by traffic noise at 430am. In addition, the recent detections of monoethanolamine, THPS and BTEX are clear indications that Mr Moraza was making statements unsupported by evidence. | 62 | Failure to ensure that all stakeholders were aware of real or potential impacts. The comments from AGL present an incorrect impression of real impacts to daily life that have already occurred, and potential impacts to air and water that are yet to be quantified. Failure to undertake genuine and effective consultation. The provision of misleading statements shows a failure to be 'genuine' and prevents effective consultation on potential impacts. Failure to provide information that is balanced and objective. By not communicating the persisting uncertainty over impacts AGL is providing a biased and unsupported perception |

| Date | MISLEADING INFORMATION PROVIDED BY AGL | APPENDIX | CORRECT INFORMATION | CORRECT INFORMATION | HOW THIS CONTRAVENES THE GUIDELINES |
|------------|---|----------|--|---------------------|---|
| 23/10/2014 | NSW is at great risk of becoming short of gas from 2017 | 52 | There are unlikely to be shortages as there are many alternative ways to ensure supply. | 45 | Failure to provide information that is balanced and objective. This statement has been widely challenged as being neither balanced or objective. While AGL is asserting that the Gloucester gasfield is necessary to prevent shortages, in fact there are many alternatives available. |
| 23/10/2014 | AGL Deloitte audit found only \$250 in error in reporting of political donations | 52 | The Deloitte report had found numerous breaches of political donation reporting requirements of varying amounts. | 56 | Failure to provide information that is balanced and objective. Failure to undertake genuine and effective consultation. The statement by Maycock was in response to a question by a resident of Gloucester, concerned about AGL's level of transparency and fitness to hold a PEL. Rather than providing genuine, balanced information, the Chairman misled the resident and AGL shareholders by not communicating the truth about political donations breaches. |
| 23/10/2014 | When hydraulic fracturing, AGL uses water, sand, other additives similar to those found in a variety of household products such as detergents and salad dressing. | 52 | AGL's frack fluid contains hydrochloric acid and tolclide (hazardous and acutely toxic). The specific combination of fracking fluids is not known to occur in any household product. | 22 | Failure to undertake genuine and effective consultation The provision of misleading statements shows a failure to be 'genuine' and prevents effective consultation on potential impacts. |
| 23/10/2014 | Salt produced from Reverse Osmosis is not toxic. | 52 | The salt will be laced with other contaminants from the coal seam. | 4, EWMP | Failure to undertake genuine and effective consultation The provision of misleading statements shows a failure to be 'genuine' and prevents effective consultation on potential impacts. |

SCHEDULE A

| Date | MISLEADING INFORMATION PROVIDED BY AGL | APPENDIX | CORRECT INFORMATION | CORRECT INFORMATION | HOW THIS CONTRAVENES THE GUIDELINES |
|------------|---|----------|---|----------------------------|--|
| 20/10/2014 | A review of Coal Seam Gas found that 'CSG extraction and related technologies are mature and Australia is well equipped to manage their application' | 53 | The Chief Scientist review also noted that unintended consequences would occur with CSG, that there are gaps in current regulations, and made several recommendations indicating that NSW currently falls far short of managing the industry to the extent necessary to manage risks. | See Chief Scientist review | Failure to ensure that all stakeholders were aware of real or potential impacts. AGL has presented a biased view of what the Chief Scientist report found by not communicating the real or potential impacts that the Chief Scientist listed. Failure to undertake genuine and effective consultation. The provision of misleading statements shows a failure to be 'genuine' and prevents effective consultation on potential impacts. Failure to provide information that is balanced and objective. By not communicating the known accidents and incidents AGL is not providing balanced information. |
| 20/10/2014 | Fracture stimulation has been occurring safely in Australia for over 40 years, including 12 wells at Gloucester and 117 at Camden, with no impact or harm caused to the community or the environment. | 53 | A bore hole blow out in Gloucester in 2004 showed an impact on the environment. AGL's own plant at Camden emitted excess nitrous dioxide into the air. Contamination accidents have also occurred at Pilliga. A well blow out at Casino in 2013 caused 200m of steel pipe to blow into the air. Several other incidents have been reported in Australia. Residents in Menangle state being kept awake all night by AGL drilling in July 2014 - clearly an impact on noise and sleep. http://coalseamgasnews.org/news/world/australia/nsw/csg-lessons-learnt-the-hard-way-agchatoz/ | 54 | Failure to ensure that all stakeholders were aware of real or potential impacts. In all of its purported community consultation, AGL failed to communicate that fracking resulted in a blow out in Gloucester, and therefore may occur again and has failed to acknowledge the potential impacts of this or the kind of blow out which happened at Casino. Failure to undertake genuine and effective consultation. The provision of misleading statements shows a failure to be 'genuine' and prevents effective consultation on potential impacts. Failure to provide information that is balanced and objective. By not communicating the known accidents and incidents AGL is not providing balanced information. |

| Date | MISLEADING INFORMATION PROVIDED BY AGL | APPENDIX | CORRECT INFORMATION | CORRECT INFORMATION | HOW THIS CONTRAVENES THE GUIDELINES |
|------------|--|----------|---|---------------------|---|
| 11/08/2014 | Additives are mostly substances that are commonly found in household products | 50 | AGL's frack fluid contains hydrochloric acid and tolclide (hazardous and acutely toxic). The specific combination of fracking fluids is not known to occur in any household product. | 22 | Failure to undertake genuine and effective consultation The provision of misleading statements shows a failure to be 'genuine' and prevents effective consultation on potential impacts. |
| 11/08/2014 | AGL is giving the impression that their CSG operations will have a very minimal visual impact. | 53 | Under normal production sites are 10m by 10m but during preparation and fracking are 100 x 100 m and extend metres into the skyline. The larger site may occur for repeat fracking and will be repeated across the landscape when 110 to 330 wells are developed, meaning visual disturbance will be sustained for years and over a significant proportion of the production area, in a valley only 10km wide. The advertisement also fails to show the planned gas plant or connecting roads and infrastructure. | 60 | Failure to provide information that is balanced and objective. Failure to undertake genuine and effective consultation. The gross underrepresentation of visual impacts deters genuine consultation by community members who may be unconcerned about visual impact as shown, but would wish to consult on the reality of the large scale actual visual disturbance. |

| Date | MISLEADING INFORMATION PROVIDED BY AGL | APPENDIX | CORRECT INFORMATION | CORRECT INFORMATION | HOW THIS CONTRAVENES THE GUIDELINES |
|------------|---|----------|---|---------------------|---|
| 31/07/2014 | A gas well is less obtrusive than a cow. AGL is giving the impression that their CSG operations will have a very minimal visual impact. | 16 | Under normal production sites are 10m by 10m but during preparation and fracking are 100 x 100 m and extend metres into the skyline. The larger site may occur for repeat fracking and will be repeated across the landscape when 110 to 330 wells are developed, meaning visual disturbance will be sustained for years and over a significant proportion of the production area, in a valley only 10km wide. The advertisement also fails to show the planned gas plant or connecting roads and infrastructure. | 60 | Failure to provide information that is balanced and objective. Failure to undertake genuine and effective consultation. The gross underrepresentation of visual impacts deters genuine consultation by community members who may be unconcerned about visual impact as shown, but would wish to consult on the reality of the large scale actual visual disturbance. |
| 31/07/2014 | Coal seams are separated from beneficial groundwater resource aquifers by 100s of metres of rock | 16 | All available studies on the Gloucester basin suggest that Gloucester's coal seams are connected to beneficial aquifers such as the Avon River, by faults and other geological features. There is no evidence to suggest that there is definite separation. Connection with aquifers has also been shown in a bore hole blow out in 2004 when fracking in a coal seam caused fluid to travel from the coal seam into a water bore | 17 | Failure to ensure that all stakeholders were aware of real or potential impacts. In all of its purported community consultation, AGL failed to communicate that known data and experience indicates that connection with aquifers has occurred in Gloucester, and therefore may occur again, instead asserting the opposite. Failure to undertake genuine and effective consultation The provision of misleading statements shows a failure to be 'genuine' and prevents effective consultation on potential impacts. |

| Date | MISLEADING INFORMATION PROVIDED BY AGL | APPENDIX | CORRECT INFORMATION | CORRECT INFORMATION | HOW THIS CONTRAVENES THE GUIDELINES |
|------------|--|----------|---|---------------------|---|
| 31/07/2014 | Additives are similar to products like guar gum found in food, and to ingredients in products like soap and detergent. | 16 | Additives include hydrochloric acid and tolclide which are not like guar gum, or like soap and detergent. The specific combination of fracking fluids is not known to occur in any household product. | 22 | Failure to undertake genuine and effective consultation The provision of misleading statements shows a failure to be 'genuine' and prevents effective consultation on potential impacts. |
| 31/07/2014 | 10-15 truck movements a day will occur during civil works period | 16 | On ... 30 - 40 truck movements occurred before 12pm | 18 | Failure to ensure that all stakeholders were aware of real or potential impacts. Local residents and residents using surrounding roads were misled as to noise and traffic congestion impacts. Failure to undertake genuine and effective consultation The provision of misleading statements shows a failure to be 'genuine' and prevents effective consultation on potential impacts. |

| Date | MISLEADING INFORMATION PROVIDED BY AGL | APPENDIX | CORRECT INFORMATION | CORRECT INFORMATION | HOW THIS CONTRAVENES THE GUIDELINES |
|------------|---|----------|--|---------------------|---|
| 18/07/2014 | A CSG gasfield operation is invisible and blends in with the landscape. | 51 | Gasfield operations including a processing plant are entirely visible. Under normal production sites are 10m by 10m but during preparation and fracking are 100 x 100 m and extend metres into the skyline. The larger site may occur for repeat fracking and will be repeated across the landscape when 110 to 330 wells are developed, meaning visual disturbance will be sustained for years and over a significant proportion of the production area, in a valley only 10km wide. The advertisement also fails to show the planned gas plant or connecting roads and infrastructure. | 60 | Failure to provide information that is balanced and objective. Failure to undertake genuine and effective consultation. The gross underrepresentation of visual impacts deters genuine consultation by community members who may be unconcerned about visual impact as shown, but would wish to consult on the reality of the large scale actual visual disturbance. |
| 16/07/2014 | Stage 1 has full approval | 37 | Stage 1 does not have full approval It still needs to satisfy the Federal requirements and also satisfactory completion of numerous conditions | 18 | Failure to undertake genuine and effective consultation The provision of misleading statements shows a failure to be 'genuine'. In this case the misleading message of full approval has caused a proportion of Gloucester residents to view the gasfield as a 'fait accompli' and therefore are deterred from taking part in consultation. |

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|-----------|---|----------|---|--|---|
| 9/07/2014 | AGL's work on Mark Harris' farm over the last 6 years shows that gas wells and farming can coexist with minimal disruption. | 19 | There has been no production well or gas production on Mark Harris' farm. He has had only 1 well which was flow tested, and this for about 9 months. This is in no way indicative of what real disruption may occur in a productive gasfield. | Department of Resources. The relevant well completion reports have been requested but not forthcoming from OCSG. | <p>Failure to ensure that all stakeholders were aware of real or potential impacts. The comments from AGL present an incorrect impression of real impacts to daily life that have already occurred, and potential impacts to air and water that are yet to be quantified. Failure to undertake genuine and effective consultation. The provision of misleading statements shows a failure to be 'genuine' and prevents effective consultation on potential impacts. Failure to provide information that is balanced and objective. By not communicating the persisting uncertainty over impacts AGL is providing a biased and unsupported perception</p> |

| Date | MISLEADING INFORMATION PROVIDED BY AGL | APPENDIX | CORRECT INFORMATION | CORRECT INFORMATION | HOW THIS CONTRAVENES THE GUIDELINES |
|------------|--|----------|---|---------------------|--|
| 19/06/2014 | Produced water is old, salty water. It is slightly salty | 23 | Produced water can be 3 to 4 times saltier than drinking water; which a reasonable person would conclude is much more than 'slightly' salty, and contains toxic heavy metals, toluene and xylenes. The use of the term 'old' suggests the water is in a stable state and has no interaction with fresh water. This is not the case. It is also misleading as, from the moment it is extracted, the importance is on its quality, not its age. | 4 | Failure to undertake genuine and effective consultation. Failure to ensure that all stakeholders were aware of real or potential impacts. AGL is using produced water to irrigate land on the banks of a river which is used for irrigation by neighbouring primary producers and which is within the Manning water catchment. As such, the quality of produced water is of great community concern and AGL's misleading statements on it represent a failure to be genuine or to engage in effective consultation. AGL's failure to complete and then communicate the results of any ecological study of the interaction of produced water or runoff from the site on the health of the Avon river, AGL has failed to make stakeholders aware of real or potential impacts to their water. AGL fails to give a balanced view of the numerous contaminants in their produced water. |

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|------------|--|----------|---|---------------------|---|
| 19/06/2014 | Minerals and metals are not a concern with irrigation trial and fodder | 23 | There were high levels of Cadmium, copper, bromine. To stay under MTL, the quantity of this feed given had to be limited. Potassium was above safe limits for grass tetany. | 31 , 28 | Failure to ensure that all stakeholders were aware of real or potential impacts. AGL fails to communicate the high levels of heavy metals or minerals, such as potassium, or of the upper limit for proportion of feed. There is a real impact to human and animal health if the crops were fed to sheep, or to beef or dairy cattle in sufficient quantities. Failure to undertake genuine and effective consultation The provision of misleading statements shows a failure to be 'genuine' and prevents effective consultation on potential impacts. Failure to provide information that is balanced and objective. The independent reports indicate significant concerns about the safety of the fodder cut at the Tiedman's site, showing that AGL's statement to the CCC was not balanced. |
| 5/06/2014 | Fodder contained low concentrations of trace metals and other minerals | 32b | Cadmium, copper, bromine, potassium very high | 28 | Failure to ensure that all stakeholders were aware of real or potential impacts. Primary producers in the area who bought the fodder were not provided with details of the high levels of heavy metals or minerals, such as potassium, or of the upper limit for proportion of feed. Failure to undertake genuine and effective consultation The provision of misleading statements shows a failure to be 'genuine' and prevents effective consultation on potential impacts. Failure to provide information that is balanced and objective. The independent reports indicate significant concerns about the safety of the fodder but this was not communicated in the media release. |

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| 5/06/2014 | AGL states that Stroud Rd parents gave all necessary permissions and the school approved the final version. | 32b | Photo was misused; parents were not aware of the intended use | 33 | Failure to provide information that is balanced and objective. Delvecchio fails to include necessary information to provide balance; which is that the advertisement did not reflect the purpose the school and parents had agreed to and that parents had not in fact given permission for the photo to be used in the way that it was and the advertisements were retracted on this basis. |
| 31/05/2014 | The Gloucester gasfield is necessary to alleviate gas shortages | 12 | There will be no gas shortages in any state. Interstate supplies are assured from Bass Strait. Alternative options exist, such as renewing interstate contracts, which although may be more expensive than they are currently, could still be comparable with the cost of gas from the proposed gasfield, which is 2 -3 times more expensive to extract than the current interstate price. | 45 | Failure to provide information that is balanced and objective. This statement has been widely challenged as being neither balanced or objective. While AGL is asserting that the Gloucester gasfield is necessary to prevent shortages, in fact there are many alternatives available. This also prevents genuine consultation as stakeholders may feel they have no choice but to accept the gasfield, rather than to take part in fully informed consultation. |

| Date | MISLEADING INFORMATION PROVIDED BY AGL | APPENDIX | CORRECT INFORMATION | CORRECT INFORMATION | HOW THIS CONTRAVENES THE GUIDELINES |
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| 31/05/2014 | produced water is 'simply old, salty water' | Appendix 12 | AGL analyses held prior show toluene, xylene, PAH, heavy metals | 4 | <p>Failure to undertake genuine and effective consultation. Failure to ensure that all stakeholders were aware of real or potential impacts. AGL is using produced water to irrigate land on the banks of a river which is used for irrigation by neighbouring primary producers and which is within the Manning water catchment. As such, the quality of produced water is of great community concern and AGL's misleading statements on it represent a failure to be genuine or to engage in effective consultation. AGL's failure to complete and then communicate the results of any ecological study of the interaction of produced water or runoff from the site on the health of the Avon river, AGL has failed to make stakeholders aware of real or potential impacts to their water. AGL fails to give a balanced view of the numerous contaminants in their produced water.</p> |
| 31/05/2014 | AGL has safely fracked 126 wells | 12 | AGL has only fracked 20 wells | 9 | <p>Failure to make sure all stakeholders are aware of any real or potential impacts. Failure to undertake genuine and effective consultation. AGL is giving the impression that impacts are less likely because of a length and depth of experience. However, AGL does not have the purported experience and therefore is manipulating awareness of potential impacts rather than giving a 'balanced and objective' or 'genuine' awareness.</p> |

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| 31/05/2014 | AGL has operated in Camden for 13 years | 12 | AGL bought Camden in 2009. | 58 | Failure to make sure all stakeholders are aware of any real or potential impacts. Failure to undertake genuine and effective consultation. Failure to provide information that is balanced and objective. AGL is giving the impression that impacts are less likely because of a length and depth of experience. However, AGL does not have the purported experience and therefore is manipulating awareness of potential impacts rather than giving a 'balanced and objective' or 'genuine' awareness. |
| 31/05/2014 | Flares will be enclosed | 12 | This implies that people won't be exposed to flaring emissions because the flares will be enclosed. But it's not enclosed - it's open to the air. | 14 | Failure to make sure all stakeholders are aware of any real or potential impacts. As flares are open to the air, community members will be exposed to flaring emissions but AGL states the opposite. Potential impacts of exposure are documented widely by health professionals and researchers but AGL fails to make the community aware of this. |
| 31/05/2014 | NSW could face 21 days gas shortage from Winter 2016 | 12 | There will be no gas shortages in any state | 45 | Failure to provide information that is balanced and objective. This statement has been widely challenged as being neither balanced or objective. While AGL is asserting that the Gloucester gasfield is necessary to prevent shortages, in fact there are many alternatives available. This also prevents genuine consultation as stakeholders may feel they have no choice but to accept the gasfield, rather than to take part in fully informed consultation. |

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| 28/05/2014 | The whole implies that a real development is likely; that a plan is in place to build a powdered milk factory. | 49 | There is no specific plan in place; no development application; no business plan. The plan is also dependent on AGL building a gas-fired power plant to drive their wells in the gasfield; however it is understood that AGL's preference has been to power their wells by connecting to the power grid and at a recent Dialogue meeting AGL stated their intention to run from the grid. However, AGL has not communicated to the community that the suggested powdered milk factory is now moot. | | Failure to undertake genuine and effective consultation. Failure to provide information that is balanced and objective. |
| 28/05/2014 | The whole Implies the crops irrigated with produced water were high quality and that there were no concerns about trace minerals or heavy metals for either cattle or sheep. | 29 | Fodder over limits for potassium, very close to MTL for Cd, in which high levels can cause toxicity to humans in meat and milk. ACNS report restricted how much of this fodder it would be safe for animals to eat and close monitoring is required. While final quote admits 'as a supplementary feed' this is not the message of the whole. | 28 | Failure to ensure that all stakeholders were aware of real or potential impacts. Primary producers in the area who bought the fodder were not provided with details of the high levels of heavy metals or minerals, such as potassium, or of the upper limit for proportion of feed. Failure to undertake genuine and effective consultation The provision of misleading statements shows a failure to be 'genuine' and prevents effective consultation on potential impacts. Failure to provide information that is balanced and objective. The independent reports indicate significant concerns about the safety of the fodder but this was not communicated in the media release. |

| Date | MISLEADING INFORMATION PROVIDED BY AGL | APPENDIX | CORRECT INFORMATION | CORRECT INFORMATION | HOW THIS CONTRAVENES THE GUIDELINES |
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| 28/05/2014 | There were low to negligible levels of trace metals in the crops. None of the minerals were above the maximum threshold level. | 27 | There were high levels of Cadmium, copper, bromine. To stay under MTL, the quantity of this feed given had to be limited. Potassium was above safe limits for grass tetany. | 28 | Failure to ensure that all stakeholders were aware of real or potential impacts. Primary producers in the area who bought the fodder were not provided with details of the high levels of heavy metals or minerals, such as potassium, or of the upper limit for proportion of feed. Failure to undertake genuine and effective consultation The provision of misleading statements shows a failure to be 'genuine' and prevents effective consultation on potential impacts. Failure to provide information that is balanced and objective. The independent reports indicate significant concerns about the safety of the fodder but this was not communicated in the media release. |

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| 28/05/2014 | Trace metal and mineral content of fodder were not a concern. Debunks claim that the blended water in irrigation could affect the final animal products being sold for human consumption.' | 6 | ACNS summary says levels are of concern | 28 | Failure to ensure that all stakeholders were aware of real or potential impacts. AGL fails to communicate the high levels of heavy metals or minerals, such as potassium, or of the upper limit for proportion of feed. There is a real impact to human and animal health if the crops were fed to sheep, or to beef or dairy cattle in sufficient quantities. Source reports clearly state that there is evidence that crops are taking up heavy metals and minerals from the irrigation water. Failure to undertake genuine and effective consultation The provision of misleading statements shows a failure to be 'genuine' and prevents effective consultation on potential impacts. Failure to provide information that is balanced and objective. The independent reports indicate significant concerns about the safety of the fodder cut at the Tiedman's site, showing that AGL's statement to the CCC was not balanced. |
| 9/05/2014 | Valuer General's study 'has found coal seam gas activity on or near properties has no clear impact on the land value'. Overriding message is that the valuer general's report indicated no impact | 15 | Valuer general Report stated that it was not possible to determine impacts, although ... | 59 | Failure to undertake genuine and effective consultation The provision of misleading statements shows a failure to be 'genuine' and prevents effective consultation on potential impacts. Failure to provide information that is balanced and objective. The AGL statement is not a balanced representation of the Valuer General's findings and does not make stakeholders aware that there remains a potential impact on their property values. |

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| 30/04/2014 | Soil continues to improve at the irrigation site | 30 | Soil has increasing salinity among other issues and results are skewed; not a true reflection | 31 | Failure to ensure that all stakeholders were aware of real or potential impacts. Impacts on soil quality are of great concern to the whole community as the local economy relies largely on agriculture. However, AGL did not provide 'balanced and objective' information or make sure the community is aware of the real impact on soil that AGL's activities were having. |
| 16/04/2014 | Modifications to WPP include smaller, enclosed flares. | 42 | Flares are not enclosed | 13, 14 | Failure to make sure all stakeholders are aware of any real or potential impacts. As flares are open to the air, community members will be exposed to flaring emissions but AGL states the opposite. Potential impacts of exposure to anticipated emissions, including VOCs and nitrous oxides, are documented widely by health professionals and researchers but AGL fails to make the community aware of this. |
| 16/04/2014 | Stage 1 of Gloucester gasfield has already been approved | 42 | Stage 1 does not have full approval It still needs to satisfy the Federal requirements and also satisfactory completion of numerous conditions | 57 | Failure to undertake genuine and effective consultation The provision of misleading statements shows a failure to be 'genuine'. In this case the misleading message of full approval has caused a proportion of Gloucester residents to view the gasfield as a 'fait accompli' and therefore are deterred from taking part in consultation. |

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| 9/04/2014 | Soil continues to improve at the irrigation site... Results show positive signs for the water, crop and soil. | 46 | Salinity has increased significantly. Crops show concerning high levels of some trace minerals and metals. | 31 , 28 | Failure to ensure that all stakeholders were aware of real or potential impacts. Impacts on soil quality are of great concern to the whole community as the local economy relies largely on agriculture. However, AGL did not provide 'balanced and objective' information or make sure the community is aware of the real impact on soil that AGL's activities were having. |
| 19/02/2014 | AGL uses water, sand and non-toxic additives in fracking | 21 | AGL uses highly toxic additives | 22 | Failure to undertake genuine and effective consultation The provision of misleading statements shows a failure to be 'genuine' and prevents effective consultation on potential impacts. |
| 2/02/2014 | fracking fluid contains sand, water and non toxic additives | 24 | AGL's frack fluid contains hydrochloric acid and tolicide (hazardous and acutely toxic). The specific combination of fracking fluids is not known to occur in any household product. | 22 | Failure to undertake genuine and effective consultation The provision of misleading statements shows a failure to be 'genuine' and prevents effective consultation on potential impacts. |
| 24/01/2014 | AGL has safely fracked 126 wells in NSW | 35 | AGL has only fracked 20 wells in NSW | 9 | Failure to make sure all stakeholders are aware of any real or potential impacts. Failure to undertake genuine and effective consultation. AGL is giving the impression that impacts are less likely because of a length and depth of experience. However, AGL does not have the purported experience and therefore is manipulating awareness of potential impacts rather than giving a 'balanced and objective' or 'genuine' awareness. |

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| 24/01/2014 | WPP REF application includes 'detailed studies on the effect of fracture stimulation on water, the community, ecology and human health' | 35 | REF contains no detailed studies on community and no study of ecology and no study of human health. The only things close to this are desktop summaries of information from other locations. No local studies on community, ecology or human health were conducted. | See AGL's REF | Failure to undertake genuine and effective consultation. AGL's statement here is not 'genuine'. The implication that detailed studies have completed has the effect of deterring many members of the community from engaging in consultation as they have been misled to believe that all necessary attention to issues has been paid. Failure to ensure that all stakeholders were aware of real or potential impacts. AGL is giving the impression that impacts are less likely because of the purported (but non-existent) contribution to understanding that such studies could provide. Failure to provide information that is balanced and objective. This statement is not a balanced and objective view of the extent of scrutiny and research that has informed AGL's plans. |
| 23/01/2014 | The selective use of parts of Readford's letter gives the impression that his letter in the Advocate was purely one of support for AGL. They present him as a representative farmer. AGL also asserts that almost half people surveyed saw benefits to have AGL work there. | 25 | Readford's letter is mostly a diatribe against AGL opponents and those with environmental concerns. Survey skewed and showed more than 50% saw no benefit. Only 13% supported CSG | 26, 3 | Failure to provide information that is balanced and objective. All stakeholders, both local and national, have an interest in the size and nature of community support and opposition to AGL's activities. AGL here is skewing the picture rather than providing 'balanced and objective' information. |

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| 9/01/2014 | It is cheaper to deliver gas from NSW projects than import from other states because transport and infrastructure costs are lower | 34 | Factor X shows table that this is not true. Cost of CSG from Gloucester gasfield is 2 - 3 times greater than cost from interstate imports | 20 | Failure to provide information that is balanced and objective. AGL gives the false impression that the Gloucester gasfield is necessary and will result in lower gas bills for NSW customers. However, a more balanced and objective view of the situation, considering production costs and obligations to shareholders to maximise profits gives the opposite impression. |
| 4/12/2013 | Natural coal seam gas does not contain heavy hydrocarbons or volatile organics such as benzene or toluene | 32 | AGL will emit VOCs during flaring; AGL's own data shows presence of petroleum hydrocarbons and toluene | 4, 38a, 39 | Failure to ensure that all stakeholders were aware of real or potential impacts. Exposure to VOCs and petroleum hydrocarbons is linked to increased risk of a range of health impacts including cancers but AGL does not make stakeholders aware of these potential impacts. Failure to provide information that is balanced and objective. |

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|------------|---|----------|---|---------------------|--|
| 28/11/2013 | produced water is 'nothing more than old salty water' | 5 | AGL analyses held prior show toluene, xylene, PAH, heavy metals | 4 | <p>Failure to undertake genuine and effective consultation. Failure to ensure that all stakeholders were aware of real or potential impacts. Failure to provide information that is balanced and objective. AGL is using produced water to irrigate land on the banks of a river which is used for irrigation by neighbouring primary producers and which is within the Manning water catchment. As such, the quality of produced water is of great community concern and AGL's misleading statements on it represent a failure to be genuine or to engage in effective consultation. AGL's failure to complete and then communicate the results of any ecological study of the interaction of produced water or runoff from the site on the health of the Avon river, AGL has failed to make stakeholders aware of real or potential impacts to their water. AGL fails to give a balanced view of the numerous contaminants in their produced water.</p> |

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|------------|--|----------|---|---------------------|---|
| 28/11/2013 | AGL is doing thorough testing on trial and crops, protecting human health and environment. Impression that there was no problem with the crop | 5 | Levels of potassium dangerous to animal health. November crop which was sold to farmers was apparently not tested for heavy metals. Later testing of subsequent crops showed significant issues. Soil testing was not 'thorough'. | 28,31 | Failure to ensure that all stakeholders were aware of real or potential impacts. Primary producers in the area who bought the fodder were not provided with details of the high levels of heavy metals or minerals, such as potassium, or of the upper limit for proportion of feed. Failure to undertake genuine and effective consultation The provision of misleading statements shows a failure to be 'genuine' and prevents effective consultation on potential impacts. Failure to provide information that is balanced and objective. The independent reports indicate significant concerns about the safety of the fodder cut at the Tiedman's site. |
| 27/11/2013 | The overriding message of the release is that AGL has community support. AGL says 19% supportive and also that more than 50% neutral or supportive | 1 | Only 13% supportive. 43% oppose. Survey questions are grossly misrepresented | 3 | Failure to provide information that is balanced and objective. All stakeholders, both local and national, have an interest in the size and nature of community support and opposition to AGL's activities. AGL here is skewing the picture rather than providing 'balanced and objective' information. |

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|------------|--|----------|---|---------------------|--|
| 20/11/2013 | produced water has 'no nasties' | 3 | AGL analyses held prior show toluene, xylene, PAH, heavy metals | 4 | <p>Failure to undertake genuine and effective consultation. Failure to ensure that all stakeholders were aware of real or potential impacts. Failure to provide information that is balanced and objective. AGL is using produced water to irrigate land on the banks of a river which is used for irrigation by neighbouring primary producers and which is within the Manning water catchment. As such, the quality of produced water is of great community concern and AGL's misleading statements on it represent a failure to be genuine or to engage in effective consultation. AGL's failure to complete and then communicate the results of any ecological study of the interaction of produced water or runoff from the site on the health of the Avon river, AGL has failed to make stakeholders aware of real or potential impacts to their water. AGL fails to give a balanced view of the numerous contaminants in their produced water.</p> |

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| 19/11/2013 | There were no problems at all with the crop from Tiedmans; it was uniformly successful | 47 | There were high levels of Cadmium, copper, bromine. To stay under MTL, the quantity of this feed given had to be limited. Potassium was above safe limits for grass tetany. | 28 | <p>Failure to ensure that all stakeholders were aware of real or potential impacts. AGL fails to communicate the high levels of heavy metals or minerals, such as potassium, or of the upper limit for proportion of feed. There is a real impact to human and animal health if the crops were fed to sheep, or to beef or dairy cattle in sufficient quantities. Failure to undertake genuine and effective consultation The provision of misleading statements shows a failure to be 'genuine' and prevents effective consultation on potential impacts. Failure to provide information that is balanced and objective. The independent reports indicate significant concerns about the safety of the fodder cut at the Tiedman's site, showing that AGL's statement to the CCC was not balanced.</p> |
| 11/11/2013 | AGL has safely hydraulically fracture stimulated 117 wells at Camden | 48 | AGL has only fracked 16 wells at Camden | 9 | <p>Failure to make sure all stakeholders are aware of any real or potential impacts. Failure to undertake genuine and effective consultation. AGL is giving the impression that impacts are less likely because of a length and depth of experience. However, AGL does not have the purported experience and therefore is manipulating awareness of potential impacts rather than giving a 'balanced and objective' or 'genuine' awareness.</p> |

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|------------|--|----------|--|---------------------|--|
| 11/11/2013 | AGL has operated at Camden for 13 years | 48 | AGL took over as operators at Camden in 2009. | 58 | <p>Failure to make sure all stakeholders are aware of any real or potential impacts. Failure to undertake genuine and effective consultation. Failure to provide information that is balanced and objective. AGL is giving the impression that impacts are less likely because of a length and depth of experience. However, AGL does not have the purported experience and therefore is manipulating awareness of potential impacts rather than giving a 'balanced and objective' or 'genuine' awareness.</p> |
| 31/10/2013 | Produced water is 'a bit salty 'not toxic' | 11 | Produced water can be 3 to 4 times saltier than drinking water, which a reasonable person would consider more than 'a bit' salty, and contains toxic heavy metals, toluene and xylenes | 4 | <p>Failure to undertake genuine and effective consultation. Failure to ensure that all stakeholders were aware of real or potential impacts. Failure to provide information that is balanced and objective. AGL is using produced water to irrigate land on the banks of a river which is used for irrigation by neighbouring primary producers and which is within the Manning water catchment. As such, the quality of produced water is of great community concern and AGL's misleading statements on it represent a failure to be genuine or to engage in effective consultation. AGL's failure to complete and then communicate the results of any ecological study of the interaction of produced water or runoff from the site on the health of the Avon river, AGL has failed to make stakeholders aware of real or potential impacts to their water. AGL fails to give a balanced view of the numerous contaminants in their produced water.</p> |

SCHEDULE A

| Date | MISLEADING INFORMATION PROVIDED BY AGL | APPENDIX | CORRECT INFORMATION | CORRECT INFORMATION | HOW THIS CONTRAVENES THE GUIDELINES |
|------------|---|----------|---|---|--|
| 31/10/2013 | In a table labelled "How AGL protects water: studies" AGL says: Chief Scientist conducted independent studies on the AGL Gloucester project. This leads the reader to believe that the Chief Scientist has conducted real, data-based studies into the AGL project and its impacts on water | 11 | Chief scientist has not conducted any studies into AGL's project | Chief Scientist review contains no studies covering the AGL Gloucester gasfield that could be considered a 'government check' | Failure to undertake genuine and effective consultation. AGL's statement here is not 'genuine'. Failure to ensure that all stakeholders were aware of real or potential impacts. AGL is giving the impression that impacts are less likely because of the purported (but non-existent) contribution to the approvals process by the Chief Scientist. Failure to provide information that is balanced and objective. This statement is not a balanced and objective view of AGL's studies as in fact they were completed almost entirely by contractors paid for by AGL; not by a government scientist. In addition, several of the AGL subcontractor's findings have been challenged. |
| 31/10/2013 | Gas will be flared within an enclosed structure | 8 | This implies that people won't be exposed to flaring emissions because the flares will be enclosed. But it's not enclosed - it's open to the air. | 14, 39 | Failure to make sure all stakeholders are aware of any real or potential impacts. As flares are open to the air, community members will be exposed to flaring emissions but AGL states the opposite. Potential impacts of exposure are documented widely by health professionals and researchers but AGL fails to make the community aware of this. |

| Date | MISLEADING INFORMATION PROVIDED BY AGL | APPENDIX | CORRECT INFORMATION | CORRECT INFORMATION | HOW THIS CONTRAVENES THE GUIDELINES |
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| 31/10/2013 | AGL has fracked 126 wells in NSW | 8 | AGL has only fracked 20 wells | 9 | Failure to make sure all stakeholders are aware of any real or potential impacts. Failure to undertake genuine and effective consultation. Failure to provide information that is balanced and objective. AGL is giving the impression that impacts are less likely because of a length and depth of experience. However, AGL does not have the purported experience and therefore is manipulating awareness of potential impacts rather than giving a 'balanced and objective' or 'genuine' awareness. |
| 3/10/2013 | Quantity of salt produced will be similar to quantities in rainfall. Suggests coal seam water and surface water are similar. | 7 | Quantity of salt produced extremely high compared to rainfall. Coal seam water and surface water are entirely different. | 7 , Prof Pells review | Failure to make sure all stakeholders are aware of any real or potential impacts. Failure to undertake genuine and effective consultation. Failure to provide information that is balanced and objective. With salt either disposed of directly to soil in the local area, or transported by truck to a landfill facility, the impacts to either or both local and regional stakeholders are of significant concern but by misrepresenting the quantity of salt AGL is misrepresenting real or potential impacts on soil, roads and traffic and the environment in the vicinity of the landfill. |
| 10/04/2013 | Stage 1 has both state and commonwealth approval | 2 | Stage 1 does not have full approval It still needs to satisfy the Federal requirements and also satisfactory completion of numerous conditions | 57 | Failure to undertake genuine and effective consultation The provision of misleading statements shows a failure to be 'genuine'. In this case the misleading message of full approval has caused a proportion of Gloucester residents to view the gasfield as a 'fait accompli' and therefore are deterred from taking part in consultation. |

SCHEDULE A

| Date | MISLEADING INFORMATION PROVIDED BY AGL | APPENDIX | CORRECT INFORMATION | CORRECT INFORMATION | HOW THIS CONTRAVENES THE GUIDELINES |
|------------|---|----------|---|---------------------|---|
| 1/04/2013 | AGL would be improving the water quality of the Avon river by discharging treated produced water into it. | 41 | This water would have a different Ph and characteristics from natural river and therefore would not be beneficial | Common knowledge | Failure to undertake genuine and effective consultation. Failure to ensure that all stakeholders were aware of real or potential impacts. Failure to provide information that is balanced and objective. AGL is using produced water to irrigate land on the banks of a river which is used for irrigation by neighbouring primary producers and which is within the Manning water catchment. As such, the quality of produced water is of great community concern and AGL's misleading statements on it represent a failure to be genuine or to engage in effective consultation. AGL's failure to complete and then communicate the results of any ecological study of the interaction of produced water or runoff from the site on the health of the Avon river, AGL has failed to make stakeholders aware of real or potential impacts to their water. AGL fails to give a balanced view of the numerous contaminants in their produced water. |
| 22/01/2013 | Well is physically separated from all groundwater and beneficial sources by at least four layers of high integrity steel casing pipe and cement. Image shows cross section of well construction | 36 | Coal seams are groundwater aquifers. This is why water needs to be pumped out during gas production. When fracking, AGL will punch holes at each coal seam (groundwater aquifer) thereby joining each coal seam to the others via the well. The image does not show the perforations. | AGL's REF | Failure to ensure that all stakeholders were aware of real or potential impacts. Failure to undertake genuine and effective consultation. The provision of misleading statements shows a failure to be 'genuine' and prevents effective consultation on potential impacts and real concerns. Failure to provide information that is balanced and objective. By not communicating the persisting uncertainty over impacts AGL is providing a biased and unsupported perception |

| Date | MISLEADING INFORMATION PROVIDED BY AGL | APPENDIX | CORRECT INFORMATION | CORRECT INFORMATION | HOW THIS CONTRAVENES THE GUIDELINES |
|------------|--|-------------|---|--|--|
| 22/01/2013 | Sometimes small amounts of commonly used household chemicals are added | Appendix 36 | Tolcide and Hydrochloric acid are not found in household products. The specific combination of fracking fluids is not known to occur in any household product. | 22 | Failure to undertake genuine and effective consultation The provision of misleading statements shows a failure to be 'genuine' and prevents effective consultation on potential impacts. |
| 22/01/2013 | Fracking chemicals are further diluted when they mix with the coal seam water. | 36 | AGL refused to complete an analysis of the mixture of fracking fluid and coal seam water when the EPA required it, because this is too difficult. The implication that toxicity of fracking fluids is reduced when mixed with coal seam is not based on any data, and indeed the reverse may be true. | 10 | Failure to undertake genuine and effective consultation The provision of misleading statements shows a failure to be 'genuine' and prevents effective consultation on potential impacts. Failure to provide information that is balanced and objective. The statement is not based on any objective information and does not inform stakeholders of the lack of any study to determine the real toxicity of fracking chemicals when combined with coal seam water. |
| 31/05/2012 | AGL has honoured its community commitment to complete an independent peer reviewed hydrogeological study of the entire stage 1 basin | 40 | This has still not been done. As stated in the header, Evans reviewed AGL's studies to date. This is not the same as a full independent study of the entire basin. AGL has not honoured its commitment | No complete hydrogeological study of Stage 1 has been done | Failure to undertake genuine and effective consultation. AGL's statement here is not 'genuine'. AGL is giving the impression that the entire basin has been subject to a peer reviewed hydrogeological study. It has not. |

| Date | MISLEADING INFORMATION PROVIDED BY AGL | APPENDIX | CORRECT INFORMATION | CORRECT INFORMATION | HOW THIS CONTRAVENES THE GUIDELINES |
|------------|--|----------|--|---------------------|---|
| 15/01/2015 | Spikes in monoethanolamine occurred at a great distance from recently fracked wells; implies that spikes could be the result of local agriculture despite no evidence to support the implication | 63 | Spikes occurred very close to fracked wells. | 63 | Failure to undertake genuine and effective consultation. The provision of misleading statements shows a failure to be 'genuine' and prevents effective consultation on potential impacts. |

Schedule B

| Dates | Incident | Guidelines for community consultation requirements for exploration 2012 Contravened | Source documents and links | Appendix |
|-------------------------|--|--|-----------------------------------|----------|
| 4.4.2014 - 29.7.2014 | Local parent complained about AGL approaching children and getting children to carry their logo around in public. AGL refused to respond to complaint adequately, only restating an incorrect version of events. When asked to answer direct questions, they did not respond, even when directed to do so by the Ombudsman. They made inaccurate statements to the ombudsman about the incident. | Failure to undertake genuine and effective consultation with the community | File of emails | 1 |
| 27.1.2014 - 17.2.2014 | Air emissions questions unanswered. Local resident and researcher asked questions about air emissions, both through emails and the letters page of the Gloucester Advocate. AGL provided only a vague response which did not answer the questions. When asked again to address the questions directly, they did not respond. | Failure to undertake genuine and effective consultation with the community | File of emails | 2 |
| 13.10.2014 - 17.10.2014 | Local tourism operator has repeatedly complained to AGL about truck movements affecting her home and business, located on the same road as the Waukivory pilot. Despite this O'Brien was given no notice of a convoy of 20 - 30 truck movements before midday on one particular day, interfering with the operation of her business. When she contacted AGL to ask about this discrepancy with the community newsletter which had been given to residents indicating 10 - 15 truck movements per day, O'Brien was told the figure refers to expected movements during the fracking period. Yet the newsletter refers to 'civil works period'. In any case, no notification was given of the additional truck movements and the response to O'Brien was unsatisfactory. | Failure to undertake genuine and effective consultation with the community, Failure to make sure all stakeholders are informed of the proposed work program and are notified prior to the commencement of any authorised activities, failure to make sure all stakeholders are aware of any real or potential impacts. | Karen O'Brien - letter and emails | 3 |

| Dates | Incident | Guidelines for community consultation requirements for exploration 2012 Contravened | Source documents and links | Appendix |
|-----------------------|---|---|--|----------|
| 18.2.2014 | Resident identified inconsistency between AGL published information in newspaper and AGL documents regarding fracking fluid. Questions were not answered. | Failure to undertake genuine and effective consultation with the community | File of emails | 4 |
| 21.5.2014 | AGL used childrens' photos in an ad without parent's knowledge. Following complaints to the Dept of Education, it was confirmed that AGL had not asked parents for permission to use the photo in an AGL advertisement and parents were unaware that the photo would be used that way. A later letter from AGL to the newspaper misled the community in this regard. In this case, AGL's 'consultation' failed to understand the character of the community. AGL also failed to consult genuinely and effectively as the purpose for their interaction with the children was misrepresented to the school and to parents. | Failure to undertake genuine and effective consultation with the community | Advertisement, letter from Dept of Ed, AGL letter to newspaper | 5 |
| 13.8.2014 - 15.8.2014 | MCWAG chair asked about landfill options for waste products and asked for specific destinations. AGL response gives no answer. "There are a number of landfill facilities which are licensed to receive salt as General Solid Waste. The small volumes of salt generated from the Stage 1 Gloucester Gas Project will be going into landfill. The businesses are available publicly. AGL has still not communicated specific destinations for where solid waste will be taken, despite MCWAG being a clear stakeholder should waste be disposed of in the Manning Valley. | Failure to undertake genuine and effective consultation. | Chris Sheed/Karyn Looby email | 7 |

| Dates | Incident | Guidelines for community consultation requirements for exploration 2012 Contravened | Source documents and links | Appendix |
|---------------------|---|--|---|----------|
| 12.12.2013 | Work occurring on landholder's property. Notice given only to next door neighbours, which AGL admitted to in a CCC meeting. Near neighbours were alarmed about drill rig, which they could see, erected on neighbouring property. AGL had not notified them of work. Notice was also not given to others who were concerned about what was going on. Considerable alarm occurred. | Failure to make sure all stakeholders were informed of the proposed program of work, prior to the commencement of any authorised activities. | CCC minutes December 12 2013, Besier email 'What's going on?' | 8 |
| 22 - 26 August 2014 | Request to meet with MCWAG refused. MCWAG asked AGL for evening consultations in the Manning. Looby directed them to the website. | Failure to undertake genuine and effective consultation. | Emails between MCWAG secretary and Karyn Looby 22 - 26 August | 10 |
| 19.9.2013 | CCC not consulted or informed about AGL's lodgement of REF until after publication in media | Failure to undertake genuine and effective consultation. Failure to clearly express expected levels of participation and commitment. | Gloucester advocate article 9.10.2013 | 13 |
| 8.2.2014` | Residents attended AGL community information session and asked to be on the community update email list. Both John Ross and Ian Shaw (AGL managers) offered to provide information to the residents through email updates but no information has been received by the residents. | Failure to undertake genuine and effective consultation. | Email from residents | 14 |

| Dates | Incident | Guidelines for community consultation requirements for exploration 2012 Contravened | Source documents and links | Appendix |
|----------------------|---|--|---|----------|
| 14.8.2014 | Liking confrontation on Facebook. AGL's Head of Community Relations 'liked' a pro-mining Facebook page comment which suggested that a group of miners confront community members who were peaceful participants in a vigil. Rather than engaging in consultation with the community members at the peaceful vigil, AGL encouraged conflict between AGL associates and the peaceful participants. | Failure to undertake genuine and effective consultation with the community; failure of consultation activities to minimise the risk of conflict. | Screen shots of Facebook page | 15 |
| 23.10.2013 - current | Mike Moraza and joint study. Mike Moraza told GG rep Jenni O'Neill that AGL and Yancoal had completed a joint study into safe distances between gas wells and mining, with respect to induced seismicity by coal mine blasting. He said the report may be 'commercial in confidence' but offered to send a cover sheet/summary of the report by email but failed to do so. Council officer Graeme Gardner spoke to AGL's John Ross by phone to ask about the joint study and Ross replied that the study doesn't exist. Report summary from Mike Moraza is still outstanding. | Failure to undertake genuine and effective consultation. | Emails between Jenni O'Neill and Mike Moraza. Conversation with Graeme Gardner. | 16 |
| | The Extracted Water Management Plan (EWMP) was released for consultation with groups including Advance Gloucester listed for consultation. Groundswell Gloucester is the prime stakeholder representing community concern about AGL's gasfield and its membership includes a water resources engineer, a geologist, a chemist, local landholders and farmers, yet it was not approached or listed for consultation on the draft EWMP consultation. | Failure to make a detailed identification of all stakeholders. Failure to undertake genuine and effective consultation. | EWMP stakeholder list | 17 |

| Dates | Incident | Guidelines for community consultation requirements for exploration 2012 Contravened | Source documents and links | Appendix |
|------------------------------|--|---|--|---------------|
| | <p>CCC member describes selective minutes of AGL CCC meetings and occurrences of information appearing in the media before the CCC is informed, let alone consulted. Another CCC rep describes AGL lack of geological knowledge, and AGL unwillingness to engage effectively with concerns, 'smoothing' them over rather than dealing with them. AGL at all times manipulated subject and discussion to avoid dealing with issues. CCC described as a propaganda activity rather than as consultation.</p> | <p>Failure to undertake genuine and effective consultation with the community, Failure to clearly express expected levels of participation and commitment. Failure to make the purpose of the consultation clear - this includes what is being consulted on and what is non-negotiable. Failure to set up channels of communications that allow good community feedback and identification of potential issues.</p> | <p>Email from Ray Dawes and statement from Garry Smith, former CCC member.</p> | <p>19</p> |
| <p>7.10.2014 - 14.2.2014</p> | <p>Family living 600m from Waukivory site notified AGL that they had breached their agreement regarding truck movements not interfering with the school bus. AGL response to complaint is dismissive and fails to address the issue, only acknowledging there are extra truck movements and then talking about sound barriers around the gas wells.</p> | <p>Failure to undertake genuine and effective consultation with the community, Failure to make sure all stakeholders are informed of the proposed work program and are notified prior to the commencement of any authorised activities, failure to make sure all stakeholders are aware of any real or potential impacts.</p> | <p>Email and letter</p> | <p>20 , 3</p> |
| <p>18.12.2013 - 3.2.2014</p> | <p>Letter to Ed Robinson, local resident and CCC member. Ed raised the issue of an unexpected Sunday truck movement at the CCC on Dec 12, 2013. He then wrote a letter on December 18. He received a reply on February 2, 2014. The reply contains no effort at being conciliatory. It acknowledges that AGL's communication about hours of work do not always reflect hours of operation. AGL also says they are bound by the same rules for traffic as any other vehicle. There is no recognition of the additional community concern that AGL's extra truck movements causes.</p> | <p>Failure to make sure all stakeholders were informed of the proposed program of work, prior to the commencement of any authorised activities. Failure to undertake genuine and effective consultation.</p> | <p>Letters, CCC minutes</p> | <p>21</p> |

SCHEDULE B

| Dates | Incident | Guidelines for community consultation requirements for exploration 2012 Contravened | Source documents and links | Appendix |
|------------------------|---|--|---|-----------------|
| 20.10.2014 | Family living 600m from Waukivory site disturbed by truck convey early in the morning. AGL had failed to inform them of the early truck movements. | Failure to undertake genuine and effective consultation with the community, Failure to make sure all stakeholders are informed of the proposed work program and are notified prior to the commencement of any authorised activities, failure to make sure all stakeholders are aware of any real or potential impacts. | Email and letter | 22 |
| 1/11/2014 - current | Community member asks where water monitoring data is to be found on AGL website. AGL does not provide a direct answer but discusses monitoring reports and reporting requirements. | Failure to undertake genuine and effective consultation. | Emails from Yoursay AGL | 25 |
| January 2014 - current | The Gloucester Dialogue only came into being in January 2014, some four months after the REF for the Waukivory pilot was lodged and 2 years after complying with Guideline for community consultation became a requirement of holding a PEL. Yet despite its very recent inception, AGL has relied heavily on it as a purported fulfilment of its consultation requirement. In addition the dialogue has not resulted in genuine or effective communication. It hasn't responded to numerous community concerns. Only carefully selected information has been shared with the Dialogue by AGL; The dialogue has been told of events only after they occurred, meaning no consultation on the work or activity occurred. Numerous questions to the dialogue remain unanswered. | Failure to undertake genuine and effective consultation with the community, failure to clearly express expected levels of participation and commitment. Failure to make the purpose of the consultation clear - this includes what is being consulted on and what is non-negotiable. Failure to set up channels of communications that allow good community feedback and identification of potential issues. | Statement by Aled Hogget, former dialogue member, Schedule of unresolved issues and unanswered questions, Newspaper comments by other Gloucester councillors. | 26 |

| Dates | Incident | Guidelines for community consultation requirements for exploration 2012 Contravened | Source documents and links | Appendix |
|------------------------|---|--|----------------------------|----------|
| January 2014 - current | Dialogue is a closed meeting and does not take minutes. Community has no access. This is confirmed through Dialogue 'communique 3' which states that the only access community has to the dialogue is through local councillors. Access to local councillors has always been available, and cannot be considered an addition by AGL to communication in the community; rather it creates an additional barrier between the community and AGL. | Failure to make the purpose of the consultation clear - this includes what is being consulted on and what is non-negotiable. Failure to set up channels of communications that allow good community feedback and identification of potential issues. | Communique 3 | 27 |
| 12/11/2014 - current | Resident asked for destination of flowback fluid, results of opinion polling, answers to Councillor Hogget's dialogue questions, all data from the Waukivory pilot. Questions remain unanswered. | Failure to undertake genuine and effective consultation. | Emails | 28, 29 |
| 20/10/2014 | Letter box drop of commencement of Fracking gave only 1 days' notice before the earliest commencement date. The letter is dated 20 October and states that fracking could begin at the earliest, on Tuesday 21 October. | Failure to undertake genuine and effective consultation. Failure to make sure stakeholders are informed of the proposed program of work with notice that could be considered genuine. | Letter | 30 |
| 28/11/2014 | AGL media release states they had provided site visits to local community representatives and stakeholder groups as part of 'consultation' ; ie, to show what a hydraulic fracturing site looks like and to dispel myths; however, to our knowledge, they only invited two groups, both of which do not express concern about AGL activities. Stakeholder groups who have expressed concern were not invited. Groups not identified as stakeholders for consultation include, to our knowledge, Gloucester Environment Group, Groundswell Gloucester, the Dialogue. The CCC members were surprised at being excluded from this consultation activity. | Failure to make a detailed identification of all stakeholders. Failure to undertake genuine and effective consultation. Failure to clearly express expected levels of participation and commitment. | Media Release | 32 |

SCHEDULE B

| Dates | Incident | Guidelines for community consultation requirements for exploration 2012 Contravened | Source documents and links | Appendix |
|---------------------------|---|---|--|-----------------|
| September 2013 - May 2014 | In AGL's original REF flaring was planned to be through 1 x 40ft flare with 1 x 20ft contingency flare. In May 2014 the plan was changed to 3 x 20ft flares. The rationale for the 40ft flare was to minimise air impacts at ground level. This suggests that the change to three smaller flares may mean a change in likely impacts at ground level. To our knowledge, no recalculation of predicted air quality impacts has been conducted or communicated to stakeholders. To our knowledge, no consultation with stakeholders occurred to inform AGL of community positions on the change. Failure to undertake genuine and effective consultation. | Failure to undertake genuine and effective consultation with the community, Failure to make sure all stakeholders are informed of the proposed work program and are notified prior to the commencement of any authorised activities, failure to make sure all stakeholders are aware of any real or potential impacts. | REF and Addendum to REF, email from CCC member | 34 |
| 1/12/2014 | Groundswell President and two Groundswell members went to the AGL local office wishing to personally engage with AGL officers by hand-delivering a letter containing numerous questions relating to the handling of flowback fluid. Community members had previously tried to obtain answers to these questions on a number of occasions but AGL had not provided them. The community representatives were not allowed access to the AGL office and were forced to hand the letter between the bars of closed gates. The letter received later from Mr Moraza did not answer the questions asked. A further letter has not been responded to. | Failure to set up channels of communications that allow good community feedback and identification of possible issues. Failure to make sure all stakeholders are informed of the proposed program of work for the licence, failure to make sure that expected levels of participation and commitment are clearly expressed. | Letters | 36 |

| Dates | Incident | Guidelines for community consultation requirements for exploration 2012 Contravened | Source documents and links | Appendix |
|-------------------------|---|--|----------------------------|----------|
| 2/12/2014 | Community member called AGL community liaison to ask flowback fluid destination. AGL rep would not disclose information but suggested it would be easy to find out where the fluid was going, as the trucks had the company logo on them. The community member also suggested the liaison had shown a lack of understanding of the local community by co-opting Beyond Blue as an AGL PR event; and to say 'hope to see you there' when talking about getting help for depression and anxiety. | Failure to undertake genuine and effective consultation with the community, failure to make sure all stakeholders are informed of the proposed program of work for the licence. | Email statement | 37 |
| November 2013 - current | Groundswell Gloucester released a document called 'Exposing the Risks' outlining numerous community and independent expert concerns about the Waukivory Pilot. This document was published on the internet and widely publicised. It was also tabled at an AGL CCC meeting in early 2014. AGL has never acknowledged the document, nor provided any information on the concerns raised, nor contacted Groundswell to engage with its concerns, nor informed Groundswell of how its feedback has influenced AGL decisions. | Failure to undertake genuine and effective consultation. Failure to provide feedback to the community on how their input has influenced decisions. | | |
| Jan-14 | AGL detected high concentrations of BTEX chemicals in gas wells and a storage tank. Despite speaking at both a community meeting and a Dialogue meeting, AGL failed to inform the community of the detection, nor of the extent of heightened risk of impacts, or AGL's amendments to the program of works as a result of the detection. | Failure to undertake genuine and effective consultation with the community, Failure to make sure all stakeholders are informed of the proposed work program and are notified prior to the commencement of any authorised activities, failure to make sure all stakeholders are aware of any real or potential impacts. | | |

Schedule C

| Item number as annotated on AGL record of consultation | Corroborating evidence of actual AGL interaction. Appendix no at top right of documents | Date | AGL inaccurate assertion of 'consultation' event | Accurate community statement of interaction with AGL | Nature of inaccuracy in AGL's record of consultation |
|--|---|------------|---|---|---|
| 1 | Appendix 2 | 28/05/2014 | Media release issued: Water from irrigation program suitable for cattle and sheep and nutritional value of fodder | Media release misrepresented facts as presented in primary scientific reports. | Information given not an example of effective, balanced and objective information |
| 2 | Appendix 4 | 28/05/2014 | Media release issued: Proposal for new powdered milk factory will bolster jobs and economy and an opportunity for agriculture and dairy to coexist | There is no specific plan in place; no development application; no business plan. The plan is also dependent on AGL building a gas-fired power plant to drive their wells in the gasfield; however it is understood that AGL's preference has been to power their wells by connecting to the power grid and AGL recently informed the dialogue that they would use the grid; therefore there would be no gas fired power station for powering any milk factory. However, AGL has not informed the community that the milk factory is likely moot. | Information given not an example of effective, balanced and objective information |
| 4 | Appendix 6 | 9/05/2014 | Media release issued on property values claiming that CSG has no impact on property values: Continue distribution of information on Waukivory pilot | Valuer general Report stated that it was not possible to determine impacts in Gloucester | Information given not an example of effective, balanced and objective information |

| Item number as annotated on AGL record of consultation | Corroborating evidence of actual AGL interaction. Appendix no at top right of documents | Date | AGL inaccurate assertion of 'consultation' event | Accurate community statement of interaction with AGL | Nature of inaccuracy in AGL's record of consultation |
|--|---|-----------|---|---|--|
| 5 | This newsletter drop is recorded twice in the consultation record; giving the impression of more 'consultation' than actually occurred. | 7/05/2014 | | | |
| 5 | Correct information: Appendices 3b, 3c, 3d | 7/05/2014 | Letter box drop community newsletter May: The Gloucester gasfield is necessary to alleviate gas shortages; produced water is 'simply old, salty water'; A modification to the REF is smaller, enclosed flares; AGL has safely fracked 126 wells; NSW could face 21 days gas shortage from Winter 2016 - see Appendix 3a | There will be no gas shortages in any state. Interstate supplies are assured from Bass Strait. Alternative options exist, such as renewing interstate contracts, which although may be more expensive than they are currently, could still be comparable with the cost of gas from the proposed gasfield, which is 2 -3 times more expensive to extract than the current interstate price. Copy appendices proof from Schedule A, AGL analyses held prior show toluene, xylene, PAH, heavy metals; Original plan: 1 x 40ft and 1 x 20ft. Mod: 3 x 20 ft. Ie. Not smaller and not enclosed; AGL has only fracked 20 wells; There will be no gas shortages in any state | Record misrepresents the consultation, Information inaccurate; not genuine, not balanced nor objective |

| Item number as annotated on AGL record of consultation | Corroborating evidence of actual AGL interaction. Appendix no at top right of documents | Date | AGL inaccurate assertion of 'consultation' event | Accurate community statement of interaction with AGL | Nature of inaccuracy in AGL's record of consultation |
|--|---|------------|--|---|--|
| 6 | Appendix 1 | 28/04/2014 | Met/spoke individually with number of residents to follow up from previous group meeting to discuss property values: No actions required | Moraza never followed up. Local rep. Karyn Looby displayed lack of consideration for one particular resident's concerns by inviting her to a BBQ at the gas well site and suggesting they go bike riding together. The nature of interaction with AGL was very distressing. After some weeks the AGL rep phoned the residents to follow up from the meeting and stated that AGL was not in the business of purchasing properties. This is despite the rep. in question living in a property which AGL had purchased and AGL holding 948 acres, The resident was upset and tearful. AGL rep offered a property stylist to assist in selling the resident's property then left. The resident has had no communication from the rep. since then. | Record misrepresents the consultation |

| Item number as annotated on AGL record of consultation | Corroborating evidence of actual AGL interaction. Appendix no at top right of documents | Date | AGL inaccurate assertion of 'consultation' event | Accurate community statement of interaction with AGL | Nature of inaccuracy in AGL's record of consultation |
|--|---|------------|---|--|---|
| 7 | Appendix 3d | 16/04/2014 | Media release on modifications to REF: Modifications to WPP include smaller, enclosed flares, Stage 1 of Gloucester gasfield has already been approved; see Appendix 14 | Media release contains inaccurate information. Flares are not enclosed; Stage 1 does not have full approval. It still needs to satisfy the Federal requirements and also satisfactory completion of numerous conditions; As flares are open to the air, community members will be exposed to flaring emissions but AGL implies the opposite. Potential impacts of exposure to anticipated emissions, including VOCs and nitrous oxides, are documented widely by health professionals and researchers but AGL fails to make the community aware of this. | Information given not an example of effective, balanced and objective information |
| 8 | | 16/04/2014 | Media release listed twice; giving the appearance of more consultation than is accurate. | | |
| 9 | Appendix 2a | 9/04/2014 | Media release issued: Blended produced water continues, soil improves; see Appendix 15 | Salinity has increased significantly. Crops show concerning high levels of some trace minerals and metals. | Information given not an example of effective, balanced and objective information |

| Item number as annotated on AGL record of consultation | Corroborating evidence of actual AGL interaction. Appendix no at top right of documents | Date | AGL inaccurate assertion of 'consultation' event | Accurate community statement of interaction with AGL | Nature of inaccuracy in AGL's record of consultation |
|--|--|-----------|--|---|---|
| 10 | Appendix 3c | 9/04/2014 | GGP e-news update: Says AGL has operated at Camden for 13 years | AGL became operator in 2009 | Information given not an example of effective, balanced and objective information |
| 11 | AGL's record is inaccurate. Residents had expected follow up contact which never occurred. Residents were under the impression that the purpose of the consultation was to discuss AGL purchasing their properties. The follow up meetings were promised with Mike Moraza, but this commitment was never met. Appendix 1 | 8/04/2014 | Met with number of local residents to discuss Waukivory Pilot and understand their concerns including: property values and hydraulic fracturing: Telephoned to arrange a follow up one on one meetings | Mike Moraza attended meeting with residents seeking AGL consideration to purchase their properties or provide some compensation for the impact of the CSG project on their properties. Mike Moraza gave the residents hope that acquisition/compensation was possible and promised he would personally respond. Moraza never followed up. | Record misrepresents the consultation |
| 12 | Appendix 1 | 7/04/2014 | Letterbox drop: AGL's commitment to keep residents up-to-date on GGP. | No correspondence received by a number of residents of Forbesdale | Consultation record inaccurate |
| 13 | Appendix 1 | 7/04/2014 | Meeting: Discussed project activities, traffic and potential protest | Forbesdale residents report no invitation to the meeting | Consultation record inaccurate |

SCHEDULE C

| Item number as annotated on AGL record of consultation | Corroborating evidence of actual AGL interaction. Appendix no at top right of documents | Date | AGL inaccurate assertion of 'consultation' event | Accurate community statement of interaction with AGL | Nature of inaccuracy in AGL's record of consultation |
|--|---|------------|---|--|---|
| 14 | Appendix 1 | 6/04/2014 | Forbesdale doorknock: Project update | Residents in Forbesdale have no recollection of a doorknock | Consultation record inaccurate |
| 15 | Appendix 7 | 5/04/2014 | Community event - Gloucester show: Record of Gloucester show as good consultation | Failure to record complaints from local resident in relation to show | Record misrepresents the consultation and is not a full and accurate record of what happened. |
| 16 | Appendix 5 | 24/03/2014 | Outgoing correspondence: Question asked about EIS on WPP | AGL record says no action required. BGSPA has no record of this consultation. It seems consultation was not from BGSPA and AGL record may be incorrect in purporting to have consulted with this group. | Record misrepresents the consultation |
| 17 | Appendix 8 | 17/03/2014 | Dialogue: AGL asserts the dialogue represents fulfilment of its consultation obligation. AGL asserts communiques represent the list of questions asked and responses to those questions | The dialogue began months after the REF for the WPP was already lodged, so it was not part of any consultation on the initial planning for the WPP. The communiques do not present a listing of questions asked and responses given. Many questions remain unanswered. | Record misrepresents the consultation |

| Item number as annotated on AGL record of consultation | Corroborating evidence of actual AGL interaction. Appendix no at top right of documents | Date | AGL inaccurate assertion of 'consultation' event | Accurate community statement of interaction with AGL | Nature of inaccuracy in AGL's record of consultation |
|--|---|------------|--|--|---|
| 18 | Appendix 2, Appendix 9 | 28/02/2014 | Outgoing correspondence - letterbox drop of community newsletter: Update on Waukivory pilot activities | Asserts that soil quality is improving at Tiedman's site; in fact reports show increasing salinity and also crop uptake of contaminants in produced water | Information given not an example of effective, balanced and objective information |
| 19 | Appendix 10 | 25/02/2014 | Introduction to GG President: AGL asserts that president indicated no interest in talking to AGL | This record is wholly incorrect. The President talked with the AGL rep at some length; despite AGL arriving unannounced, and not giving any indication of expectations of their attendance or of the discussion. | Record misrepresents the consultation |
| 20 | Appendix 11 | 18/02/2014 | Emails with local resident about fracture stimulation: Response provided information to address concerns | Response did not address concerns; hence repeat emails | Record misrepresents the consultation |
| 21 | Appendix 12 | 11/02/2014 | Emails with local resident about flare enclosures and emissions: AGL asserts that resident did not want to meet; implying consultation failure was resident's choice | Resident repeatedly asked for written answers to specific questions. AGL failed to answer the questions. The offer to meet was declined because written response was preferred. AGL still failed to answer direct questions with specific answers. | Record misrepresents the consultation |

| Item number as annotated on AGL record of consultation | Corroborating evidence of actual AGL interaction. Appendix no at top right of documents | Date | AGL inaccurate assertion of 'consultation' event | Accurate community statement of interaction with AGL | Nature of inaccuracy in AGL's record of consultation |
|--|---|------------|---|--|---|
| 22 | Appendix 3e | 24/01/2014 | Media release issued: Monitoring using new equipment; protection of environment; see Appendix 13a | AGL states they have safely fracked 126 wells, implying protection due to established experience; however, AGL has only fracked 20 wells. | Information given not an example of effective, balanced and objective information |
| 23 | Appendix 13c | 9/01/2014 | Media release issued: AGL asserts the Gloucester gasfield will make gas prices lower because this gas will be cheaper due to lower transport and infrastructure costs; see Appendix 13b | Factor X shows table that this is not true. Cost of CSG from Gloucester gasfield is 2 - 3 times greater than cost from interstate imports. | Information given not an example of effective, balanced and objective information |
| 24 | Appendix 3c | 27/11/2013 | Media release issued: AGL has a proven track record in Camden for over 13 years; see Appendix 16 | AGL only became operator in Camden in 2009; they have also committed repeated breaches of air emissions regulations during that time; not a proven track record. | Information given not an example of effective, balanced and objective information |
| 25 | Appendix 13c | 23/11/2013 | Community update: AGL suggests they are fracturing to keep prices down; see Appendix 17 | Cost of CSG from Gloucester gasfield is 2 - 3 times greater than cost from interstate imports. | Information given not an example of effective, balanced and objective information |

| Item number as annotated on AGL record of consultation | Corroborating evidence of actual AGL interaction. Appendix no at top right of documents | Date | AGL inaccurate assertion of 'consultation' event | Accurate community statement of interaction with AGL | Nature of inaccuracy in AGL's record of consultation |
|--|---|------------|---|---|---|
| 26 | Appendix 2a | 19/11/2013 | Media release issued: Tiedman's trial shows no problem; producing top crops; see Appendix 18 | Levels of potassium dangerous to animal health. November crop which was sold to farmers was apparently not tested for heavy metals. Later testing of subsequent crops showed significant issues. Soil testing was not 'thorough'. | Information given not an example of effective, balanced and objective information |
| 27 | Appendix 3c, 3e | 11/11/2013 | Media release issued: AGL has operated in Camden for over 13 years and fracked 117 wells; see Appendix 19 | AGL states they have safely fracked 126 wells, implying protection due to established experience; however, AGL has only fracked 20 wells. AGL only became operator in Camden in 2009; they have also committed repeated breaches of air emissions regulations during that time; not a proven track record | Information given not an example of effective, balanced and objective information |

| Item number as annotated on AGL record of consultation | Corroborating evidence of actual AGL interaction. Appendix no at top right of documents | Date | AGL inaccurate assertion of 'consultation' event | Accurate community statement of interaction with AGL | Nature of inaccuracy in AGL's record of consultation |
|--|---|------------|---|---|---|
| 28 | | 21/10/2013 | Groundswell Gloucester at AGL AGM: AGL asserts discussion of concerns over WPP and fracture stimulation. Follow up was the provision of information and offer follow up meeting | AGL never provided Groundswell with information or addressed the concerns raised. At the meeting, AGL chairman's response was that 'It is a crown resource; it is in the ground, and we should dig it up. He also stated 'You should be more concerned about coal mines'. He did not engage with any of the issues raised. AGL never offered follow up meeting. | Record misrepresents the consultation and is not a full and accurate record of what happened. |

Schedule D

| Incident | Documents | Appendix |
|---|--|----------|
| Repeated Failure to comply with legislation relating to the disclosure of political donations | Letter to the Electoral Funding Authority outlining apparent breaches of the Electoral Funding, Expenditure and Disclosures Act 1981 | 1 |
| | Letters to Minister for Planning and Environments outlining multiple apparent breaches of the Environmental Planning and Assessment Act 1979 in relation to the Newcastle Gas Storage Facility modification applications | 2 |
| | Letters to Minister for Planning and Environments outlining multiple apparent breaches of the Environmental Planning and Assessment Act 1979 in relation to the Newcastle Gas Storage Facility application. | 3 |
| | Letters to Minister for Planning and Environment outlining multiple apparent breaches of the Environmental Planning and Assessment Act 1979 in relation to the Gloucester gas project modification application. | 4 |
| | AGL acknowledgement of breaches of legislation: The Deloitte Audit Report | 5 |
| Failure to comply with Directive from Hunter Water Corporation on discharging flowback fluid into the Hunter Sewerage system. | Letters from Hunter Water Corporation to AGL | 6 |
| AGL found to have engaged in misleading and deceptive conduct with customers | Report relating to Federal Court Decision | 7 |
| AGL has repeatedly breached air emissions regulations at their Camden plant | Summary of breaches at Camden, EPA audit report outlining breaches at Camden | 8 |