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I offer some thoughts on the Review of Hydraulic Fracturing (fracking) in Tasmania.

Terms of reference 1 and 2.

To call Fracking mining, is a logistics sense, is not a true description. The **collection** of the gases released by fracking is where a sequential work breakdown structure defines the action of mining. Therefore the language that should be used to describe the **underground primary process** that causes the gases to be released prior to collection is an **action before the actual** extraction. Thus the act of fracking is primary processing underground **before** mining.

Logically and legally all applicable environmental requirements that would apply for above ground processing of an ore and dross in a conventional mining situation should be applied, twice.

Once for the **underground unbounded primary processing (the fracking action)** and also once for the **above ground bounded secondary processing** after collection. Unless this primary process can be bounded by the rules of above ground processing (such as trailing dams) then it can not be considered environmental sustainable or allowable, as the process involves unbounded sub strata dross.

Term of reference 4 and 5.

There is an interesting difference in the laws of Australia and the USA regarding who benefits or owns the spoils of sub-surface minerals. In Australia, the State is the beneficiary of mineral extraction where in the USA the minerals beneath a property are part of the bounty of that property.

Hydraulic fracking in the USA can be considered as an underground “Tragedy of the Commons” as the primary processing is unbounded and if one person exploits the “(underground) Commons” then the recourse of adjacent properties to the unbounded processing is to join in as all will be affected and there is no recourse when the “common” is rendered “barren”.

In the Tasmanian case it appears to me that the State is the owner of the subterranean minerals and is gaining royalties from extraction. Then should the underground commons become overexploited or poisoned by the unbounded primary processing prior to mineral extraction then both the State and the processing organisation are singularly and jointly liable to legal restitution.

There is doubt that such an event can possibility be insured against by both parties. Thus Hydraulic

Fracking should be approved by the State only once the risk of the unbounded underground primary processing is totally managed, insured or eliminated.

The issue of geotechnical stability of the land beneath private property needs also to be considered. It is of importance that no developer is allowed to possibly affect the land slip rating of an area. Thus the same conditions or restrictions should be applied to a fracking proposer as a landowner is subject to by local government and/or a State body based in a development application on (or around) land that is classified as say, landslip A or B, by another Government body. If there are arguments as to actions based on affect or equity to a landowner affecting an adjacent property then such restrictions must be considered in a three dimensional consideration not just on lineal consideration.

Yours faithfully

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