

Dear Sir/Madam,

Thank you for the opportunity to make a submission to this Senate Inquiry into Fracking of the Beetaloo Basin gas reserves.

My name is Rikki Tanika Dank and I am a Traditional Owner for Balbrini (freehold) and Mukumpala (Native Title). These two areas of our traditional Country were 'returned' to us in the 1990s. I am Nimirinki, which means that I am allowed to speak for my Country.

The most senior members of our family, who are authorised to make decisions regarding our Country, are Katie Baker and Peggy Mawson.

Currently, Empire gas has been given approval by the Northern Territory Government to undertake a gas well and frack on our freehold Country. We understand that there has been further approval to expand this to eight wells, connected by pipelines, roads, tailings dams and other heavy infrastructure. The Federal Government's proposal to help fund this project is unconscionable.

The proposal will have a devastating impact upon our Country. Additionally, it will certainly impact our family's capacity to continue to perform our traditional cultural practices on our land and has the potential to destroy sacred sites. We would never have agreed for Empire to undertake exploration on our Country, let alone drill and frack on it.

Our concerns regarding the destruction of our Country are two-fold and will be outlined in more detail below. We believe that both areas of concern warrant independent investigation.

- Firstly, as stated above, our family has always steadfastly opposed mining and gas extraction activities, as well as any other destructive activities on our Country. Our exclusion from the decision making and approval process renders all decisions affecting our Country invalid.
- Secondly, the fact that we have got to this point, where we have to fight to protect our Country from government-sanctioned destruction, is a reflection of the sustained, systematic and deliberate abuse of process engaged by the Northern Land Council (NLC) and multiple levels of government.

#### Gas extraction:

As stated above, all members of our family are opposed to any proposed gas extraction activities on our Country. This includes fracking and drilling for oil and gas.

When my father came across a notice in 2018 outlining proposed gas exploration on our country by Empire gas, I contacted Empire directly via telephone. After this conversation, by way of e-mail, I was advised by their administrative team that they could not provide me with any information regarding the proposed activity nor any records of any alleged consultation with traditional land owners – I was directed to speak with the NLC regarding this matter.

Since then, we have heard nothing from either Empire or the NLC regarding this matter, yet it has progressed to the point of the drilling of an initial well. At no stage has Empire made any attempts to reach out to our family to attempt to seek out our concerns and involve us in the discussion process. Only after our recent submission to the NT Government, seeking to prevent the expansion of gas

drilling to eight wells, did we receive an e-mail from Empire regarding our concerns. However, we have yet to have a meeting with Empire and believe that such a meeting would prove futile, in view of the Territory and Federal Governments' support for fracking.

Further concerning is information that we have received which suggests that Empire's initial testing results are 'very good' and may lead them to expand from gas fracking to drilling for oil. If this was to occur, any anticipated destruction of our country will multiplied exponentially.

As stated above, my grandmothers (Katie Baker and Peggy Mawson) have heard nothing from Empire and our family have been excluded from any and all meetings in relation to drilling activity on our Country. As such, we view this activity as illegal and a violation of our human and legal rights. Additionally, the exclusion of our family from the discussions and approval process for this project demonstrates a failure to comply with the recommendations of the 2018 Pepper Inquiry into fracking in the NT requiring consultation with Traditional Land Owners - notably, Recommendation(s) 11.1 to 11.8.

We are all too aware of the devastating impact fracking practices have had on country internationally and do not wish to see this occur on our Country. Furthermore, the potential expansion to eight, then 20, then 100 drilling sites or development of oil drilling fields it too painful to imagine. The irreversible damage to our Country, our sacred sites and our people is something that we will not allow.

From an environmental perspective, we have significant concerns regarding potential environmental devastation, both above- and below-ground. Water is extremely important to our people. Beyond the obvious life-sustaining properties, water is culturally very significant. We have seen first hand the effects of the nearby McArthur river mine on the health of the McArthur River ecosystem and the flow-on effects this has had on our people. We fear that fracking will unleash a far greater environmental catastrophe, by polluting above ground river systems and the extensive underground aquifer system. The recently released CSIRO study into the biodiversity of this aquifer, notably relating to the Stygofauna, identified the interconnectedness of this vast system. The report raised significant and broader concerns regarding the "high risk to businesses, communities, and iconic places like the Mataranka Springs in the event of fracking contamination". This is a risk we are not willing to take and one which should not be tolerated by our government.

Additionally, as global citizens, we are aware of the environmental impact of the proposed fracking project on our Country and on the Beetaloo Basin as a whole. The carbon footprint and emissions impact will be massive. We will not permit this to occur on our Country. However, we are not opposed to supporting renewable energy production on Country and are open to supporting renewable energy projects – such as solar and wind energy production activities.

We seek the support of the Senate in halting the illegal destruction of our country. Furthermore, we ask that our country be returned to normal, with removal of current gas extraction infrastructure.

#### NLC - abuse of process:

Our family has been excluded from the consultation and approval process for this activity. We believe that this exclusion is not accidental, rather that it represents a deliberate and calculated attempt by the Northern Land Council (NLC) to prevent our voices from being heard. We have had a frustrating relationship with the NLC since our land was returned three decades ago. Our family's desire has always been to protect our traditional country and minimise the impact of mining and

pastoral exploitation. To this end, we have previously voiced resistance to mining and large pastoral leases which have the capacity to damage our country.

Our history with the NLC includes being excluded from meetings regarding decisions affecting our country - in an attempt to circumvent due process and any objections from the rightful traditional owners. Our voices have been excluded by the NLC through various tactics which include, but are not limited to, the following:

- a) Not notifying us of meetings:  
Although we have lived in Borrooloola and on our Country in the past, we are not always there and, more recently, have been away for work and studies. We rely on the NLC to advise us about any upcoming meeting which may impact on our Country or us indirectly. Despite many, many telephone calls and e-mails, we have been systematically overlooked when notifications are made and are unable to participate in any discussions and decision making.
- b) Bringing in people not related to Country for meetings:  
The NLC has frequently held meetings to discuss proposed activity on our country and brought in busloads of people from other communities to vote on these proposals. We believe that this is done for two reasons: Firstly, to 'gain majority support' and, secondly, to intimidate the legitimate people for that country.
- c) Holding meetings about our Country off Country.  
Meetings about our Country have been held in Elliott. Thankfully, on previous occasions, the Elliott people asked for the meeting to be stopped due to the absence of the rightful Traditional Owners.
- d) Holding Men-only meetings to discuss matters relating to our Country, which is Women's country.

Other concerning practices conducted by the NLC include:

- e) Getting people to sign documents through deceit, coercion and intimidation
  - Attendees at meeting are requested to sign documents purported to be attendance registers, but which are believed to be used as consent for proposals.
  - Some of our own family members who cannot read or write English have been asked to sign documents without knowing their contents and without adequate representation. We understand this to be a widespread practice.
  - Lack of legal representation, interpreters and family support during meetings between the NLC and Traditional Land Owners means that informed consent cannot be given.
  - Allowing pastoral lease holders to throw money on the table at meetings and tell Traditional Land Owners 'if you don't sign today, the money walks with us'.

We have contacted various elected representatives at NT and Federal Government level over the last decade – to express our concerns regarding our dealings with the NLC and their practices. We have had many telephone calls, sent many e-mails and had several face-to-face meetings over this time, but no significant action has been taken to investigate our concerns. I can outline a few examples below:

- a) In May 2017, we sent a complaint regarding the NLC to MP Warren Snowden and Sen. Malarndirri McCarthy. We did not receive a direct reply to this complaint from either office,

but our complaint was forwarded to the NLC. We received a reply from the NLC in November 2017, where they denied any wrongdoing.

- b) We contacted the Commonwealth Ombudsmen in October 2017 and were advised to 'continue our dialogue with the NLC and try and work things out' – despite this being a problem for the last three decades.
- c) We contacted the Human Rights Commission in November 2017, but they also did not take any action or offer a response.
- d) Independent of the above actions, we have spent years trying to find our own legal representation. However, most of the Native Title lawyers have dealings with the NLC and so cite a 'potential conflict of interest' in their replies and the others believe that taking on the NLC is either too hard or not in their best interests.

In the absence of legal representation and any political support our situation is dire. Our Country, our culture and our people face destruction.

The current crisis, with Empire, has brought matters to a head. We require urgent federal government intervention to prevent the irreversible destruction of our country. What is required is an independent investigation into the consultation and approval processes for the Empire project as well as a wider investigation of these processes which affect all Native Title and freehold indigenous country. The role of the NLC in these processes also warrants thorough investigation – we believe that they have been complicit in practices designed to circumvent due process and to railroad mining and related leases on Country. We welcome this Senate inquiry as an important and necessary first step in bring about the required change.

Kind regards,

Ms Rikki Tanika Dank.