

Submission to the Oil and Gas Exploration in the Beetaloo Sub-Basin Senate Inquiry on behalf of Pompey Raymond and Rosemary Raymond

Who Speaks for Country in the Beetaloo Basin?

When a determination recognising native title is made by the Federal Court, the Native Title Act 1993 requires Native Title holders to establish or nominate a corporation to represent them and their interests. These organisations are either registered native title bodies corporate (RNTBCs) or prescribed bodies corporate (PBCs) and have prescribed functions under the Native Title Act 1993 to:

- Hold, protect and manage determined native title in accordance with the objectives of the native title holding group.
- Ensure certainty for governments and other parties interested in accessing or regulating native title land and waters by providing a legal entity to manage and conduct the affairs of the native title holders.

There are 10 native title claims within the Beetaloo Basin. Each of those claims has been resolved with a determination of native title, by order of the Federal Court. All the determinations are on the public record in the National Native Title Tribunal's Native Title Register.

Across all 10 determinations, native title is held by named primary estate groups defined by patrilineal descent who hold native title with neighbouring estate groups, also defined by patrilineal descent. Neighbouring estate groups hold their native title rights subject to the rights and interests of the primary estate groups.

A primary patrilineal descent in the Beetaloo Basin is that of Pompey Raymond. He is the head of the Raymond family that produced the Ulamaris, Jacksons and Dixons.

Pompey Raymond is a Native Title Holder in 7 out of 10 determinations.

1. Newcastle Waters – Murraraji
2. Tanumbirini PL 102-3
3. Amungee Mungee PL
4. Beetaloo PL
5. Ucharonidge PL
6. Tandyidgee PL #2
7. Hayfield PL

Mr Raymond has a seniority to represent and, according to Aboriginal Tradition, has authority to speak for those persons who hold Native Title in respect of certain permit interest areas. For example, Mr Raymond is a primary Native Title Holder and Traditional Owner for the 2 Determinations covering Tamboran Resources Beetaloo permit interests of Tanumbirini PL 102-3 and Beetaloo PL.

On more than one occasion Mr Raymond has been authorised by all of the persons, as a group, who, according to Aboriginal Tradition, hold Native Title in respect to the permit

interest area, to provide consent and reach an agreement with an operator. Mr Raymond has had all the necessary authority (in accordance with Aboriginal Tradition) to consent on behalf of the Native Title holders.

The Land Council to the best of its knowledge, skill and belief identified and consulted with the Native Title holders and has been satisfied that Mr Raymond is a true and accurate representative of his Traditional Owner group, and that consent has been given in accordance with the processes of decision making that, according to Aboriginal Tradition, are appropriate for the Native Title holders.

Mr Raymond agreed to be interviewed for this submission. His interview transcript is included as Appendix 1 and an audio recording of his interview was submitted along with this document. Mr Raymond's patrilineal Native Title holding extends to his daughter Rosemary who was also interviewed.

The named primary estate groups for all 10 determinations covering the Beetaloo are included in the following in Table 1.

Table 1. Native Title Determination by corresponding pastoral lease area

Name	Determination Date	Primary Estate Groups
Nutwood Downs PL	09/2020	Murungan Milgawirri, Budal Yuwaran, Mambali Amaling-Gan, Murungun Igalumba & Guyal Bardi Dumnyun-Ngatanyana
Tanumbirini PL 102-3	10/2013	Guyal Ambulya, Guyal Muynmin, Budal Labanga, Murrungun Baluganda, Mambali Ngubayin & Mambali Wungurrindjirr
Amungee Mungee PL	06/2012	Karranjini & Bamarrnganja
Beetaloo PL	06/2012	Karranjini, Bamarrnganja, Warranangku, Pinda (OT) Downs & Lija/Muwartpi
Ucharonidge PL	06/2012	Warranangku
Tandyidgee PL #2	03/2014	[Y]ijiparta, Gurungu/Kulumintini & Warranangku
Hayfield PL	06/2012	Kinbininggu, Warranangku & Marlinja
Newcastle Waters - Murranji	09/2007	Marlinga (Collins), [Yijiparta (Kingston), Elliott (Gurugu/Kuluminti), Warranangku (Beetaloo), Kulaja (North Waterhole) & Powell Creek (Walanpiri)
Shenandoah PL	06/2012	Kinbininggu & Bamarrnganja
Kalala PL	06/2012	Badpa, Murrungun Kunakingka & Guyal Bardi

The estate groups for Nutwood Downs, Tanumbirini and Kalala pastoral lease areas are Alawa People, the others are Jingili People.

For each of the 10 native title determinations the Native Title holders nominated the Top End (Default PBC/CLA) Aboriginal Corporation RNTBC (Top End) to represent them.

The Northern Land Council is the agent for Top End, effectively acting as the representative for the Native Title holders in these 10 areas.

Nurrdalinji Aboriginal Corporation is a breakaway group that is registered as an Indigenous Corporation but not a Registered Native Title Body Corporate. It does not have the authority to speak for country. Kirsty Howey, a specialist in native title who has worked as a Land Council lawyer, says establishing the new negotiating body is the first step Beetaloo native title holders will have to take in order to take negotiating control from the Land Council.

They will also have to convince the Federal Court that they are the key Indigenous decision makers for their areas.

"The new PBC will have to establish that the appropriate people have been part of consultations, those people need to have authority under Aboriginal tradition to make the decision effectively," she said.

Native title specialist Kirsty Howey says the new body will still need to prove its members have the cultural authority to make decisions for their areas (*ABC News: Jane Bardon*¹).

How were TOs consulted in the Beetaloo Basin?

Mr Raymond is satisfied that the consultation process has been conducted to the standard of obtaining the Raymond family free, prior and informed consent for the project to go ahead.

Free, prior, and informed consent is a means by which the basic human rights of indigenous peoples can be protected and serve as a foundation for a structure of self-determination that ensures empowerment of indigenous peoples.

Over four years Mr Raymond's family have been empowered with information to reach a decision to give consent. Questions were answered and Mr Raymond is satisfied with the scientific evidence that:

The Beetaloo Basin has the cleanest gas in Australia with only 2-3% CO² mixed in it. By comparison the gas at the Barossa project near Tiwi Islands is 20% CO².

The gas project in the Beetaloo Basin is different to other projects because it can use solar power and batteries to power the operation. It does not need to burn fossil fuels to power itself.

For these two reasons the gas project can achieve net zero emissions from the first day of production.

¹ : <http://www.abc.net.au/news/2020-09-25/beetaloo-gas-development-lands-council-asked-to-withdraw/12701878>

The project in Beetaloo Basin is not just a net zero emissions project. It would also replace the need for coal-fired power by as much as 50% in Australia. It would also have a positive impact on climate change globally by reducing the need for coal in Asia.

Unlocking the Beetaloo gas resources and replacing coal-fired power is the best emissions reduction project currently available in Australia and will make the biggest contributions to achieving Australia's green house gas emissions target of a 43% reduction.

Cows in the NT produce more methane gas and CO² emissions each year than the Beetaloo gas net zero project would. The CSIRO says one standard cow produces 1.73 tonnes of CO₂ per year. There are 2,200,000 in the NT so the annual emissions from all the cows would be 3,819,200 tonnes of CO₂ per year.

The CSIRO and Geoscience Australia has found that there is enough groundwater to supply the gas project without causing environmental problems for the Roper River or Mataranka Thermal Pools. A water allocation plan currently being developed for the Beetaloo region will regulate groundwater extraction; therefore, there is high confidence in the ability to protect the water and Country.

The CSIRO and Geoscience Australia are equally confident that the practices of the gas project will reduce any negative impact to the surface water.

What are the reasons to consent to a gas operation in the Beetaloo Basin?

Mr Raymond wants a prosperous future for his community through a gas operation that will protect country and power Australia with net zero emissions. He is confident that the education, career and infrastructure opportunities from the project would be very beneficial to his community and those surrounding the area.

Appendix 1: Interview Transcript with Pompey and Rosemary Raymond

[00:00:01.570] - Tamara

So interview with Pompey Raymond and Rosemary Raymond. Okay, so the McDinnies and the Hoosan's are more Borrooloola.

[00:00:13.450] - Rosemary

Yeah. Borrooloola.

[00:00:15.050] - Tamara

And you're saying that.

[00:00:21.390] - Tamara

Jurisdiction.

[00:00:22.410] - Tamara

That's not their area. That's not proper jurisdiction. So they shouldn't be talking about nothing.

[00:00:28.720] - Rosemary

Because they got mine in the Macarthur. They should stay there. But they don't have any drilling in Borrooloola, according to me.

[00:00:40.890] - Tamara

Okay.

[00:00:43.290] - Rosemary

Unless they're talking about that other mining mob. That empire empress, maybe. Yeah.

[00:00:51.750] - Tamara

Is that part of Beetaloo? There is some of Empire.

[00:00:58.150] - Tamara

But that's.

[00:00:58.690] - Tamara

Not the basin side that's there, like I'm saying. Yeah. That's further up. Yeah.

[00:01:05.800] - Tamara

So it's there, whereas the major part of Beetaloo is there okay.

[00:01:31.640] - Tamara

So those three areas on the map there.

[00:01:39.790] - Rosemary

And we do a lot of work for EP 98. And we've done a lot of work for 117 near Hayfield, but Dad (Pompey) is still the native title for Hayfield.

[00:01:49.430] - Tamara

Right.

[00:01:49.880] - Rosemary

My father is a native title holder. And then we got EP one one right on top. It doesn't sort of come under the Borroloola boundary.

[00:02:01.090] - Tamara

No, it doesn't. The model around the boundary is up here. Its 187, 176 all there. They can't be talking for that.

[00:02:10.610] - Rosemary

I understand what those people saying up there. Whereas we down here look like with Daly Water and you got that Beetaloo

[00:02:21.840] - Tamara

Some of 136

[00:02:26.250] - Rosemary

136 is us to. It there. Yeah, yeah.

[00:02:27.580] - Tamara

And one, four, three a little bit.

[00:02:29.510] - Rosemary

Yeah.

[00:02:31.230] - Tamara

Okay, that helps. Who looks after 136, 143 and

[00:02:50.750] - Rosemary

oh, my God. I dunno

[00:02:54.110] - Tamara

Which family is close by? Around?

[00:02:56.020] - Rosemary

You know what? I should get my map first.

[00:02:59.140] - Tamara

Okay, excellent.

[00:03:12.510] - Tamara

No, I just was wondering okay.

[00:03:44.300] - Tamara

Just going to ask you a few questions. If you can answer the questions as best you can. And I'm also going to speak to other people, not just you guys, the whole thing of people. Because what's happening here is that after this information so we're adding to this report, it's going to go to the Senate committee hearing in Canberra.

[00:04:08.870] - Rosemary

Yeah.

[00:04:09.414] - Pompey

Yeah

[00:04:09.540] - Tamara

Then they will want people to talk. So if it not be you, I would like some suggestions above. Maybe other family members that are happy to come to Canberra or even to Darwin if we have yeah, I can.

[00:04:23.820] - Rosemary

Go to Darwin but not Canberra.

[00:04:25.170] - Tamara

Yeah, you don't want to go on plane.

[00:04:28.730] - Tamara

You would be happy to come to Darwin. Okay, then maybe ask some other people. Maybe Jackson mob might.

[00:04:38.070] - Tamara

Because we want to be.

[00:04:43.510] - Rosemary

Asked Philip (Ulamarri) as well.

[00:04:44.720] - Tamara

But we need some people to come there and just tell people the story about what is going on. Because at the moment, what's happening is that Johnny Wilson Mob? They're on TV.

[00:04:58.600] - Rosemary

I know we seen them

[00:05:02.150] - Tamara

On the news and they are saying that you guys, everyone's saying no, but that's not true.

[00:05:06.590] - Rosemary

Thats not true. They're not talking with everybody.

[00:05:09.350] - Tamara

So that's why I'm here. I'm here because I'm talking to the mining company. I'm talking to you. I'm doing work with the NLC to show everyone, even last week so even last week on the news, what's happening is that they're trying to encourage the Northern Territory government for no fracking at all. Which means that if they shut all that down,

[00:05:53.730] - Rosemary

we'll have nothing.

[00:06:00.010] - Rosemary

Look all those people who are against it. They're not looking the future, right? They're not looking in the future. You know what? It's there for the people right now. We're struggling. We got nothing Tamara. Like, I'm 61 now. Look, I grew up in the 70s. We used to live on station. Good life. Everybody was working. All my family was working, right? Kids were looking after everything. No growth. Back then, generation after generation, it changed. I only had new generation, right? We had young people. There was no jobs for them. That was on the Dole, right?

[00:06:44.840] - Tamara

Yeah.

[00:06:47.750] - Rosemary

When I was on the ground, they lived for at least every week and drunk. This is every week. You know what today like? The statistics? Domestic violence, because they're lifeless jobless. We got the mining industry, we got sun cable. They support and give us new houses. A lot of opportunities with the sun cable and with the mining. And look, the first thing we want is education. Like, you want to send their kids away Origin help with finance, they send away to Brisbane or whatever. They have good education, but right now they got nothing. And you have all the people, activists, right? They come from? Maybe New South Wales. Sydney? Or Brisbane or wherever. They come to these people now and they poison their mind, all right? They poison them like our people. Those people listen to them. And in the end, when they do stop it, if they do stop the industry, mining industry, if they do stop it, right, what will happen next? They won't help us. They'll just pack their bags, go back where they belong and don't give a damn.

[00:08:17.470] - Tamara

Yeah, I know.

[00:08:18.900] - Tamara

And that's what they think. They're not considering that. Not considering that.

[00:08:25.750] - Rosemary

What's going to happen?

[00:08:28.090] - Tamara

What's going to happen? That's your daughter?

[00:08:29.950] - Rosemary

Or my daughter, I don't want to have the same pattern that I see every day.

[00:08:38.190] - Tamara

That's right.

[00:08:42.030] - Rosemary

You know that ad right. Son, can you grab my beer in the fridge? The son get the beer and then later on, the son do the same thing for his son, which is wrong.

[00:08:51.620] - Tamara

That's exactly right. Too much grog, too much violence

[00:08:57.030] - Rosemary

you know with this mining now with the mining industry, right? With Origin and Sweetpea, before they even started, they had to wait like four years more to tell people, let them teach everybody and to do more research on the day yourself. I was telling you about the risk. What the good thing about having the mining mob? They didn't actually go and start. They consulted with everybody consulted. We were talking first and we didn't tell them to go on and land and just do that, do this now. We sat on and talk and like I was telling you, when we had meeting with the Origin mob, what they intention to do on the land and on our land, we had this big meeting and we threw everything on the table, all the questions, and then we had that inquiry then with Rachel Pepper, with the auditorium and yeah.

[00:10:00.370] - Rosemary

Feel better too, for safety reasons?

[00:10:03.960] - Tamara

Yes. So when all that happened, you asked lots of questions.

[00:10:10.680] - Rosemary

We did.

[00:10:11.760] - Tamara

And did they give you the answers?

[00:10:13.570] - Rosemary

Did we ask them everything? (Pompey is agreeing in the background) We say, all right, we're know had a meeting with them. They had an engineer with a 30 experience, like he worked in Canada and all the places around there. And with NLC they even send people to go to Spain. So they want to show that mining was there in Spain. I think my ex husband Kevin Neid, and he took my niece was it Geraldine or Sonya? All three from here. And they went to Spain. They went to this place where they were doing mining and there were those eating deer meat and they didn't sort of come out sick or

deform or 2 hours. They send people to see what it's like when you have mining, like with that hydraulic fracking. Hydraulic fracking, like with me and Mark and the family, we sit down, we sort of have research and we ask people what it's like. We read a lot of stuff on hydraulic pressure and then when the minor temperature model, the model, all those chemical stuff, but they're selling it was for shampoo and all the hair dye and all that stuff. But they said they were using like all the time.

[00:12:06.820] - Rosemary

I knew one specific time when they couldn't get the gas out of the rock and they told us everything and they modeled as well on like they bought models and all that and showed us.

[00:12:20.710] - Tamara

And you were happy with what they said?

[00:12:22.375] - Pompey

We were happy.

[00:12:22.420] - Rosemary

We were happy. We listen to that. When I first had a new time, I was in bed at that time and I was doing my teachers training newspaper from the shop and I read it Sweetpee oil and gas and the basin. I think think I just read it. Then thought alright. Then 20 years later it happened.

[00:13:01.950] - Tamara

So you consented to the activities.

[00:13:04.230] - Rosemary

We did it was through like that. We followed what Dad wanted. I said, Dad, you want mine to go out like to your country? And Dad said yeah. And then we sort of follow suit father's what he wanted and he wanted to see more job something done in his outstation to his people.

[00:13:25.570] - Tamara

So can you tell me which family groups you represent then?

[00:13:34.970] - Rosemary

Number one. Like Raymond family. We're number one. Number two is Ulamari three and four is the Gadela and Button.

[00:13:48.030] - Rosemary

Okay, but Dad is the main one is the main one that everybody have to consult with me or Mark, the Raymond family. So with this, after putting in the report, nobody ever came and saw us in this report.

[00:14:05.900] - Tamara

Does someone need to come and talk to you then about Jingli? No, but does somebody need to come and talk?

[00:14:12.750] - Rosemary

No, we're talking about people. That's how we get angry when I see these people talk on the YouTube or something. With the real McCoy?

[00:14:46.580] - Tamara

Yes. And the real McCoy. You guys have already been consulted? Yeah, that's right. What do you say to people that oppose the project, like your people that you know what do you say to them.

[00:15:04.010] - Rosemary

When you say that? Look, this is our agreement. We want what we want for our future and for our family. And we say to people that's your opinion. We got our own opinion. That's what we say to them and.

[00:15:21.580] - Tamara

A message to them like what would you say? Like what do you want to say? I know it's your opinion, but stop all those people you're talking about from elsewhere. What do you want to say to them?

[00:15:33.170] - Rosemary

Just leave us alone and let us be. Not meddling in our affairs go back where you belong. Yeah, not true. That's fair. At the moment we sort of have diversity like we just for fracking and not for fracking people. This is our opinion and this is our country. What we want is what we want. If we want mining. Yes. Those people don't understand this opportunity. Better future. Not only Beetaloo have mining, you go out Arrente way. They had what do you call that place in Alice Springs that run that gas pipe there look, what is called Merini. Yeah. That gas pipe run from Alice Spring and it runs through a country through new cars. Yeah. And it was there for a long time. Why didn't they post it that before?

[00:17:01.270] - Tamara

I don't know.

[00:17:03.970] - Rosemary

Because like what I'm saying tomorrow, like in Borroloola they have that leak right. But they want you to look after their own area and not meddling in the other people's country.

[00:17:30.530] - Tamara

But that's something that they should be asking them.

[00:17:33.000] - Tamara

Which native title are you then?

[00:17:34.420] - Tamara

Johnny?

[00:17:35.010] - Tamara

That's right.

[00:17:35.600] - Tamara

Instead of just taking for whatever just taking saying oh yeah, he speaks for everybody, nobody is questioning him. No, that's right. They use their own they've got their own community benefit fund up there.

[00:18:06.840] - Rosemary

Because I can't understand what country I like to know what country Johnny will come from.

[00:18:12.210] - Rosemary

Question I can ask.

[00:18:45.070] - Rosemary

We work within that area.

[00:18:59.270] - Tamara

Can I take a photo of you? Like looking at the map?

[00:19:01.760] - Rosemary

Yeah.

[00:19:04.370] - Tamara

The pictures aren't going to go anywhere except to the committee. Yeah, I'm not using them for anything else.

[00:19:12.990] - Rosemary

I think Tamara this is which part of company that Nancy McDinny mob is talking about?

[00:19:35.830] - Tamara

I don't know. They're saying that they're part.

[00:19:41.130] - Tamara

Okay.

[00:19:52.490] - Tamara

And you know this went to the committee, this went to the government (referring to the Senate Committee report) Nurrindji native title Aboriginal Corporation highlighted that traditional owners in and around the Beetaloo do not support fracking in the region and consider that their voices have been lost in the process. This is what he said a lot of money has been put into Beetaloo Basin to get this program started, to get it all sorted started. Why? This is our country. We don't want it. We don't want any of this. We are very concerned because our country is going downhill. Our voices are not heard. We have grave concerns for our country, our water especially. We have to live here. We have to live on the country. Our water is sacred to us. There are our sacred sites and cultural heritage. Everything. We are connected to our land. It is very disturbing that our government is not listening to us. The committee notes that Mr. Wilson lives approximately in close proximity to a fracking well in Beetaloo Basins. Other traditional owners agree that the water is critical concern for country, not just for drinking purposes, but also for cultural and spiritual reasons. Nancy McDinny, a

traditional owner from Boroloola, stated, for example, fracking is not good for our country, not good for our water.

[00:21:16.430] - Tamara

Our people was here from ancestors thousands and thousands of years ago. She continues to stay. We're living in this water, living on clean country. We've got to protect it and protect the water. It's not good for fracking to come down. We don't want fracking. We're arguing, talking and meeting people every year. People still want to come. We don't want fracking, any fracking, no mining in our country. We're going to protect our country and listen to our elders how our land is so important to us.

[00:21:50.850] - Tamara

That's what she said.

[00:21:56.510] - Tamara

Mr Wilson also expressed his pain and frustration with government for not understanding the importance of country for First Nations people. We are crying for our country. This is our living, this is our life. This is left here by our elders. My grandfather left my country here for my family to live. We've gone for the capital so that we may start off something for our children, our business, so that they have something in our future for themselves. But how is this all possible if we have all these wells around our country? So that's what Mr. Wilson says.

[00:22:39.210] - Rosemary

What people have to change, everything changed.

[00:22:43.170] - Tamara

So you're saying that Mr. Wilson doesn't talk to your country, does he?

[00:22:48.950] - Rosemary

No, he talks for himself. Because with this report you were telling me, I was surprised because he started . But where's my father? Where is me?

[00:23:38.410] - Tamara

You're happy for me to now take the recording and transcribe it and give that to the committee?

[00:23:48.250] - Rosemary

They had, like, remedy life water. Is everything on the limit? They had a little event in Elliott, but with the mining, wherever they got to drill. Right. We asked them to put bore monitors so they can monitor that water mob. Is it rebuild that mob that put regular, check if any contamination. That's right. Yeah. We said everything for safety first before they go to drilling.

[00:24:32.150] - Tamara

You're satisfied that occurred?

[00:24:33.890] - Rosemary

Yeah. Now, I said something like put in place for safety. We asked a question before that money if there's an accident or would there be safety net or something. I think they put us in that recommendation. That 135 recommendations that they have to do before they go out and do drilling.

[00:24:59.430] - Rosemary

Yes.

[00:25:02.250] - Rosemary

I think that's in the regulation, too. Yes.

[00:25:05.230] - Tamara

It came from the report.

[00:25:06.620] - Rosemary

That's right. And with them people to say things like that. We want to live a clean water, but they got to look at it like in the future, too. We're looking at those opportunities and what this will do when they're pushing other people from Barkley as well. Yeah.

[00:25:46.930] - Tamara

But yes. So you're okay that I take the recording and then transcribe the recording and give that information to the committee? Yeah, I'm just making sure that you're okay with that because this will be used as evidence for the Senate committee. Okay.

[00:26:24.590] - Rosemary

That report, they say, oh, this report wasn't consulted with other people in this area here. They weren't consolidated, less opposed to drilling or mining. But like I said, come and say, oh, look what you are breaking. We want drilling in our country, and almost say, no, that's your country. This is our country. We say what we want to say like that, but they never done that. That's why they're wrong, too, because we speak in that area now, telling you that tomorrow, this area, my dad and my family, we work all around this group is dad. He's got the knowledge for the country. And it's on top with a Karinjini in that, too. Karanjini yeah, this is on top of Beetaloo.