

Senate Committee Submission – Addendum

Ms Rikki Dank (Lhudi Noralimma, Tika [nickname], *Ngnimirringki*)

Response from Empire:

Reading the response from Empire, one could be forgiven for thinking that they are the victims in this whole fracking process on our Country. Their reply is comprised of denial, deflection and attempts to discredit my family. We addressed some of these claims by Empire during our verbal testimony, but will outline a brief response here as well.

Regarding lack of contact with our family, we have made it clear in our written submission and verbal testimony that we have had no formal contact with Empire since we initially contacted them in 2017: This was until two months ago, after the fracking program had been started on our country and after we made an official complaint to the NT Government, when Empire attempted to contact us – after three and a half years silence. **There is nothing inconsistent in our statements with the truth or the evidence supplied by Empire.**

Regarding Empire’s advice, via the NLC, that Mimi Peggy (Mawson) was present at a Community meeting held by Empire, that does not constitute anything like engaging our family in a conversation regarding fracking on our Country. Mimi Peggy does not read or write English and her spoken English is limited: Her attendance at any Community meetings does not imply any level of understanding regarding the proposed fracking activities nor any level of consent. Empire is suggesting that this attendance somehow suggests contact with our family. This represent a game of semantics that Empire and the NLC are playing – trying to manipulate the truth in a way to reflect positively upon them.

Empire has accused us of misrepresenting the truth and, thus, is attempting to discredit us. Clearly, the opposite is true. Empire’s inability to provide any meaningful evidence of contact/engagement with our family is a testament to this.

Response from the NLC:

My family and I find the letter provided by the NLC and their verbal testimony to be greatly offensive and disappointing.

Their written reply to our Submission was a contrived attempt to challenge my role within my clan and my capacity to speak on behalf of my family; and, thus, diminish the value of my testimony. They claim that *“much of Ms Danks’ criticism of the NLC is premised on her claim that she is Ngnimirringki in the Karranjini Rrumburriya group”*. This is incorrect, **all of my criticism of the NLC is based on the actions of the NLC**. My role within my family is not for the NLC to question. **I am well aware that I do not look or sound like a traditional owner from a remote Aboriginal community**, but my family has worked extremely hard to be able to provide me with a private school education. This was done to ensure that I could effectively communicate my family’s thoughts and feelings, on matters such as these, when dealing with organisations and institutions such as these.

The NLC has the audacity to suggest that they have a better understanding of my culture than me: *“Under the tradition laws and customs of this group....”*. They go on to say that they are *“not aware of any legitimate basis on which it could accept Ms Dank’s claim to be Ngnimirringki for Karranjini Rrumburriya country. Under their traditional laws and customs, the Karranjini Rrumburriya group do not regard Ms Dank as either Ngnimirringki or Djunggayi”*. Who are they to question my role within my family and clan and my lived experience? I was born GudANJI. I was born into my role. My mother was born into her role. **This is Women’s Country**. We do not need to be told by a group of white men sitting around a table about our history, our kinship system or our way of ascribing roles within our family. **This is just another example of the abuse and violence suffered by black women at the hands of the empowered white male bureaucracy.**

This is also the first time that the NLC has ever questioned my right to speak for my family. Their attempt to deny recognition of my role within my family is an attempt to stifle my voice and further deny my family’s right to participate in the consultation process. By questioning me, they are questioning my grandmothers and this shows great disrespect for them. This is especially offensive at this time of mourning for our family.

I speak for my family as I am expected to and because my family have asked me to. Although **I need no proof of my cultural identity and responsibilities**, I have contacted my family to make recorded statements supporting my right to speak on their behalf: Speaking on the recordings are my Great Uncle Amos (younger brother to my grandfather Lurick Sowden) and Mimi Peggy (Mawson, my grandmother and Senior *Ngnimirringki*). The fact that they have had to be drawn into this process has **added another layer of trauma** to them, in light of the recent passing of their cousin and cousin sister. This again **reflects the lack of cultural awareness and respect demonstrated by the NLC in their dealings with our clan.**

NLC’s makes the same assertion as Empire, that our family members have attended meetings relating to fracking, as purported evidence of engagement with us towards consent for fracking activity on Country. Attendance at Community information sessions, when one cannot read or write English and has very limited spoken English, does not represent engagement in a conversation about fracking and, if the NLC believes that it does, then they **need some serious reflection on their process of consultation**. Their further assertion that I attended a fracking meeting is **a patent lie: I have never attended a fracking meeting with the NLC**. If I had, I am sure that Empire would also have been aware of it and pointed this out in their submission. This is merely **another attempt at character assassination by the NLC**.

Our submission that we have been systematically excluded from conversations regarding leasing and fracking proposals on Country, although denied by the NLC, is an **undeniable truth**. We have numerous e-mails where we have again and again requested notification and submitted and re-submitted our contact details to them. We are well aware that many meetings have been held in Borroloola, as the NLC asserts in their reply, and have always made ourselves available to attend – only requesting adequate prior notification, which the NLC has failed to provide. Their assertion that they have executed their responsibilities *“diligently in accordance with statutory requirements”* is clearly inaccurate and they **need to be held accountable for this**.

This lack of professional conduct was raised in our written and verbal testimony. Lack of legal representation and interpreters and allowing potential lease holders to throw money on the table are not mere imaginings, they occurred, and therefore do not represent an attempt to defame the NLC or their employees, as they claim. Their assertion that they did not hold discussions about

fracking on our Country during Men only meetings is also **patently untrue**. This is further evidenced by Nicholas Fitzpatrick's testimony during the Inquiry.

Despite their assertion during their ostentatious testimony and submission to the Inquiry, that they are dutifully executing their responsibilities, **the NLC have failed our family**. Not only have they failed us, they have deliberately gone out of their way to try to exclude us from the consultation process for fracking on our Country and to try to discredit us. Based on this experience and our previous dealings with the NLC, **we have no faith in their capacity to represent us**. This also leads us to become more concerned regarding our future interactions with them. Their conduct during the fracking approvals process and during this Inquiry leaves us very worried that there is no level that they will not stoop to in an attempt to keep our family sidelined.

I am extremely offended by the active and public attempt at character assassination by the NLC. I believe that **this is another attempt to intimidate me, as a black woman, to stay silent about black womens Country**. Trying to bring my character and that of my family into question is a **tactic the NLC is using to try to distract the Inquiry from a thorough interrogation of the critical issues at the heart of our submission**. Importantly, the conduct of the NLC in furthering the interests of Empire in their fracking activities on Country, despite the opposition of our family and other traditional owners is a clear dereliction of their duties and warrants intensive inquisition by this Panel and, we believe, an independent Senate Inquiry into all NLC interactions with traditional land owners over the last few decades.

In closing, we wish to put on public record that my grandmother, Ms K Baker, made it home on the 29th of July, where she was able to spend a brief period of time with her family before passing away peacefully on her Country. We wish to acknowledge the hard work that both of our grandmothers have done for their families and their Country.