



Katherine – Cheryl Birch

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Katherine Godinymayin Yijard Rivers Arts & Culture Centre, Katherine

Speakers: Cheryl Birch, Paula Roberts, Daniel Tapp, Phillip Watson

Cheryl Birch: Good morning everyone, I'm Cheryl Birch. I'm from ...

Hon. Justice
Rachel Pepper: Ms. Birch could you just pull it a bit closer towards you?

Cheryl Birch: Good morning everyone, I'm Cheryl Birch. I'm from Mataranka, I've lived in Mataranka for 50 years. I was ... I've been with the Mangarrayi Yangman people for quite, well most of my time in Mataranka. I have an indigenous name given to me by the Mangarrayi people, Esnola. I'm here today to represent the Mangarrayi, Alawa, and Koori people. I'd like to introduce some of the people we've got here today. Unfortunately, there's a few apologies due to the fact that some of the elders could not attend today due to they're .., health issues, of course no cars. And they would love to be here today to be able to represent, and give evidence in support of no fracking for their country. They have asked me to bring to the attention of you guys, that is it possible that we could somehow have another hearing in Mataranka so that they could attend?

Hon. Justice
Rachel Pepper: We will be going to Mataranka again, yes. I don't have the exact dates, but we, in the latter half of August we will be going to Mataranka, yes.

Cheryl Birch: And it would be the same sort of thing as today?

Hon. Justice
Rachel Pepper: It'll be more of a community forum.

Cheryl Birch: Yeah.

Hon. Justice
Rachel Pepper: But, let me emphasise now, that if anybody can put in a submission at any time to the inquiry. Either written, oral, video. We'll accept all that.

Cheryl Birch: Okay, thank you. I'd like to introduce Velmya Roberts.

Paula Roberts: Paula.



Cheryl Birch: Paula. Sorry, Paula. Paula Roberts of

Hon. Justice
Rachel Pepper: Welcome.

Cheryl Birch: Phillip Watson.

Hon. Justice
Rachel Pepper: Welcome.

Cheryl Birch: Steven Sandy.

Hon. Justice
Rachel Pepper: Welcome.

Cheryl Birch: Johnny Billy.

Hon. Justice
Rachel Pepper: Welcome.

Cheryl Birch: Moses Silver.

Hon. Justice
Rachel Pepper: Welcome.

Cheryl Birch: Sadie Gibbs.

Hon. Justice
Rachel Pepper: Welcome.

Cheryl Birch: With the, Jimmy Thompson.

Hon. Justice
Rachel Pepper: Welcome, thank you very much for attending here today.

Cheryl Birch: They are the only people that could attend today.

Hon. Justice
Rachel Pepper: Thank you.

Daniel Tapp: I'm Daniel Tapp pastoralist on the Roper River of recent, sorry not recently, at the first round of inquiries, I done a submission that's basically my, sort of my standing submission and I'm here being asked by traditional owners, I've been involved with quite a few meetings with them between them and the NLC. Yeah, and just in support and to talk on behalf of these people.

Hon. Justice
Rachel Pepper: Thank you very much. Whenever you're ready, thank you.

Cheryl Birch: 2015, March 21st NTG NT government announced in media it had secured a historic agreement, the first of shale gas exploration involving fracking on



Aboriginal land trust in the Northern Territory. On the 25th of March 2015 a community meeting was held at Jilkminggan. The residents found out about permits being issued. We do have a slide show, I do believe. Who's doing the slide show? Monica, Monica will be doing the slide show.

April 1st, residents wrote to the NT government in ... asking for evidence of consolidation to support the granting of the EP154. On third of April 2015, the April 2015 edition of The Land Press news, a paper distributed by the northern land council claimed that fracking consents was qualified and consolidations about the EP154 had been held with appropriate traditional owners since 2010. 15th of April 2015 traditional owner's attending a meeting at Mataranka Homestead and asked about the site where over 140 people had written to the chief minister Mr. Giles and NLC CEO John Morrison asking the licence to be revoked due to inadequate consultation. NLC lawyers responded that they were and said they received letters but an agreement had already been made and there was nothing they could do about it.

17th of April 2015, a meeting between traditional owners and NLC lawyers, TOs told they could go to jail if they obtained or showed anyone a copy of the gas agreement. 27th of April, senior TOOs wrote to NLC again outlining the concerns for the consultant process and calling for a review of the agreement. I have those letters here for you to look at.

Hon. Justice
Rachel Pepper:

Thank you.

Cheryl Birch:

11th of May representatives with the community met with Northern Native Council in which ... reviews is promised. To our knowledge, this has never occurred, no signatory to either letter was invited to give their point of view in any process.

23rd of November 2015, senior Alawa and Mataranka TOs met in Mataranka to discuss options for challenging the permit and seek legal supportive processes. During 2016 Freedom of Information documents supplied to get copies of the agreement. August 2016 over 350 Mataranka, Alawa people became applicants to potential court challenge over issuing a permit. This process took a few months and opposed on the way the land council runs consolidations for signatures are sought immediately or within a day or two.

September 2017, Mataranka community rallied against fracking proposal in region. Over 400 people attended from communitiestourism, businesses, and 23rd January 2017, former chief minister Adam Giles employed by Ms. Gina Rinehart, owner of Jacaranda Minerals. This brought concern to community and a big conflict of interest.

June 2017, Freedom of Information requested to the Departments of Mines and Energy approved but all information relevant to the consultation and agreement is not Northern Land Council under the Freedom of Information exemption. In response to questioning the consultation process of the EP154, the Northern Land Council has only provided the claim that a two



kilometre restriction on all surface water is evidence of consultation and is based on strict environmental conditions. But all our surface water is fed by underwater springs around the country. The river systems are very sensitive and we are worried about any drilling or fracking in the area.

Also, I might add, that in the wet season our Roper river can flood more than the extent of two kilometres. These conditions appear to have been made without regards to relevant underground or surface water studies for the affected regions and would do little to protect the underground surface water from drilling within the proximity of the catchment areas of the Roper river or Mataranka thermal springs. How are we supposed to negotiate an agreement that protects our land, water, or people when this is the best advice we are being given?

Fracking permits on Aboriginal land, paperwork from consultation meetings to discuss fracking proposals could only be provided by one traditional owner. These show a single gas well, a piece of pipeline and a bulldozer. Although the Land Council have never used an interpreter during consultation to help explain the process of fracking or gas field developments. Often old people are forced to meet with land councils to discuss proposals without family present, especially younger people who can help them understand. Also, most of these people cannot read or write or sign their name.

Daniel Tapp: Can I just add to that? At a couple of meetings that I have actually been to, requested by the TOs, I've actually been escorted from at least one of those meetings for not saying a single thing when I was asked to go there to help the traditional owners understand and digest exactly what was going on. So that consultation process is ... seems to me to be very one sided.

Cheryl Birch: The visual aids and description of the proposed were given. It gives no indication of what scale and risks of the proposal may once the project moves onto production stage. These people do not understand that. They thought that was going to be one well, which we all know that is not right. While that project is guaranteed to move to a production place unless sufficient quantities of gas are found it should be a requirement that the companies and land councils provide detailed information about what impact this may have in order for land holders to provide or withhold consent in an informal manner.

Providing this information to land holder is critical to a genuine consultation process. As land holders on average the land trust such as Mangarrayi, Alawa trust lose their rights to object to veto of proposal once it has been agreed to an exploration stage.

Senior members of the Mangarrayi and Alawa trust have repeatedly requested information to help them understand the process leading to the granting of exploration permits, EP154. A record of consultation meetings held, including dates and locations of meetings, a record of what information was presented to land holders for these meetings to explain the



natures and risks of this project. A copy of the agreement with companies, or even the names of landholders whose signature is on the agreement to determine whether consent was properly granted. To respect our legal injunction on behalf of the senior Mangarrayi elder, Sheila Conway noted not to proceed ... She did not want the work to proceed with the EP154 until documents had been provided. None of these documents have been provided by either the Northern Land Council and the Northern Territory government. The following and the expense to protect ... What is that word again?

Hon. Justice
Rachel Pepper:

Sorry, I'm just going to stop you there and the just ask that the noise to my left stop, please.

Cheryl Birch:

Sorry?

Hon. Justice
Rachel Pepper:

I'm just going to stop you while the noise is up in here and ask that stops, please. I want to concentrate on what you're saying. Thank you.

Cheryl Birch:

The year long application to obtain copies of evidence of consultation provided by the NT government, by the NLC council before issuing the EP154, or the relevant information pertaining to the consultation process in agreement making were denied by the land council. A lack of transparency and deliberate blocking of critical information for land holders means only an expensive and difficult court revenue remains an option to challenge the issuing of the permit.

We want to know why none of these agencies that are holding this information are coming before this inquiry to answer the questions NT government, Department of Mines and Energy, the Northern Land Council and Hancock Prospecting, Jacaranda Minerals joint partner, Minerals Australia. The government and fracking industries say we do not know enough about fracking but we know about looking after land and our community's agriculture and we don't want this fracking to come in.

If approval for fracking permits are being issued on our land where it is the responsibility of these agencies to make sure our people are informed before legal contracts are signed and for them to be able to understand what that legal contract is, senior Mangarrayi elder Sheila Conway believes her name may be on the gas agreement but she continues to deny the copy of the agreement or any confirmation as to whether her name is or isn't on the agreement, or was required for consent of the EP154. Most of our elders have moved on, God bless them, and they had spoken of being asked to sign without fully understanding what they were signing. I think that the copies of the agreement should be made available for the affected families and relevant TOs.

We believe the permit should be revoked under the provision of the Land Rights Act and Petroleum Act NT because in adequate consultation with all relevant traditional owners for the area impacted by EP154, the correct NT



Petroleum Act exploration application processes have not been followed. The department did not adequately explain the proposed exploration work provided to the traditional owners. The Aboriginal land rights act would allow the NLC to call on the Mines Ministered to revoke an ELFA and can be shown the, what? What's that?

Daniel Tapp: Requirement.

Cheryl Birch: Requirement did not-

Daniel Tapp: Did not fully explain.

Cheryl Birch: Yeah, okay. Did not fully explain its programme and work and it's believed the programme or work will cause harm.

We have the slide shows to show you. Are we going to show that now?

Hon. Justice
Rachel Pepper:

Thank you.

Cheryl Birch: We've got a slide show to show you from an interim report quotes from gas companies making an agreement with people. Who's doing that?

Daniel Tapp: It's a brief..

Cheryl Birch: Oh, okay. All right. Gas companies say Aboriginal people are informed about gas agreements and negotiations but fracking is a new type of mining and we haven't had our land before, haven't had, sorry, on our land before. Information about the risks is coming to light every day. How we can make an informed decision as to why we don't know enough about the process or risks and don't have the resources for an independent legal or don't have the technical advice given to us.

We agree with the panel in an interim report that reviews appeal processes may apply to existing and future petroleum agreements. Without it there is no justice for indigenous communities and land holders. At present our only remedy for assessing documents relating to the consultation process and granting of agreements is through a lengthy and costly court process and once again, I must add there, some of our elders may not be here to fight this and this is why we need it sooner than later.

An option would be deny most aggressive, egregious Aboriginal land holders due to the lack of resources and difficulty negotiating the government and legal framework. Then counsel is exempt from the Freedom of Information law means they do not have to provide anthropological information or information regarding financial assets that they may hold on behalf of Aboriginal land holder group or individual. It is our strong view that the exemption from the freedom from information act allows Aboriginal land councils to operate with a very low degree of transparency and accountability that is exuberating conflicts in our community and denying us enjoyment of our full rights as land holders under the Aboriginal Land Act.



We ask the panel to consider our case a study and make a recommendation that appeals and review rights afforded all land holders and impact of shale gas and petroleum permits.

And then the exemption from Freedom of ... What was it again?

Daniel Tapp: Freedom of Information.

Cheryl Birch: Yeah, Freedom of Information will be removed from all territory land councils to improve access to the natural justice for the Aboriginal land holders, the fracking permit over our land be scrapped, the inquiry investigate why critically information about gas agreement is being denied to Aboriginal land holders, that the conduct of the former Chief Minister, Adam Charles, Mines and Energy Minister to be referred to the NT independent commission against corruption, investigation given to the perceived conflict of interest with this new role as an the employee of the Hancock Prospecting. We do not believe that natural gas is afforded to ...

Cheryl Birch: Oh sorry, I'm getting carried away here. Natural is afforded to the Aboriginal land holders under the current regime of consultation and issuing of permits for shale gas exploration on Aboriginal land. All agreements on Aboriginal land trust and native land total should be made available to relevant land holders. The exemption from Freedom of Information rule for Aboriginal land councils should be revoked to avoid lengthy and expensive court processes and conflict in communities.

We have shown we are determined to fight to protect our land. We don't want the risks of fracking in our community. We have held big protests, we have told the land council we are not going to anymore meetings to talk about gas plans until they show us the record of meetings and agreements, we have written to the government and gas companies. This inquiry is only looking into detail at fracking in the Beetaloo Basin, but what about all the other communities now locked into agreement? We are fighting and what will you be recommending for us as landholders? Our community has shown time and time again we don't support fracking in the region. We do know any Aboriginal communities where there is strong support for this type of mining. We would like to see the inquiry recommend a vote to be held on whether we have a fracking ban across the territory.

I have the letters here that were written and signed by the Mangarrayi traditional owners for you to look at.

Hon. Justice Rachel Pepper: Thank you very much. You also were reading a notice from a document in your presentation. Are you prepared to make a copy of that document available?

Cheryl Birch: Yes, yeah. Sorry.



Hon. Justice
Rachel Pepper:

It's all right.

Cheryl Birch:

There behind you on the screen, that's our fracking rally that we had in Mataranka. I think there was about 150 people, 200 people in that one. It was well represented. As I said, I apologise for people who could not attend. That ... I've just been read all through that then. Is there anything you want to add? That's the piece out of the land council newsletter. And you can see where they've given a kilometre each side of the river exempt from fracking, which is, like I said, the Roper River is known to flood more than two kilometres wide. A decent flood could be more than four.

Daniel Tapp:

With horizontal drilling obviously you can go under the river from a kilometre away.

Cheryl Birch:

And in that same area there is limestone, which has lots of springs, none of them known to public, but they are there. Some could be that round, some of them as big as bathtubs with the natural springs beneath the rocks and do feed the river system.

Daniel Tapp:

All that stuff's on the paperwork that you'll put forward. Just sorry for my little bit of disorganisation, but I've been out in the bush for the last six weeks with no phone or internet and I've actually drove back about 500 k's requested by the TOs just to express some of their concern and I'm just wondering if I could just rattle off those quickly and let me ... so we don't run out of time.

Hon. Justice
Rachel Pepper:

Go for it.

Daniel Tapp:

Yeah, well some of their concerns are is a lot of this fracking is supposedly or know it's being talked about as being out in remote areas. And they'd just like to say that these remote areas are their homes, you know? And it's my home in fact, as well, living on a .. station. And just recently I've been contract mastering. I have 12 or 13 people in the camp. We live out in the bush and that's where we work, out in these remote areas 500 kilometres from here so this remote issue should be just canned. And the same thing on these remote areas, the water comes from these same remote areas like the Beetaloo Basin there now. I mean that's right on top of the Tindall Aquifer, which basically waters from Katherine to Tennant Creek, the central half of the territory, all the Mangarrayi land trust area, Roper River, you know, so basically anywhere that it's endangering the water should be excluded.

The well in integrity issue is still never been completed there. When I say completed, never been ... It's always going to be an issue and in time all wells with fail no matter what they say and how strong the robust regulations are or strength of steel and cement. It just hasn't got the capacity to withstand the trillions and trillion of tonnes of pressure and natural earth movement. The industrialization of the landscape, it's never going to be back again and say in the ... area there, for instance, on Beetaloo



station the landowners there are talking about cranking up their cattle herds to 80 to 100,000 a head. That's just on one property. With this new watering system where they water cattle every 5 kilometres with pipelines, roads, tanks, and everything and then you got a frack field on top of that, it's just like an over worn spiderweb to me. And also the traditional owners have got those concerns.

And on the insurance and guarantee side of things there's no, you know the gas companies all government. If the government makes it mandatory for us to let the gas companies onto our land and then basically wipe their hands of any insurance or guarantees, it's just up to us and drill and hope and that's sort of not good enough, particularly with our water. And as far as the financial economics of it goes, I just find it absurd that someone can be talking about money over water. I just don't comprehend in my or their beliefs. And as an example there, on the insurance and guarantee side of things, in Halliburton's submission earlier on in Darwin, when asked by the panel about whose responsible for drilling and fracturing a well, basically they said to the panel that they would come back to the panel. I would've thought they would've had an answer on the table to say whose responsible. To me and a lot of people that sort of says basically they're passing on the buck and having no responsibilities for their own actions.

As far as gas well integrity goes, if a well does fail how do they fix a contaminated aquifer or depleted aquifer? As far as bond money goes there's no amount of money that's going to replace an aquifer that's contaminated or depleted. And on top of that, on the water usage along, without the contamination issues it's massive amounts of water. I think I put those figures in my last submission and going on top of that with a big thirsty develop the north programme happening, plus the sustainable industries around that all rely on water, from every industry that you can possibly think of relies on water. And the baseline testing in here there's no sort of strong baseline testing and one would think that to get half an idea on some sort of average you would need at least 10 years of strong, robust testing. Not just in one area, obviously all these areas that are under threat.

And then on the grounds of the uncertainties and the high risk that are involved in fracking we're calling for a total ban on the traditional lands, a fracking ban on their land, on traditional-owned land, which some coincide on pastoral leases, such as mine.

Hon. Justice
Rachel Pepper:

Thank you.

Cheryl Birch:

I do have, like I said, a few traditional owners here who would like to get up and speak on behalf of this inquiry today.

Hon. Justice
Rachel Pepper:

All right, yes.

Cheryl Birch:

I'd like to call Paula Roberts up. Paula?

Daniel Tapp:

I'll just give her this seat here.



Hon. Justice
Rachel Pepper:

Sorry, Daniel?

Daniel Tapp:

I'll just give them the seat here?

Hon. Justice
Rachel Pepper:

Yes, thank you.

Yes, thank you Miss Roberts.

Paula Roberts:

My name is Paula Roberts. I represent the Mangarrayi people. I belong to a place called Jilkminggan. I'm speaking on behalf of my people and I'm saying no to fracking because like she said, the waterway and the country is too beautiful to destroy. That land is our life. That water is the source for our life. So what I'm saying now, I'm saying no to fracking.

Hon. Justice
Rachel Pepper:

Thank you very much.

Paula Roberts:

Thank you.

Cheryl Birch:

I'd like to read out these letters that were sent to the Northern Land Council and Mr. Charles. Is that okay? Or would you rather ...

Hon. Justice
Rachel Pepper:

Yes, we are running out of time, but yes, absolutely.

Cheryl Birch:

This one is the 23rd of March 2016. Call to review the process of granting petroleum EP154 and EP153. On behalf of traditional owners of the and Mangarrayi Land trust we have major concerns with the granting of petroleum licence EP154 and EP153. We maintain that we are not properly consulted before the agreement was signed and licences were given, approval by the Northern Land Council. We are in agreement that the process and risks of onshore shale gas fracking and scope of the work planned was not explained to us. We believe there has been failure to undertake proper consultation. They're calling for review for the consultation process for those two exploration licences to be revoked to allow proper process. This issue has been previously raised in letter to the Northern Land Council on the 27th of April 2015 where many residents and traditional owners signed on the below letter.

In March the NT government announced approval of the petroleum licence 154 over the Mangarrayi Land Trust. Representative of your organisation claim the consultation was with traditional owners and adequate to reach an agreement for exploration and potentially gas mining with Jacaranda Minerals and Minerals Australia. We have previously written to you on behalf of 140 residents of Jilkminggan. We reject this claim and have called for the licence to be revoked. Northern Land Council lawyer Charlotte Dean and two mining officers visited Jilkminggan on Friday the 17th of April for an unadvertised meeting in response to receiving our letters. Traditional land owners raised concern with the lack of transparency involved in the



consultation process and were told they had no option to withdraw from any agreement. We request to cite a copy of the agreement and those present were told it was confidential. We were also denied the names of the signatories of the agreement.

The NLC cannot claim that this process constitutes informed consent, that we are actively being denied information and documents about the agreement, which opens up our lands to the risk of damaging gas mining. We now write on behalf of Mangarrayi traditional owner to request that the Northern Land Council immediately provide us with the copies of the following documents, the agreement between Mangarrayi traditional owners and Jacaranda Minerals Australia for petroleum licence 154, copies of any maps relating to the agreement, an exploration boundaries exclusion zone, sacred site, community living areas, and water sources, the name of signatories to the agreement, and minutes from any meetings held and discussed with that agreement. We are asking that Northern Land Council immediately review its conduct in relation to the information of this agreement and seek to have this matter discussed as an agenda item at the upcoming Mangarrayi Land Trust meeting on May 7th.

Concerns were raised in a letter to the Chief Minister Adam Giles on April 1, 2015. We as the Mangarrayi traditional land owners and residents of Jilkminggan and Elsey Station are writing to the NT government because of petroleum exploration licence EL154 was recently approved over our land and surrounding pastoral stations. We were not told about the risks to our health, water, and environment from fracking and shale gas drilling. We do not want any fracking for gas to go ahead on our land. We want to protect the country for future generations. We are now calling for full review to the process for granting petroleum licence EP154 and EP153 for those two petroleum exploration licence to be revoked to allow the proper process. And I have the signatures here.

Hon. Justice
Rachel Pepper:

Thank you.

Cheryl Birch:

I also have the letter that they wrote to Mr. Charles on the 1st of April 2015.

Hon. Justice
Rachel Pepper:

Is that a letter that can be given to the inquiry to be posted on the inquiry website? I am conscious of time.

Cheryl Birch:

All right, no worries.

Hon. Justice
Rachel Pepper:

I've got a number of other presenters here and we've got a full day. So was there anything else you wanted to say to the panel that wasn't contained in a document that we will gratefully receive and absolutely put up on our website?

Cheryl Birch:

Yes, well, I think Johnny Billy would like to say something if that's possible?



Hon. Justice
Rachel Pepper: Yes, absolutely.

Cheryl Birch: Okay, thank you.

Johnny Billy: Hello? Can you hear me ...

Johnny Billy: Hey. My name is Johnny Billy and on behalf of the frackings up in the territory-

Hon. Justice
Rachel Pepper: You need to speak closer to the microphone sir, thank you.

Johnny Billy: Yeah. You can hear me now? We don't want this fracking in our community so we'd like to stop it and we're going to get everything organised as we ... Mataranka is we belongs. We have this fracking with the fracking was in ... so we had that one big meeting with them. We told them that we didn't stop it yet. So as far as I'm concerned on behalf of Mangarrayi and ...and all part of our community we say no. We want to stop it now.

Hon. Justice
Rachel Pepper: Thank you. Thank you very much.

Daniel Tapp: Just couldn't understand ... In case you couldn't understand there he was basically saying that-

Hon. Justice
Rachel Pepper: I could understand.

Daniel Tapp: -about consultation again in Mataranka. He was wanting to submit to that as well.

Hon. Justice
Rachel Pepper: Certainly, we will be in Mataranka very shortly.

Daniel Tapp: Yep, thank you.

Hon. Justice
Rachel Pepper: Thank you. Does that conclude your presentation?

Daniel Tapp: Do any of you other mob want to say anything? Phillip? Here's Phillip Watson.

Hon. Justice
Rachel Pepper: Thank you.

Phillip Watson: Hello, I'm Phillip Watson. I'm just talking on behalf of our mob our tribe. We had all this meeting all about this fracking before. Our bush is our land we don't live in ... we live in the bush. We don't want that fracking to go ahead, no. We want our land to be our land like our grandfather and grandmother before us. And us ... growing up we want to see that way. I want my kid going to see the land as I see when all them grow up. And bush really our land. We live out there. We don't want the fracking.



Hon. Justice

Rachel Pepper: Thank you. Thank you very much, Mr. Watson.

Daniel Tapp: Yeah, I think that's end of-

Hon. Justice

Rachel Pepper: Thank you.

Daniel Tapp: Thank you.

Rachel Pepper: Thank you. Thank you very much. And we'll open up the ... for questions from the panel, but before I do so I do want to thank the people who came here from, in some cases great distances, everybody who came here and to speak with the panel today and to make time for the inquiry. We're very appreciative that you've come here and told you all your views and opinions, thank you. Yes, any questions? Dr. Ritchie?

Dr David Ritchie: I would just ... Sorry. I would just like to get clear in my mind, as far as what you're saying is that an agreement with Jacaranda Minerals was concluded to allow them to pursue an exploration licence over the land trust, sorry the, yeah, well the land trust from the Elsey Land Trust or Jilkminggan Land Trust so it's Aboriginal land under the Land Rights Act. And that agreement is still a current agreement, that deal still exists and that all of the issues that you've talked about now are still live issues. There is, in your view, the view of the group of traditional owners, that agreement is an invalid agreement and that is an ongoing litigation with the lands council, is that correct?

Daniel Tapp: Yes, yes, the agreement actually has been finally handed over, but several pages of the devil in the details, so called, have been blacked out in those sort of explaining those consultation processes.

Dr David Ritchie: And just to follow up, is there any legal action pending at the moment? Is this before the courts at the moment?

Daniel Tapp: No, it's not before the courts. As mentioned there it's obviously wanting to avoid a lengthy, costly cases.

Dr David Ritchie: Thank you.

Hon. Justice

Rachel Pepper: All right. We might leave it there. A couple of comments were made by the presenters, one was in relation to the department's not appearing before the inquiry. That was something that was noted by the panel yesterday and is noted again. They haven't appeared to date before the inquiry. That's not to say that haven't provided assistance. Certainly, they have provided us with information and answered our correspondence, but you are quite right, no government department has appeared before this inquiry in person. In relation Hancock, though as a matter of fairness I should say that Hancock have ... We recently have received a request for Hancock to appear in front the inquiry. They're a little out of time for this round of consultations, but



we're considering their application or request. But thank you again for making the time to come and meet with the panel today. We're very grateful and certainly I think you've given a good example with EP154, 153 about where the process and how the process can go very wrong if adequate information is not given, if adequate consultation does not take place. Thank you. Sorry, yes?

Daniel Tapp: Just one other thing there with the consultation process. I'm not sure whether I'm supposed to be different or anything, but from a personal experience with the application or the granted application that was handed on my property in, I think it was 2012. I just got a letter in the mail saying an exploration licence 163, I think it is, has been granted over your land and that was the only bit of correspondence I've ever had of anything of any sort. And that was by Santos.

Hon. Justice
Rachel Pepper: Thank you. So no one ever telephoned you or came knocking or anything like that to explain the process or ...

Daniel Tapp: No.

Hon. Justice
Rachel Pepper: Thank you very much.