



Darwin – Ron Chute, David Forsyth

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Darwin Convention Centre, Darwin

Ron Chute: My name is Ron Chute.

Hon. Justice
Rachel Pepper: Thank you.

David Forsyth: I'm David Forsyth.

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

Ron Chute: My background, I'm a boilermaker welder by trade. I'm also a qualified youth worker and a community services worker. Thank you very much for this opportunity to let me speak. I'd like to say that I have permission from senior elders to speak on their behalf. I have a Skin name,I belong to theclan at Milingimbi Island in North East Arnhem Land. I've had the privilege of living with indigenous people for 22 years, with nine years of that being married into family. I'd like to start with a comment from the first speaker yesterday morning, which stated that he had been working with indigenous people for 50 years and knows them well. All I can say is that unless you have been adopted or married into family, know your relations by their Skin name, know the laws and know your place in the kinship system, you really know nothing about indigenous people. He's also stated that there are no towns around the Beetaloo Basin, where they want to start fracking.

That's true, there are no towns, but there are quite a few homelands around there and hundreds more scattered right throughout the NT that ain't on the map. They're there because they don't like living in towns or communities, and it keeps their children away from the influences of grog and ganga. These people mainly live off the land and not out of a supermarket, and rely on fresh water for their survival. Fracking is to be done near these homelands, and if fracking, fracked well is compromised and contaminates their water supply, where do these people go? They've already been discriminated against, marginalised, and disempowered. What next, no more homelands? Indigenous people don't know anything fracking, mainly because the NLC, the Northern Land Council, won't let anybody go out there and talk to them. Just as they did when the commonwealth



government was looking for a nuclear waste dump. Gas money goes a long way, just as it did when Woodside wanted to build a gas plant at James Price Point, North Western Australia.

The Kimberley Land Council received 15 million dollars to get out and gather signatures. The gas mob, they play dirty. How about, just for once, we indigenous interests front and centre? Because they're the ones who will be the mostly impacted from this dirty, filthy, polluting industry called fracking. Thank you.

Hon. Justice
Rachel Pepper:

Thank you very much, Mr. Chute. Yes, Mr. Forsyth.

David Forsyth:

Yeah, I'm here just representing myself, my children and any of my friends who might hear this and agree with me.

Hon. Justice
Rachel Pepper:

Thank you.

David Forsyth:

Yeah, I just, I guess I was contacted because I was interested in this issue and I was contacted and asked if I would consider coming to the inquiry. I was actually away, so I haven't had much time to prepare. I was at Mataranka with my children, where my son first learnt to swim in the pool there. It's a pretty big tourist spot up here, and a lot of people come from down south to experience that fresh water that flows through there, the thermal pools. That's where I was when I was told about this, and I've just come from, this weekend, from the Douglas Daly region where people also go to experience the amazing fresh water and thermal springs that are there. The attraction of water in a dry landscape is a pretty big draw card for the Territory in, with regards to tourism. What I want to talk about is water, the concept of water is life.

People may have heard that term before, and I think it goes along, our connection to water as civilization was formed along the river, the rivers, the major rivers of the earth, and then spread out from there. Fresh water sustains human life and is vital for human health. It's recognised throughout all the foundational belief systems of human society, all religions focus to water. Baptisms in Christianity happen in water, full water emersions have happened for thousands of years. Muslim people bathe in fresh water regularly as a purifying agent. It's a spirit, our connection to water is spiritual, it's not just a resource that is there to be mined, it's recognised as a the source of our life. Australia recognises the importance of water, and we know that we're considered a dry continent. There's a lot of desert in Australia. We've instituted legislation that protects water, and we have the Water Act, and the Northern Territory Water Act has allocations of water for water uses across the Northern Territory, and I looked it up recently, they have a scale of priority in seasons of dry weather when there's less rainfall.



A high security level would be I think four, and that's, they're entitled to something like 80% of their maximum allocation. Whereas if you were at level one you might only be entitled to 15% of your allocation. I discovered that there was intention for the mining industry to fit into this system, because the way I understand it it's based on a finite resource that's measured, and then the allocation is made from the estimated, obviously an estimate of what's available, and then allocations are given. That doesn't apply to the mining industry. From what I've read in the Environmental Defenders Office website, it says that these allocations don't apply to the mining industry. I'm not a scientist, but I don't understand how you have a finite resource, with a limited amount, and that there are allocations made to people to use that resource, but then there's a whole other section that that doesn't apply to. Where does that fit into the equation? I don't understand that.

There are moves, I got an email from the people in the department responsible for water, that there are moves to include the mining industry in those allocations, so I'm curious as whether the government would approve fracking before that legislation has been put through, or that allocation estimates have been made. If we're following the precautionary principles, which I was glad to read in the report too in, I guess in, with good will, try to follow that principle, because in essence the element of risk is going to be there, there's a lot that we don't know. In essence if we can follow that, then the allocation of water would have to be determined before any approvals would be made. I'm just saying that from my perspective, I don't know technically what's responsible. Why I'm concerned about fracking is that the use of water from the system is a major concern, and the people I spoke to at Mataranka were concerned about how that's going to affect their water supply for the springs and natural flow, and then if there's a reduction in natural flow then that directly affects their income.

Also there were pastorals in that area who are concerned about their access, how it's going to impact in dry seasons, how it's going to impact on their water allocation if someone's drawing water that they consider to be theirs. That was just through conversations I had with people there. I was, I had read a fair bit about what happens when water goes, is put back into the mine holes, and I think that the report addressed that and recommended that water not be put back into the wells. Then that leaves with a problem of what happens with all that excess contaminated water, and I'm a bird watcher and I know that birds that are attracted to open bodies of water and will drink it. I have concerns just on that very basic level of animals that come across that water, contaminated water, drinking it. Then I've lived in the Northern Territory for 20 years, and I've said well when I first got here, "With all this land, how come the development's only along certain corridors?" I was told clearly, "Well most of it is under water for a lot of the time."



In the time that I've been here, I've heard multiple reports of tailings dams overflowing at range of mine. I've worked with, I was a volunteer with the emergency services and attended flooding events at people's houses, which weren't unnatural flooding, it was just the normal flow of water in the top end, it's under water a lot of the time. I'm very concerned about how anyone, if any mining that happens within this northern region, how anyone purposes to contain water inside on the ground. I'm very dubious about any claims that that can be done effectively, because I've seen lots of occasions where it can't. Once that water escapes, then the precautionary principle of not allowing any harm is blown, because whatever is in that tailings dam, or in that contaminated water, then it's spread in the environment. I'm also concerned about the comment that, and I've heard it said before, I'd like to thank everyone who's spoken before, because it's pretty much covered everything I want to say. The dilution of the chemicals doesn't make sense to me either.

I did study a little bit of environmental science, and I was taught that a lot of chemicals, if they're not biodegradable over a period of time, a lot of chemicals that are persistent in the environment will accumulate. They are going to accumulate, but the question is where. How do we remove them? How is that kept discrete and onsite and then removed from that location, and then treated in a way that doesn't end up back in our environment? I haven't seen anything that suggests that that can be done properly. When I spoke to my local member he had fracking industry information on his window, and I asked him about, because I was told a lot of those are supposed to be lined pits. Now that's, they're, from what I've read, they're not that effective anyway of keeping the water contained. Then when I looked at the legislation, there was no indication that there would be lined pits. That was in the Northern Territory legislation, so it was lacking detail on, this is just at a brief look.

I'm given some information, I go and try and find out what does that mean, and when I look I don't find the answers that I'm looking for. As a member of the public and a voter and someone who's seen enough mistakes made, I'm dubious about the ability of this industry to contain its impact on the environment. Okay, I will need to wrap it up I suppose because, but I've got a lot. I'm also told about robust regulatory framework, and I hate, I know I sound cynical, and I can be, but I don't understand what that is. I've heard it used many times. I remember when the McArthur River Mine, which isn't in any way related to fracking, but this is when we're talking about regulation, we're talking about the public's ability to trust our government to maintain conditions that will protect our environment and the people from the hazards of mining. I remember when there was a proposal to expand the McArthur River Mine, the people who have, of Borroloola were against it, they didn't want that to happen.

There were environmental concerns about that happening, that came from across the community, and what we saw there was a government that



retrospectively changed the law to allow the mine to be expanded. What we've subsequently seen is the contamination of the river and widespread pollution from that. Now this is under a robust regulatory framework, and that's one example, and I'm sure there are multiple, I looked up mines, and I think Australia's got thousands of, from what I've read, thousands of mines that have been deserted. Now that can range from me digging a small gold mine or whatever, but the problem is, and I think is a matter of time, and what we're talking about now, we're talking about the future, what will happen in the future. We're making plans, we're going to create, put regulations in, we're going to make sure that all these things from the past don't happen, and that in the future things are going to be better. Every time a decision has been made to advance one of these developments, the same process is followed, that we say, "Well, we're not going to make those mistakes."

As soon as the decision's made, the future is pushed to the past, and then we say, "Oh, well when they made that decision about the McArthur River Mine, that was in the past. They didn't, they did the best they could, but they didn't have all the information." We hear those stories all the time, that's what we're fed back. As a member of the public, I have cause not to trust the language that's used to try and push this on me. With regarding to water, I've spent time in the sacredness of what I've been lucky to spend time on the country with the people of the land, and the things that are special to them that they've shown me, is the fresh water source, where does the fresh water come from. I have people who, aboriginal people who I know, who come to Darwin regularly, and their favourite thing to do is to go hunting for shellfish or crabs in the local creeks. There's signs on our creeks now that say, "You cannot take those shellfish from the creek because the creek is contaminated because of the sewage outland."

Now in a lot of the places where the effects of mining occur, you're not going to have, and people will still go and take them because they don't, the idea that that's going to contaminate their food sources doesn't really sink into people. There's going to be mining, there's going to be contamination, as there always has been, that isn't recorded, and people are living in an unhealthy environment, doing what they've always done, expecting that the same sources of their food and water are as clean as they've always been. I realise I'm talking for a long time, and I think I'll leave it at that now. My children, I came to the territory 20 years ago, I've read up also about the inequity in scales of pay, and when mining communities strike up in places where people earn less money, and it does create inequity. Aboriginal people do end up worse off or poor people, or the people who live there, and I am concerned that I chose to live here, and I want to make this my home.

I know that, and from what I've seen, I've met lots of people who come up for mining. They come here to make money, so that they can go home and build their nest egg and feather their nest in the nice place where they live.



They're not thinking of advancing the place where they come to, it's a financial proposition to them. I don't think it's a great advance to the people who are left with what, with the residue of mining. In 30, 40 years, I don't know what they will think after the miners leave, and I don't trust that the poisons, toxins from the mines can be kept underground indefinitely, for as long as the people who have already lived here on this land, I don't think that the contamination can be contained for as long as it will be needed for us to go on living here indefinitely. Thank you.

Hon. Justice
Rachel Pepper:

Thank you very much, Mr. Forsyth. Are there any questions? Yes, Mr. Andersen, sorry, Dr. Andersen.

Dr Alan Andersen:

Mr. Forsyth, I just wanted to ask a question about some of your initial presentation was focused on community concerns about water use, and particularly you talk about Mataranka area, springs there. I'm just wondering, what are people thinking in terms of fracking in the broader picture of water use in the sense as, as you know the pastoral industry are major water uses from that aquifer.

We've got irrigated horticulture in Katherine, and as you know there's great pushes for more irrigated agriculture, and it's all coming from that same aquifer. Where do you think, how are people perceiving fracking in that broader water use and water extraction feature?

David Forsyth:

Well, I didn't interview people. I just spent a little bit of time there and spoke to people, and their concern is that they have water allocations that they have to fight for, that they have to negotiate, and they're concerned, the people who I spoke to, were concerned that they're access to the water that they currently expect could be reduced.

If say, or the question, one of the questions I would like to ask is, if mining is granted, it has to go through the same process, and is on that scale of one to four priority for water security, where would mining sit on that scale? Would they be at number four, or five? I'm not sure if it was four or five. Would they sit at the highest level and have water 80% of their allocation guaranteed at the expense of local pastoralists or food growers?

Dr Alan Andersen:

Yep. Thank you.

David Forsyth:

I think that's would be their concern, if there's time of shortage, will they be pushed out, and will they have less access to water?

Dr Alan Andersen:

Thanks.

Hon. Justice
Rachel Pepper:

Thank you. Anyone else? Gentlemen, thank you very much for coming today-

David Forsyth:

Thank you.



Hon. Justice

Rachel Pepper:

... and taking the time to present. We're very appreciative, thank you.

David Forsyth:

Thank you.