



## ***Tennant Creek – Seed Indigenous Youth Climate Network***

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**12 February 2018**

***Tennant Creek***

***Speaker: Larissa Baldwin, Nicole Hutton and Jordan Wimbis***

Hon. Justice Pepper: Thank you very much. When you're ready if you could state your names and the organisation that you're appearing on behalf of for the recording. Thank you.

Larissa Baldwin: My name's Larissa Baldwin, I'm the National Climate Director of the Seed Indigenous Youth Climate Network.

Hon. Justice Pepper: Thank you. You will have to speak, unfortunately-

Larissa Baldwin: Into the mic.

Hon. Justice Pepper: ... I know you're sharing a microphone but you'll have to huddle and speak into the microphone otherwise it doesn't get picked up and the acoustics here are a bit echoey.

Larissa Baldwin: Okay.

Hon. Justice Pepper: Thank you.

Nicole Hutton: My name's Nicole Hutton and I'm a campaigner for Seed Indigenous Youth Climate Network.

Hon. Justice Pepper: Thank you.

Jordan Wimbis: My name is Jordan Wimbis, and I'm the Grassroots Organiser for Seed Indigenous Climate Network.

Hon. Justice Pepper: Thank you. Yes, when you're ready.

Larissa Baldwin: So, I'd just like to take the opportunity to thank the panel for allowing us to speak today. We are the Seed Indigenous Climate Youth Network. We are a national network of Aboriginal and Torres Strait Islander young people. Right across the country we have volunteers. We have hundreds of volunteers across the country. We're a representational network. We have volunteers up here in the Territory right here through the gulf, Top End and Central. And basically, we're here to share our experience of what we've been doing over the last two years, particularly around fracking in the



Northern Territory, but also respond to some of the recommendations in the report.

I just want to say that we're not scientists, obviously. It is a really comprehensive report that we struggled to work out what some of it meant. But we're just going to give our best, responding to what we've got from communities and the information that we've gathered. Yeah.

So, I guess to start off with, we're a climate organisation. And, for us, the reason for working in the Territory was we knew the footprint of the proposed fracking. And, for us, I know that the Inquiry has said that the increase and talked about the risk levels and that. But for us, we really believe that this is going to blow our carbon budget and we do believe that we should be leaving all new fossil fuels in the ground. When you look at just the emissions to come from the Beetaloo Basin, in terms of where Australia needs to be in terms of taking responsibility, we really believe that we can't be opening Beetaloo Basin and we know that that's just one of the basins that frackers are looking into getting gas from.

For us, I guess, and when we read the report from the Inquiry, I'm not sure if it touches on really the human impacts of climate change. For us, living in remote communities and families living in remote communities, when it gets too hot and we deal with the increase of temperature people die. People get cut off when we have extreme weather events. You might have seen this year in communities across the Territory, not only did people get cut off from water and have, because over the last two years we've had unprecedented wet seasons, in some communities they weren't even able to access money on their basics card. So, it meant they weren't able to buy power cards. They weren't able to buy food. If our wet seasons are going to keep changing and keep getting longer, we've seen last year, places in Borrooloola got cut off from the health services because they're on the other side of the river.

Climate change does impact people Aboriginal people first and worst. Even this year, IRS says that in Australia it will impact indigenous communities because of where we live. And we know that methane is one of the most potent greenhouse gases. And so what we ideally would have wanted to see, and we know that this is a scientific report, but there is a human cost to climate change that our communities will bear the brunt of.

Nicole Hutton:

Awesome. I just wanted to introduce myself further. I am a Garawa woman from just outside of Borrooloola. My Mum grew up in Cresswell Downs in station, which I don't think it's called that anymore. My dad grew up in Mallapunyah Springs station and that was also my first home. So, I'm going to talk about the survey that we did in Borrooloola, which we have a PowerPoint. Cool.

So, the survey that we did in Borrooloola was a community-led consultation. And it was six months process from start to finish, and that includes consulting the community on how they wanted to survey to be done, to finally presenting the results of the survey to the community and also to



Parliament. So, it was an information gathering survey. The questions that we asked were directly in line with the terms of reference. So, that means that we asked everyone in the community about all of the different points of the terms of reference, and asked them how that concerned them. And we also, all of the materials that we used within the survey were presented from the Panel, the Inquiry. But the only materials that we didn't use were simply photographs used as evidence from overseas of evidence that has been done before.

Basically, the reason that we did the community survey was because we wanted to raise awareness within the community on fracking and was going to happen in the community. And also the community was requested by the consultation because they wanted to make sure that the Inquiry, the gas companies, and the government to know their stands on fracking.

So, where did the survey cover? So, we met with the community and asked what they thought the survey should cover, where we should go. And we spent a few months going up to Borroloola town camps, at stations, Robertson reverse, surrounding towns and communities. So, we really believe that we went to and we covered as much of the community as, yeah, as really possible.

Oh. Sorry. It's written up there. Awesome. So, we believe that the survey set up community engagement. It was a community-led survey. And it started a conversation with community members. So, we brought a bunch of young mob from the community along with us who were doing the survey. And they had a lot of input on how the survey was run and how everything went and who we spoke to. And, therefore, they were able to make sure that the community was being understood of what the questions were, and that we understood the answers that the community members gave us.

So, after the survey, the community was really excited to team up with other communities. And then we suggested that we could help them put on an Aboriginal Fracking Forum, which then brought the surrounding communities of the Beetaloo Basin together in Darwin. And it was also created a chain reaction amongst the surrounding communities. So, we've also spoken to other surrounding communities about also putting on a survey that was similar to what we did.

Awesome. And then the results of that survey was that 96.8% of residents want a ban on fracking in the Northern Territory. We worked with community members to design a sign to declare the community gasfield free. So, that meant we had a community meeting. We also have some pictures here of what we went to do. But we had a community meeting with people to see how they wanted to present those results. So, people decided that they wanted to put a sign up in the community, and they also all wanted to get on a bus and travel up to Darwin to present it to Parliament. So, after that, we delivered it to Gerry McCarthy in a meeting in Darwin. And you'll see a photo of the Borroloola mob that travelled up to Darwin.



And other finding that we found was that most concerns for the community members were around contaminated water, health, future generations, and culture. And that's also noting that in Borroloola right now there is already concerns around water contamination from the McArthur River mine.

Larissa Baldwin: Do you want to go through ...

Nicole Hutton: Play the video?

Awesome. And then after we did the survey, we held the Aboriginal Fracking Forum, which I noticed, I mentioned before. And after that the communities put together a statement to the Inquiry, which we've got a video of.

Can we able to play that video please?

Jordan will now hand out the statement. And also pictures from the presentation of the statement at Parliament.

Jordan Wimbis: Okay. Thanks.

**[Video plays – No transcription, original video uploaded as submission]**

Hon. Justice Pepper: Thank you.

Nicole Hutton: I just also wanted to point out that ... that the person in the blue dress in the background was Celina Hubert that came down to accept the submission. And then it was also later read in NT Parliament by the member from Nhulunbuy.

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

Larissa Baldwin: So, the way that Aboriginal Fracking Forum came about was before there was delay into the report, people were really worried that this was just going to be, I'm sure the panel will be aware that there are many reports and consultations that come through Aboriginal communities and sometimes those recommendations are not taken seriously by government. And so we had done the survey with Borroloola and then we had also been invited to (inaudible) which was held in Elliot. And was a gathering of traditional owners from across the Beetaloo Basin to the song lines that are in that basin. And basically, they came together and it was actually an opportunity of just speaking to each other and talking about what people are saying and the fact that water is connected and Aboriginal communities in the Territory are also connected.



So, after (inaudible), basically what they wanted to do was show to the NT government that regardless, 'cause at that time unsure about what was going to come out of the Inquiry and they wanted to show the government and the gas companies that there is actually a really united, strong, and big movement of Aboriginal people and communities who are saying no. And really concerned about the impacts of fracking.

So, Seed played a role in, we fund raised to bring people together from a lot of remote communities. People came as far as Yuendumu, from many different communities. And we can give you information of where people came from. We paid for them to come together. We fund raised for that online through social media. We did a crowd funder, and that's how we raised the money to bring them together. We did things like booked meetings with politicians and from the meeting that we had together in the space that when they met, they said that they wanted to create a statement and read it to the media and to the government. So, Seed took a role in, we basically contacted a lot of media organisations and also the government. And they sent down Celina to meet and to accept the statement on their behalf.

Nicole Hutton:

Yeah. So basically, we just wanted to present that to you because we feel that the overwhelming community opposition to fracking has not been accurately represented in the report. We believe, like being on the ground and speaking to communities, especially communities in the Beetaloo Basin, that there is very little community support for fracking. And that the strong opposition wasn't entirely written about in the report.

Larissa Baldwin:

And so, over the last two years Seed has done over 62 community visits. We go into some communities for up to periods of 10 days. And our job there is, what we see as our job, is just to talk to people and hear what their response is and how they feel about fracking. We've had thousands of conversations over the last two years, so we feel like we have met communities where we have seen people support fracking. I think the other part of that response is that they often are really unsure about what the process is and they still have a lot of concerns about water, but obviously there are communities, or there have been people that we have spoken to that have said like, "Maybe there will be jobs from it." And we understand economic situation of the Northern Territory. But overwhelmingly, through thousands of conversations that we've had, most people have said that they want to see a ban on fracking and they're really worried about the impacts on country and on water.

So, we also want to talk to you a bit about, you might have heard through your travels through the NT that there was a group of first nations people from Turtle Island. So, what we call US and Canada, that came over last year to meet with a bunch of communities that were front line. Seed received and invitation to go to Fort Berthold Indian Reservation, which is the home of the Mandan, Hidatsa, and Arikara Nations. Their Indian Reservation is home to the Bakken shale fields. And so, when they came over to the Northern Territory, they really wanted to show us the footprint of shale industry because it doesn't exist here.



So, we went over to them, Nicole and I went over to North Dakota just recently, and froze. It's very cold over there. But I guess it was a really eye-opening opportunity to see the industry and have a look at how that could be interpreted here in the Territory. I just want to make mention that in the [Bakken] shale fields, they are there predominately looking for oil. And that's what the companies are there trying to extract. With the shale gas they flare the shale gas which has to come out first. They flare that 24/7, 365 days a year and they've been doing that fracking process for the last 10 years. So, while the companies are not looking for the same thing, there are some places now where they're trying to capture the gas. And they've set up processing. Predominately, they're looking for the shale oil.

But in terms of looking at the footprint of a shale field, it was eye-opening to us, in terms of knowing that ... and also they have 13,000 wells over there. And they have, Jordan's going to hand you out a bunch of stuff that was handed to us and we'll explain what it is. They have 13,000 active wells on their reservation and they also have a 98% success rate of hitting mineral. So, they have a really huge industry of like ... so when they drill 98% of wells have, they can extract oil from and gas.

For us, I think the biggest take away for us was actually the footprint of the industry. We heard stories about, over the last 10 years since they've moved to hydraulic fracturing, the increase of trucks on the road in a small community that's probably around the size of Borroloola in terms of the township, the area is much bigger. Over the last 10 years they had had 46 members of their community die in collisions with trucks. And that is something that they are constantly dealing with and are dealing with that constantly being in the state of what we'd call sorry business. It has a huge impact on their community.

Also, the footprint of the industry, just seeing that you actually can't, shale gas wells are drilled where they can extract oil. And just like we could see a shale gas the rig here and then literally houses 200 metres away. So, it was just like it was popped up all over the landscape. And thinking about somewhere like the Territory, how do you determine where these wells are going to be drilled.

And this is also something that we've heard from communities, talking about they're worried about it being drilled around cultural sites and sacred sites and that sort of thing. One of the things that we heard from the people over there was, in terms of findings areas of cultural significance and there being drilling next to it, they have had no end to the fight of trying to stop frackers to stop fracking while they can try and get the ... use the EPA and the different, like Department of Indian Affairs and that sort of stuff, to get the drilling and the fracking to stop when they've identified a culturally significant space. Which is, for us with the gas companies saying that they can do that process and do that cultural, I guess heritage, looking where they're going to go and put drilling rigs and that sort of stuff in the process, to knowing that another first nation's community has experienced a lot of turmoil in trying to get fracking companies to stop business when they've hit



culturally significant sites. And the fact that even in some cases they weren't able to do anything about it.

Do you want to add anything?

Nicole Hutton: Yeah. I just wanted to comment on the scale of fracking. Liking coming in on the plane, there was nowhere there wasn't fracking. It was evenly spread over the entire landscape. And that's something that really concerns me about seeing that happen here. And they also did comment about how when fracking came in it was coming in and meant to be small areas, but then eventually it was spread to the scale that it's at now. And that really concerns me, is that's something that has been proposed as a possibility that it's put to a small area. But, yeah, seeing what happened over there makes me concerned.

Larissa Baldwin: Also just want to ... when we went to Fort Berthold, we met with a citizen action group called POWER. So, the POWER is Protectors of Water and Earth Rights. They're a citizen action group and basically they were set up because they were concerned about the impact of, basically there has been an increase of respiratory illness and also cancers in their community. Coupled with all the deaths that they'd had from on roads and that sort of thing. So they've done a bunch of research.

Two of the people that are leading that organisation are scientists and they have their own University on Fort Berthold. And so they basically gave us the information to give the Inquiry. There's a map that they put together, which is actually the footprint of the industry. And then there's some information about brine spills, which is frack water spill, that they have had hundreds of. So they gave us a whole bunch of information to, not only, give to the Inquiry, but also to give to other communities that we've been working with. And so that's what you've got in front of you now.

I just want to say that it was incredible to meet with POWER and the amount of work that they're doing living in and dealing with the really low level of protection that they had through the US EPA laws. But one thing that really stood out to me is that, the burden of proof is so high on communities. And when I met with these people, incredible scientists, incredible first nations people, one thing that really stood out to me was like how would you have Aboriginal communities trying to find this amount of information to have to prove that something has gone wrong?

And they talked to us a lot about the stories of the burden of proof and how much stress that causes their community. And just what it's like to live in a shale field. And this is an Indian Reservation where they've had the oil industry there for last 60 years. They've only started fracking in the last 10 years. But it's night and day, the impact that fracking has had on that community. And to think about our smaller, more remote communities with less services trying to deal with issues around fracking. I guess it just put home to me that there's a lot of scientific inquiries and baseline studies that the Inquiry has suggested that be done. And I really think that that needs to be done and not left with it to our communities to try to hold that burden.



Nicole Hutton:

And, while we were over there we spoke to a lot of people about the health issues that they've seen in their communities. And there are families that have been seeing high rates of cancers than what should be normally expected. Like most people in their family are getting cancer and then, them thinking that maybe this is normal until they do some more research and find out that it's not normal. And there were also members of the community that are getting the same illnesses that fracking workers are getting. That's just from living in the community. And also, myself, Larissa, and the other person that came over with us, we were there for after two days we had all received like illnesses ourselves from like in our chest and our throat, with our breathing. And there's no denying that had impact from the fracking.

Larissa Baldwin:

So the photo that you have in front of you, I just wanted to show. When we went over there, I have to say that, so this photo is basically of waste water fluid from fracking. And you can't see it because there's no way that we could take a full photo of it. But there are literally thousands of containers with waste frack fluids in them. What we were told by the community, and we can't verify this, is that the person that was working on that site had passed away recently. And obviously, we're not scientists, we can't say that that's because of the chemicals or the work area that they're around. But I can say that everyone that we talked to knew about this. And the amount of people were really scared that because whatever was in those containers had killed this person.

We can't verify that, but at the same time we talk to how distressed it made the community. Everyone that we talked to talked about it. There were houses 100 metres away from this thousands of containers of waste fluid. People saying that, especially when we talked to POWER, they had said that there had been some issues with waste water coming up that they had found had to be radioactive. And so people who are living close to this were like, "Is this fluid radioactive?" But also, the thing about that is, because that person had died some legal, something that happened with the company going bust, and the company was responsible for cleaning and moving that fluid, the community now have no idea where they've gone or what's going to happen with it. And the government are not responsible for it.

So I think, while we can't verify that, what we can say is that when it's left to companies to clean up and deal with the issues and the spills or the community anxiety, we know that we have the same sort of thing happening here. We know first hand the experience of what's been happening along the McArthur River with the poisoning there. And this causes real stress on communities. And so I just wanted to show you that because I know that there is no plan for the waste water. You've talked about maybe putting it in tanks. Well these are in tanks. But also, I know that some of the gas companies have said to the Inquiry they don't want to do that. So I think it's really important that we have a strategy for waste water in place before anything goes ahead.

Also, the brine spill on the road, because of the increase amount of traffic, they said that basically, they've had hundreds of brine spills. And there's a





study that POWER had put together around the contamination and the types of minerals and poisons that they've found in the soils. But the community has had to do that work themselves.

I guess the next thing I want to address is the social licence. I know the Inquiry redid the social impacts report. And we had heard from communities about how the first consultation went. We're really thankful that the Inquiry has done that again.

Throughout the Inquiry's report we read a whole lot of your evidence around how increased risks of road accidents from construction, basically increased levels of anxiety and that sort of stuff for residents and the different evidence that you had got from communities. And I think your recommendation at the end of it was like, if you'd basically done the bunch of recommendations that you put forward that you'd be able to achieve social licence. If you do an awareness campaign, a compensation, that sort of stuff. This is the way that we've read it, that basically you'd be able to get informed consent.

From our working with communities across the Territory we don't think the lot of communities that we work in you'd be able to achieve informed consent or, basically all the communities we're working with are calling for a ban. They don't want to see this industry go ahead on their land and put risk their water.

I think we've said that. Sorry, just making sure we've said everything. Yeah. I think the other thing that, through the process of saying that whether or not fracking goes ahead we really feel like a lot of the science and a lot of the testing like baseline water studies needs to be done before, and not by the industry. Also, from our trip to North Dakota and a lot of the conversations we've been having here, we really think that any cultural clearances needs to be done well ahead of any approvals.

And we know how much work the Inquiry has put into this report. We would really like to see the recommendations implemented. We don't want to see the Government treat this like another report. We know that communities have put a lot of work into meeting the Inquiry. We have drive thousands of kilometres to bring people to meetings, and we'd really like the Government to take this report seriously.

I don't think we have anything else to add.

Nicole Hutton: That's it.

Larissa Baldwin: Yeah. That's it.

Hon. Justice Pepper: Thank you very much for, yet another powerful presentation. With the Borrooloola survey is it possible to get a hold of the questions you asked and the answers? Or at least the percentage of the answers?

Larissa Baldwin: We certainly can.



Hon. Justice Pepper: I think that'd be quite informative to us.

Larissa Baldwin: We just didn't have it on this computer.

Hon. Justice Pepper: Okay.

Larissa Baldwin: [crosstalk] today.

Hon. Justice Pepper: Yeah. Great.

Larissa Baldwin: Yeah. We will send it.

Hon. Justice Pepper: Yeah. If you could send that through to the Taskforce that would be fantastic. I hear what you say about the social licence chapter. I do. And you're certainly, not necessarily, you're not the first presenters to have said that. And we will look at that again. I'm sure we went so far as to say, "Look, if all these steps are undertaken then hey presto there's going to be a social licence to operate."

Larissa Baldwin: Yeah.

Hon. Justice Pepper: Far, far from it. Most of those steps revolve around trust. Trust between communities and government. Trust between communities and gas companies. And that's something that has to be earned. And that's earned over a long process of time. And, as you've rightly pointed out, there's a very long history of I think why that trust is, everybody tells us, non-existent at the moment. All manner of legacy lines in around Borroloola and elsewhere in the Northern Territory. So-

Larissa Baldwin: And absolutely, if that is our interpretation. We don't deal with big documents like reports and that sort of stuff. So if our interpretation is wrong, we fully take that on.

Hon. Justice Pepper: No, no, no. I'm not saying that at all. I think your interpretation is ... Like I said, I'm not saying that at all. And if it was presented that way, then I think we have to go back and have a look at that. And there are a few places in the report that we have to go back and have a look at sort of the way that the information is presented and what we've said and better reflect the views of community. We absolutely accept that.

You did say that you felt the views of the community weren't accepted enough or that there wasn't a strong enough statement of opposition. You're right. It's not in the actual large document itself. But it is in the executive summary. What would you like to see in the draft? Like the final, sorry, in the final report? Obviously rather than [inaudible]. What would you like to see?

Larissa Baldwin: I think, for me personally, that's the only way I can answer it, is I felt like the way that it read it me was it very much homogenised views of Aboriginal people. And I know that there are like, the vast majority of people don't want this. And I don't think that's reflected strongly, to me. And this is my



personal opinion. But also I feel like where communities are really on the frontline, I think it needs to make mention of who is saying no to it. And that's the type of thing I would like to see in there more. Just like, the communities who are, if fracking goes ahead, they're the ones that are going to face the drilling rigs. And I feel like their opinions are the most important. And that there's room to capture those stories and those opinions.

Hon. Justice Pepper: Thank you. Yes. Dr. Jones.

Dr. David Jones: [inaudible] having had first hand experience in the North Dakota area, I'd like to ask you a couple of questions about that experience. In our report, we agree, we concur that spills are perhaps a really big risk factor, the biggest risk factor that industry. They're guaranteed to occur. And so they're really important. But spills can occur on the well pad, where perhaps you can have fairly rigorous management procedures. But, what was your feeling from talking to the people over there? Did they have a feeling that quite a few of these spills happened as a result of road accidents or dumping stuff where it shouldn't be dumped? Or what was the case?

Larissa Baldwin: It was a combination of a lot of things. So, definitely road accidents. Because they had contractors who are responsible for trucking around the waste water, they had trucks dumping water and then not knowing which company their truck had come from. And then trying to talk to the truck drivers and they were super hostile.

Nicole Hutton: Sorry. And there was also, we were also told that the fines for dumping was less than the actual paying to dump the actual water.

Dr. David Jones: Yes. Well, the penalty has to be worse than the ...

Larissa Baldwin: Yeah. And so that's-

Dr. David Jones: ... dumping it off the side. Yes.

Larissa Baldwin: That's a huge issue. That's actually cheaper for them to get the fine. Also, on the reservation there's a largest man made built lake in the US, which is Lake Sakakawea. And they had a drilling rig set up. And in order to stop the flaring contamination going into the water to ease community, I guess being worried about it, they put up a retaining wall that went half way, so the flare was like another retaining wall higher than this thing. It was right, because they're fracking right next the river. And it was stuff like that where it's just proximity to water and that sort of stuff as well. And then the waste spills and that sort of thing. But it was crazy to see a wall that like 20 metres high, 50 metres away from their river with half a containing wall around it. So you could completely see the rig from the other side of the road but not on the side of the ...

Nicole Hutton: [inaudible]

Larissa Baldwin: Yeah. It was lower than that. And then the massive rig and the flare.



Dr. David Jones: Certainly, in the US the average distance set back distance the wells from habitation about 94 metres, and we clearly accept that that's not honoured. And in fact, we recommended at least a kilometre away from water bores and six kilometres from things like flares.

Larissa Baldwin: Yeah. And I think the thing that we reflected on while we were over there as well was how Aboriginal people use their land. So, even though you can set it back from certain housing and different stuff, going out on country, doing ceremony, walking song lines, how is that going to be accounted for when you're putting a drilling rig or a flare and how often people are going to come in contact with that? It just seems like an impossibility of how you regulate that.

Nicole Hutton: And another thing with the water spills, is we were also told stories of community members filming trucks actually just letting the water out while they drive along the road. Which is ...

Dr. David Jones: Just asking you a question about your photograph here. Was this a kind of dump for waste water or like a tank farm that was just sitting there in the landscape?

Larissa Baldwin: Yeah.

Dr. David Jones: [crosstalk] treatment plan here or was it just a dump?

Larissa Baldwin: It had thousands, also it had ... thousands of those cylinders but also containers as well. Like humongous trucking containers just sitting there. And it was literally in the middle of a housing estate. And this is where we told you the story about the person who looked after that site has passed away. And so it's created, yeah, a huge amount of anxiety in the community around there.

Nicole Hutton: I also want to note, you can also see the water tank for the community in the background.

Dr. David Jones: I was wondering what that was. It look like an air traffic control tower. But it was a water tank.

Nicole Hutton: Yeah.

Larissa Baldwin: That's where they get their water from. And so when we went to North Dakota, to the reservation, people don't drink the water there. And just thinking about in Katherine with the whole PFAS thing and getting water delivered. And just how do you deal with that anxiety of people not knowing if water is safe to drink? And the volume trucking and volume of water to remote community if something happens.

Nicole Hutton: Because the water there is presented as safe and at restaurants they serve it. But the community have anxiety about drinking the water. So they actually personally go and buy bottled water, majority of citizens.



Dr. David Jones: Thank you.

Hon. Justice Pepper: Thank you. Yes, Dr. Anderson.

Dr. Alan Anderson: Yeah. Questions for Ms. Hutton, and it's a specific one first about the Borrooloola survey, but then a more general question. I'm just interested about the information that the Borrooloola people used to make their assessments. And particularly that fracking is technically so complex, as we all know, and probably the most complex part relates to people's major concern about water contamination. And so I just got a specific question about what was the information that Borrooloola people used to make their assessments? And then a broader question about, given that the issues are so complex technically, how well informed do you think Aboriginal communities in general are about the fracking issues?

Nicole Hutton: Yeah. So we used the information that we'd received from the Inquiry. So, the plain English part. So we talked people through that. And there were first nation people that came over from Turtle Island actually, did visit members from that community and explained a lot about what we just explained to you as well.

Do you want to comment, Larissa?

Larissa Baldwin: I think to comment on, like how informed? Not informed enough. Some of the people that we talked to, it was the first time they've heard about fracking, but the first time they'd ever had it explained to them. Yeah. That's usual, because even though the Inquiry, I know, has visited Borrooloola and places like that a lot, people live on homes and out stations and that sort of stuff. So they don't see that level of information. And the government doesn't take the information, the gas companies doesn't take the information to people. Whereas, we had young people from Borrooloola going out into their own communities. Yeah.

Alan Anderson: And just a follow up, do you have any recommendations to us about what would be the best way, the most effective way of informing Aboriginal communities?

Larissa Baldwin: I think you just have to meet people and talk to them, and explain the process of what's happening. I think we've said that from, basically when we met with the Inquiry before, is that the information that is used ... like we didn't have any better information that the Inquiry's plain English version of stuff to show people. And diagrams and that sort of stuff.

We had gas companies coming out, we knew through the stories we've been told from people. They didn't have translators. They didn't have diagrams. And it's incredibly complex thing to explain. And also like, I feel you have to want to explain it to people as well. And I think that young people in their communities really had an agenda about wanting old people to understand what was happening. Whereas, gas company just wanted someone to sign something. They don't really care about how many people understand what is going on.



Nicole Hutton: I also want to add that I don't think holding one meeting in the middle of town and putting some posters up is enough to engage the entire of the community, because not everyone is seeing and hearing about these meetings that are happening. I think us being on the ground and going out door to door and knocking on every house, knocking on every house more than one time, was the best way that we could reach the majority of the community.

Hon. Justice Pepper: Yeah. No. I to agree. Certainly, I know there's got to be a direct correlation to the number of people who turned up to our meetings and your activity on the ground. And when you were not able to do that then we certainly noticed the difference in the numbers. Yes.

Anyone else from this side of the table? Okay.

Yes, Dr. Beck?

Dr. Vaughan Beck: Yes. Thank you very much for your comments regarding human health. We, as a panel, take the issue of climate change science very seriously. The issue of global warming. And we will certainly be having something more to say in relation to the health effects from climate change in the reports. That is noted and it aligns with other comments as well too. Thank you for that observation.

Just another question. From your visit to North Dakota and your discussions with the Indian communities there, did they give you any insight as to how they might exercise greater control over development in their lands in the future? Do they provide some insights that would be useful learnings for both you and for us?

Larissa Baldwin: I think that, one of the sad things was to hear from them personally how much their laws are being weakened at the moment. And what they do is just literally investigate everything. And whenever there's a hearing coming to North Dakota, or whenever there's any politician coming to North Dakota they get together. Put together all of their stuff and go make submissions. Go to inquiries and that sort of stuff. That's all they can do right now. They're trying really hard, but obviously the political climate in the US is really hard for them to deal with, especially when the current President is currently trying to increase production in North Dakota.

One of the really big take aways that they had, and that when we had Candy, she came over here and she met with people. Yeah, she said that, and when we were there a lot of old people they were like, if they had an opportunity to say no and not sign the deal to fracking they wouldn't have signed it, because they didn't know the information to say yes to it. And they wouldn't be dealing with the impacts that they are now.

But, they're still doing incredible work. And a lot of the work that they're doing is actually just bringing their community together and working with their own community, because they're dealing with multi-billion dollar companies and a government that wants to have this oil and have this gas.



Yeah. A lot of the stuff that they're doing is more around engaging with their own communities and making sure that even if it's just them hearing the concerns around their air quality and that sort of stuff, that their communities is engaged in the discussion.

Dr. Vaughan Beck: Thank you.

Hon. Justice Pepper: Thank you. Yes? Yes, Professor Hart?

Prof. Barry Hart: You made the comment that there's a need for further information on waste water management strategy. Did you have any specific, presume that you're talking about the Beetaloo, the fields that are suggested at the moment government lifts the moratorium that'd go ahead first. Do you have any specific thoughts about what you think is needed?

Larissa Baldwin: Well, I think it's crazy fracking goes ahead. But I just, how you deal with like ... the recharge of basins and the amount of water that is on ... like it is for most part of the year there is no water. But then for the rest of it, there's water everywhere. One of the elders that came from down in Yuendumu said, "You can't tell contaminated water where to flow." And I think it's like how you actually deal with the level of water that's coming out of these ponds. But also where are you going to put it?

I actually don't have any suggestions because from what I can understand it's a lot of water. And that's one of the things I got from North Dakota is actually just seeing ... Like when I first read the suggestion that you could put it in tanks, I was like, "Maybe that is a solution." And then I seen the tanks and I was like, "Where are going to put these tanks?" They have to go somewhere. And we know how much anxiety that already exists in the Northern Territory about waste facilities, around different types of chemicals, and that sort of stuff. And then I don't know.

When POWER told us that they had done testing, or there had been testing done and some stuff that had come back through the EPA to show that some of that waste water now had radioactive chemicals in it, it's just like, "How do you do this?" I don't understand. But, yeah.

Nicole Hutton: [inaudible] I also saw the ponds that have been suggested that could happen here. And there's no way that the ponds that will, replicating the ponds that they have over in North Dakota could work here, especially for wet season. They're very low in the ground and there's nowhere to put the water to overrun. It just runs straight into the soil, if it was to flood.

Barry Hart: Thanks for that. I think you put your finger on something. We've got quite a lot to say about waste water reuse, things like that. But what we haven't done is talk about what's the strategy, finally it's got, this can be too much. Do you need a treatment plant? Is it a treatment plant that services three companies? How's it constructed? All of those things I think we've got a bit more to do in the final report-



Larissa Baldwin: And I think it ... Yeah. Our, I guess I don't know if it's a recommendation or not, but we just really feel like you need to answer that question before you can say yes to this industry. And people need to know and hear about what the plan is for waste water. Because there is a lot of anxiety about it.

Barry Hart: Sure. Thank you.

Hon. Justice Pepper: Thank you. Yes, Dr. Smith.

Ross Smith: I just wanted to pursue a little further a comment that you made about your North Dakota trip. In part, because I've been doing some of my own research into, via contacts that I have in the US EPA, about regulatory oversight. And my understanding is that even state regulators have difficulty enforcing regulation within reservation land. And the US EPA has even less power than them because of the way reservations are set up as states within states. But you indicated that the first nations people were wanting further support from US EPA, and I wondered whether that, in your opinion, that sort of federal support to the Northern Territory would be an important component in regulation here if the moratorium was lifted, knowing the comments that we've had many times about the inability to regulate in the NT.

Larissa Baldwin: Yeah. Absolutely. I think the federal government has a really big part to play and I feel like at the moment they just want fracking to go ahead and they don't really care about any of the science. When you look at ... I don't really have anything else to compare it to. But when you look at the scale of the pollution in the McArthur River Mine and the pollution in Katherine, the Northern Territory Government doesn't have the resources to hold those companies to account. It doesn't have the resources to fix that situation. So the federal government does need to step in here.

I think another reason why the federal government is responsible is because of the amount, something like 80% of Aboriginal people within the Territory live in remote to very remote communities. And if there's nobody holding the Northern Territory Government to account then we live with contamination. Do you know what I mean? Or nothing gets done to fix things. We live in the housing that we know needs to be fixed up. All this sort of stuff, unless the government, the federal government, has to be held accountable to it.

So I think they have a big role to play. And this is a Territory. So they are responsible in a way as well.

Dr. Ross Smith: Okay. Thanks for expanding on that. That's very useful.

Hon. Justice Pepper: Any further questions? Thank you again for your presentation. And can I just, on behalf of the panel, thank Seed for all their presentations to date. You've always presented in a well prepared, diligent, and most importantly honest fashion. It speaks a great deal to your organisation, as to the credit of your organisation, as to the manner in which you have chosen to interact with the Inquiry. We're very grateful for it. The reports and the final report





will be much greatly strengthened as a result of your participation. Thank you very much.

Larissa Baldwin: Thank you.

Nicole Hutton: Thank you.