



Darwin - NT Cattleman's Association

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Speaker: Paul Burke and Tom Ryan

Hon. Justice Pepper: Gentleman when you're ready, if you could please state your names and who you're appearing on behalf of, thank you.

Paul Burke: Paul Burke, Chief Executive Officer of the Northern Territory Cattleman's Association.

Hon. Justice Pepper: Thank you.

Tom Ryan: Tom Ryan, Executive Officer of the Northern Territory Cattleman's Association.

Hon. Justice Pepper: Thank you.

Yes, when you're ready.

Paul Burke: First of all, I'd like to apologise for Tom Stockwell, the President of the Northern Territory Cattleman's Association, who's unavailable today.

Hon. Justice Pepper: Certainly, thank you.

Paul Burke: I'd like to briefly read a statement and then work through the recommendations that were submitted and the operations that we would like to considered that we submitted last week. We have a copy here for everyone that might make it easier to work through 120 recommendations, not that we wanna change every single one.

Hon. Justice Pepper: You referred to a submission that you put in last week?

Paul Burke: It's a response to draft.

Hon. Justice Pepper: Have you actually formally submitted that?

Paul Burke: Yes, yes we have.

Hon. Justice Pepper: Alright, well we might chase that down because we haven't yet received it.

Paul Burke: Okay. You send it ... We do have a copy.



Hon. Justice Pepper: Alright. Well if you got a ... yeah, absolutely, yeah. No, we haven't actually ...

Paul Burke: Just might make it easier.

Hon. Justice Pepper: Yeah, thank you but we haven't ... perhaps if you could try and resend it electronically, there's probably been a glitch in the system, but we haven't actually received it. Thank you.

Paul Burke: So I might quickly read an opening statement.

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

Paul Burke: On behalf of our members, we would like to thank the inquiry members for allowing the NTCA to speak to the scientific inquiry into a hydraulic fracturing in the Northern Territory draft final report. We would also like to acknowledge the committee members for producing a balanced and detailed report. The committee has been inclusive and allowed all stakeholders to have considerable input. We have prepared copied of our detailed submissions you have there.

The NTCA is the peak primary industry body advocating for the Northern Territory Cattleman, an industry that we represent 90% of. The NTCA members are custodian of 700,000 square kilometres of the Northern Territory landmass and manage a herd of 2.1 million cattle. The NTCA is a grassroots organisation that unashamedly was founded to advance and protect the interests of the cattle industry. The NTCA has been engaged throughout this process. The NTCA executive committee formed a petroleum working group to advise the board in relation to gas extraction.

Our membership has a wide range of views and to say anything different would be false. We have battled through the process, but what we've endeavoured to do is keep out membership informed with detailed information that is accurate. Today we seek to give clarity in relation to our submission. The scientific inquiry into the hydraulic fracturing in the NT. The NTCA has taken a pragmatic approach to the gas industry, such that the gas industry is to proceed in the Northern Territory, then protections for the pastoral industry must be world's best practise and legislated. The key component of this approach has been to ensure that cow habitation can occur in a mutually respectful manner that mitigates interference on a pastoral lease.

The fundamental view of the NTCA land holders is that whilst a pastoral lease does not have exclusive possession, they do have exclusive use of purpose prescribed of that lease. Any impact on that exclusive use should be compensated. Due to varying degrees of risks associated with each project and complex issues that will be unique from site to site and project to project, the NTCA considers the individual rights critical to upholding the welfare of pastoralist and the individual business. We maintain that the gas industry model in the Northern Territory must include the right to negotiate compensation for individual landholders, including the individual right of



pastoralists to say no or alternatively to say yes. This right must be legislated.

As perpetual lease holders, NTCA members have the right of exclusive use to their land. Each landholder has the right to generally use the lease in accordance with lease conditions without limitations. In any access agreement, the who, what, and when must be defined in the detail prior to access being granted. The who: who is entering the property and how many people are entering the property. The what: a detailed scope of works, including maps, locations, and all relevant information. The when: what timeframes are involved exactly and when will the works occur to allow all parties to plan.

To protect markets and customer confidence both domestically and internationally, the producers need to have full knowledge of what is happening on their property and when. Our ability to supply clean, safe, and nutritious beef and other agricultural products, the requirements for strict product security safeguards must be introduced to mitigate the impacts of increased activity on pastoral lands by the onshore gas industry. The NTCA recommends that prior to entry to a pastoral or agricultural property, onshore guests workers, contractors, must first complete an online bi-security awareness module and receive a certificate or card acknowledging the completion of this. Prior to entry, any individual must provide this certificate to landholders. Entry can be denied by landholders to individuals that are unable to produce such documentation. The module will be developed and delivered by the pastoral industry in an online platform. It is recommended that land access agreements not include a confidentiality clause. Transparency is critical to the harmonised development of the gas industry and cohesive land arrangement.

It is also important to note that land access arrangements across the mining activities should be harmonised, not just applied to the gas industry. What we mean there, is they should be for all mining interests, not just gas industries.

Hon. Justice Pepper: We can only, according to our trims of reference, look at onshore shale gas.

Paul Burke: I Understand.

NTCA is to be included in the Northern Territory government funded gas tribunal, similar to the current land assessment panel. The gas tribunal should be established to deal with matters directly related to access to gas companies on private land. The gas tribunal must be endowed with such powers to direct compliance by both pastoralists and gas companies in relation to disputes arising in relation to land access arrangements. The tribunal's powers should be limited to disputes arising in relation to current and previous access arrangements, however, should not be constructed with powers related to decisions regarding compensation.

The NTCA is a key stakeholder in the legislative drafting process. It's to be resource by the Northern Territory government to enable the NTCA to have



informed input into the process through access to legal and expert advice, when required. This will be critical in achieving strong legislation and regulation that is supported by industry and rural stakeholders.

We will now work through our proposed amendments and refinements. If you have any questions, we're happy to take them throughout the presentation. It may be easier if you've got specific question around a recommendation as we're talking to it.

Our responses to the recommendation. So 7.5, and everyone's got that document in front of them. The NTCA amendment that change that the use of all surface natural water resources, capturing overflow water, if agreeable to landholder, should be permitted. It's probably just going to a little bit of clarification around that point.

Recommendation 7.7: NTCA amendment all water flow rates as an additional measure of impact to ensure onshore shale gas industry does not cause unacceptable aquifer draw down through the reduction of flow rates. Aquifer levels rise and fall naturally, so including flow rate of local oars, will add another safeguard to complement the above mentioned measurable. All flow rates are to be included in baseline data testing prior to exploration work commencing.

7.8 The NTCA amendment: Re-injection of wastewater is not supported, unless an independent scientific review proves the feasibility and safety of water reentering the system will not have a detrimental environmental effect or impact.

7.9 The NTCA amendment: Recommend including the volume of these chemicals. So in this one, we're talking about the amount of chemical, the types of chemicals, but I would also like to see the volume of these chemicals and detail advice on how they will be stored on site.

Recommendation 7.11: NTCA amendment include a defined process to how on-site spills will be managed and rectified by a company.

7.13 The NTCA amendment: Similar to amendment recommendation 7.8, re-injection of wastewater is not supported, unless an independent scientific review proves the feasibility and safety of water reentering the system will not have a detrimental environmental impact.

7.16 NTCA amendment changed to read: Discharge of shale gas hydraulic fracturing waste water, treated or untreated, to either the drainage lines, waterways, temporary stream systems, or water holes be strictly prohibited.

7.17 NTCA amendment: Include the provision that any and all erosion created by any gas industry, must be remediated immediately by the gas company responsible.

Tom Ryan: Recommendation 8.2 is just a suggested amendment to the wording to read that gas companies must have dedicated weeds officer whose role is to



monitor well pads, roads, and park line corridors for weeds in consultation with the landholder. That really just speaks to taking the burden off the pastoralists for weed monitoring in that situation.

8.3 is proposed amendment, as per amendment recommendation 8.2, the recommendation should read very similar to have a weed management plan and a weed management officer in charge. There's also the addition there that the plan must be consistent with all relevant statutory weed management plans in relevant abatement plans established under the EPBC act.

8.4 is a suggested amendment. We suggest adding a requirement stating that any fuel reduction burns will be conducted by or directly supervised by the landholder and will only be conducted under the landholder's express permission. Furthermore, gas exploration companies shall not impact on a pastoralists ability to use fire for the purposes of environmental management, such as weed control. Just for clarification, that's just some of the fire management plans of the explorer, the pastoralists aren't at cross purposes. As you know, fire's is a very important part of land management, so we just don't want to get at cross purposes there.

Recommendation 8.5 is a suggested amendment: Any impact on the pastoral land or its operations by monitoring management of mitigation will result in the landholder being compensated in full. This includes any landholder time taken up by these activities and any disruption to the pastoral business's operations.

8.7 is a suggested amendment with a change to the wording, suggested as that well pods and pipeline corridors be progressively regenerated with vegetation or ground cover established in consultation an agreement with the landholder. Just to clarify, that change there is around the native vegetation. They may be in a particular area that's being worked over by a gas company that maybe the ability for the pastoralists to put improved pasture or something like that in there rather than native vegetation back into it, so there's possibly the opportunity there.

8.8 is a suggested amendment: This recommendation must stipulate that any environmental offset imposed does not detrimentally impact the effect that landholder in any way and is fully compensable to the landholder.

8.9 the suggested amendment to the wording, so it should read: The government consider the establishment of local aboriginal land ranger programmes to undertake land conservation activities on indigenous owned land only. The pastoralists reserves the right to choose a provider to undertake any land conservation activities on the pastoral lease.

8.11 is an amendment to the wording. Basically, change the word re-vegetated to regenerated. It's very similar to the previous recommendation, so amended to read that corridor whits be kept to a minimum, with pipelines and other linear infrastructure buried, except for necessary inspection points and the disturbed ground be regenerated in consultation



and agreement with the landholder to at least the standard existing immediately prior to any disturbance.

Paul Burke:

8.15 NTCA amendment include additional restrictions stating: Well pads, pipelines, and related gas infrastructure unearthed must not be constructed within 5,000 metres or 5 kilometres of reserved block, unless expressly agreed by the landholder during access arrangement negotiation. Reserve blocks means land within 5 kilometres laterally of any of the following: a residence or dwelling, a school house, a classroom, a community sporting or recreational building or purpose, a business, and so on. The list there. The principle issue in relation to these is 5 kilometres on a pastoral estate is not very far. Living in a city, sounds tend to get lost in the other noises in the environment. When you're living on a pastoral estate and you're a long way from anywhere, the slightest sound can be heard for very long distances, so it will impact on people's livelihoods and quality of life as well if they're constantly hearing things that they haven't heard for generations. We would strongly urge the 5 kilometres be considered.

Recommendation 10.3: Similar to the previous, we're actually talking about offset distances or that 5 kilometres is a suitable amount of distance on a pastoral estate that can be many thousands of square kilometres and that's what we're talking about in there with the reserve blocks.

Recommendation 11.3: The NTCA strongly opposes this recommendation and recommends that it be removed. We currently think there is enough legislation to be able to afford the right protections without additional ones over a pastoral estate and a pastoral estate should be able to be in a position where they can discuss and actually move through a native title process if they require. We think over and above what's currently in place.

Recommendation 12.3: NTCA amend remove local councils from this recommendation. Most of the NT road network is administered by the NT government and in most cases, the NT government is responsible for funding and maintaining those roads.

12.5 The NTCA amendment: Include provision for suitable land being made available within towns, free of native title, for purposes of subdivision to allow for future development. We said this is real opportunity to grow some of the towns by having freehold blocks and that includes all of the areas within the proposed development.

12.6 NTCA amendment recommendation should be amended to say that in consultation with local communities, aboriginal land councils, local governments, the governments, and pastoralists, gas companies be required to identify suitable accommodation, either temporary or permanent, which must be completed prior to the construction development phase. Given a lot of what will be happening will be on pastoral leases, we see that the pastoral may wish to engage with the gas company for the purposes of providing accommodation or providing facilities. We just like the pastoralists added in to that section.



Tom Ryan:

Recommendation 12.9 is a proposed amendment to add a point referring to a landholders time. For example, when a landholder's engaged in any activities in relation gas exploration and it's taken away from normal operation and life on the land, that the time expended on these gas activities be compensable.

12.10 is another amendment: This recommendation in its present form ignores the fact that pastoralists are part of the community. Any consultation involving community is to include all landholders, including the pastoralists. There are several recommendations that are very similar. With the amendments that we've made where we're just asking for pastoralists to be included in those lists of stakeholders.

Recommendation 12.11 is the same, to include pastoralists within community.

12.12 is the same. We just like to be included in that list of stakeholders.

Moving to the economic impact section on recommendation 13.3. The amendment that we proposed is to include provision that any employment or service provision resulting from onshore gas development occurring on a pastoral lease be offered in the first instance to the effected landholder. As Paul stated before in one of the previous recommendations, that given that most of this work is gonna be carried on pastoral lease, there may be significant opportunities there for the pastoralists to provide services to that company. We feel it appropriate that the landholder in that situation be at least offered the first opportunity to engage in those activities.

Under regulatory reform, recommendation 14.4 is an amendment ... now this related back to the inclusion of clarification of the reserve blocks. You'll note that we included a lot in those definition of reserve block station building, such as homesteads, yards, waters, that kind of thing.

14.6 the amendment that we proposed there is a change in the wording. A statutory land access agreement ... sorry, I'll just clarify, this goes to the heart of our submission. A statutory land access agreement to be developed by a working group comprised to the NTCA executive, gas industry representative, NT government representative, that provides standard minimum protection for pastoralists. Further terms negotiated between the pastoralists and the gas company may be included as special condition as to the statutory land access agreement. The parties to determine whether the special conditions take precedent to the standard terms of the statutory land access agreement. Further to the recommendation, the NTCA should receive government funding to resource its participation in this working group to ensure that we adequately resourced to take part with meaningful and informed input.

Paul Burke:

14.7 The NTCA amendment remove mandatory minimum, amend to read that the government implement a compensation scheme payable to all pastoral leases effected by the petroleum and gas exploration. What we don't want to see by having minimum referred to all of the time, that that



becomes the norm and nothing's applied above the minimum. We would like some safety nets in there, but there's an ability to be over to negotiate above what the standard minimum are. Just having some flexibility within the decision making process.

Recommendation 14.8 the NTCA amend to read that the government should implement a road impairment scheme to compensate pastoral leases for all new petroleum fuel brought into production.

14.9 The NTCA amendment that only persons directly affected by proposed grant of exploration permit may launch an objection. What we don't want to see is pastoralists going through a stressful period negotiating with gas companies and then for it to constantly to be going through a court process or be going through an appeal process and not understanding or not knowing where they're going to be from day to day. They would like the ability to be able to see the people directly involved in the process at the title.

14.11: That the Minister must not grant an exploration permit unless satisfied that a gas company is a fit a proper person, taking into account, among other things, the company's environmental history, the history of compliance with the petroleum act, and other relevant petroleum legislation, and its financial capacity to fully remediate in a timely manner any adverse environmental or otherwise impacts cause by its operation. That the minister's reasons for determining whether or not a guest company is fit and proper person be published.

14.26 then we are finished. A lot of these were smaller wording changes, too. The NTCA supports reduction in the regulatory fees, but not a reduction in monitoring.

Tom Ryan:

14.29 The proposed amendment is to remove the word consider from that statement. So we propose that it reads that the government enact provisions that reverse the onus of proof or create rebuttable presumptions for pollution and environmental harm offences for all regulated onshore gas activities.

14.32 The proposed amendment is the NTCA recommends that reforms described in option one be implemented and agrees with this recommendation on this basis. The NTCA does not agree with option two being implemented.

Paul Burke:

That concludes our recommendations from the draft report. The NTCA have provided a detailed submission to the draft report, but would like to reiterate that water, both quality and quantity, issues remain the priority for the pastoral industry. The other key area addressed through our submission is in the form of legislated land access agreements with built-in safety nets to protect the grazing industry. In summary, the NTCA supports the scientific review and its process and has provided detailed feedback with additional amendments and refinements and wishes to remain engaged with the process.



We'll take any questions.

Hon. Justice Pepper: Yes, absolutely. I think we'll start with Dr. Ritchie.

Dr. David Ritchie: Thank you Mr. Burke. I guess the thrust of your submission is that you support a number of changes to laws and regulations to address that imbalance that occurs by not really because of the tenure of a pastoral lease does not give your members any rights below the ground. It does give them to guest companies and that can cause problems. I guess I'm a bit at a loss to understand then that the only recommendation that you strongly object to is one that's about the rights of somebody else under the ground and that's in 11.3 that you strongly. I just reiterated that it's the only one you actually say strongly oppose. I can't see how it changes anything for your members.

Paul Burke: I guess working through with the petroleum working group, the risk was that it'd coming over into the pastoral sector and implicating what we actually do on the property as well, to have significant extra scrutiny on our property and the way we operate our business. Great fence lines, putting fire breaks, all of those types of issues. We just thought it was over and above what's currently in place.

Hon. Justice Pepper: This is to protect sacred sites.

Dr. David Ritchie: I think you'll have to elaborate on that, because ...

Paul Burke: We certainly support sacred sites and we support the sacred site act. We strongly support the sacred site act and the ability ...

Dr. David Ritchie: That already in the ... we'll come to this in the next question about the 13.3. The pastoral lease has the right that you have for a pastoral lease of which also sued over the non-exclusive title, which is native title. Native title has the right to predict sacred sites within the limits of the law, the law being the sacred site act. That already has significant implications for your industry and over the last 30 odd years, there's been I would say a very high degree of working through those things and resolving those issues. Sometimes your members go through a formal processes of authority certificates, but most usually it's done directly with the traditional owners on properties, with the owner of the properties. I just don't see how, in fact I'd like you to explain why you think this would make any difference for those arrangements that have been in place for 30-40 years.

Paul Burke: So I'd also like to note that the Northern Territory and the pastoral industry in the Northern Territory lead the way in a lot of the native title negotiations that happened. We've managed to work through a significant amount of those and I think there's another 7-8 listed for next year for going through. The subsurface water is an interesting conundrum. We access sub water. We certainly have no issue with what's above the ground. Water is alright for us to take for stock and domestic and we believe that having another level of legislation or regulation over that water that we're talking about



under the ground would put some impediments or potentially cause some impediments on the grazing business.

Dr. David Ritchie: Okay. I'll just read you ... this is, we have this sent just this morning that they put to us that it's committed to protecting sacred sites. It's the traditional owners that determine where exploration can take place without impacting sacred sites both above and below the ground. I guess the point is that we've picked up this recommendation from representations from aboriginal, traditional owners and custodians. There is some support from the actual industry itself. I guess by heading it strongly particularly in yours would put you at odds with a group that you actually had very good relationships with. Have you considered the amount ... I guess that there is the potential that you claim worrying about ground water, but it seems a very strong way of ...

Paul Burke: I'm happy to take it on notice provide a detailed response to your question.

Dr. David Ritchie: Okay. Thank you.

Can I just go quickly to 13.3 where you talk about landowners. I'm assuming that when mean landowners, that includes native title holders.

Paul Burke: Of course.

Dr. David Ritchie: Yep.

Paul Burke: Of course.

Dr. David Ritchie: Thank you.

Hon. Justice Pepper: Thank you.

Yes, Dr. Anderson.

Dr. Alan Andersen: Just a quick question about the recommendation related to weeds. The recommendation includes one of having a dedicated weeds officer. I understand you support that you ask for [inaudible 00:31:11]

Paul Burke: Correct. So what we're actually asking is ...

Dr. Alan Andersen: We've had feedback from industry expressing concern about mandating a dedicated weed officer. My question to you is to what extent you think it is really important to have a dedicated weed officer?

Paul Burke: So dedicated weed officer may look over multiple sites. We're not talking an exclusive resource for each individual well or each individual development. What we're saying is we would like to see someone that is dedicated to that area of work that is available to a pastoralist to contact at ease. If there's an outbreak of weed in a certain area, it makes it easy to contact you with one point of reference, but also that in the process of any land management



plans or weed management plans, that it's in consultation with the landowner. We support that.

Dr. Alan Andersen: It also gives assurance, I guess, that there is that capacity of mitigating the weed risk within that company that that company operating on the land does have the knowledge and capacity to be an important and effective weed management plan in place given that weeds are a pretty significant risk. If they get away, it does leave a significant legacy issue.

Paul Burke: Thank you.

Hon. Justice Pepper: I had a couple of questions.

First one was in relation to 14.7. Let's say the intent behind that regulation was to do precisely what I think you've argued for, which is to provide a base level of protection and then negotiations can be had above that base level. I would have thought that by removing the words mandatory minimum you're in fact weakening substantially that recommendation, is that what you wanted to achieve?

Paul Burke: What we wanted to achieve was to have a safety net in there, but if people are able to negotiate a better outcome, that they can also happen.

Hon. Justice Pepper: That was certainly the intent. Mandatory minimums I think you can substitute for a lot of baseline safety net. In light of that explanation, do you wish to amend what you say about recommendation 14.7?

Paul Burke: Take that on notice, if I can.

Hon. Justice Pepper: Thank you.

Alright, the other thing was, I think your recommendation against confidentiality clauses or at least amendments around the recommendation concerning confidentiality clauses. Again, that recommendation was framed in a way to allow people flexibility in their negotiations. Indeed, we have had some feedback that in fact it may well be, for reasons entirely appropriate to that individual or individuals that are pastoralists, that they want confidentiality. Why shouldn't that be permitted if that's what the land holder wants?

Paul Burke: Say you're absolutely right, we would like to see the ability for the landowner to make that decision. If the land holder would like to talk to his next door neighbour about the deal that he's managed to be able to negotiate, then he should be able to have the right to do that as opposed to have a total confidentiality agreement that precludes him from talking with his neighbours about what he's negotiated within his or her access.

Hon. Justice Pepper: But that's what the recommendation, with great respects says, that it allows basically ... I think it says that there should be no confidentiality unless it's mutually agreed between the parties. Again, do you want to revise what you're say in relation to that recommendation?



Paul Burke: Again, I'll take that on notice.

Hon. Justice Pepper: Okay.

Then finally, you have argued against option two and I'm very much curious as to why. Option two was the option that proposes a wholly separate statutory regulator. That regulator would also have incorporated in it something along the lines of the gas tribunal that you have proposed that would effectively allow an independent arbitrator to deal with those types of claims, deal with enforcement, deal with compliance. Basically take this out of the hands of politicians. What are your objections to option two so I can ... that's quite important, so I can understand that properly?

Paul Burke: Sorry, what page you on there?

Hon. Justice Pepper: I'm ... recommendation ... it's page 33. Your response to recommendation 14.32.

Paul Burke: Yeah, I don't have the report in front of me. I've got a summary of the recommendations. I can't read what those wordings are, option one and option two, I've just got a summary of what we reported.

Hon. Justice Pepper: I would certainly very much like to know what your objections is with option two. Again, the view of the panel was that option two was in fact the creation of a set of stronger, more independent body that would afford greater independence and therefor greater protection to the community. By the community, I include yourself, TOs, everybody. I really do need to know sooner rather than later.

Paul Burke: I figured that. I just don't have that right there in front of me.

Hon. Justice Pepper: Yep, no, that's fine. It's not a quiz by any means. But yeah, we would really, that's quite important, I would really like to know because most of the feedback we've had to date, we're only week two day two, has been that people quite like, the community quite likes option two. If you don't, we would like to very much know why.

Paul Burke: I understand.

Hon. Justice Pepper: Thank you.

Alright. Yes, Professor Hart.

Prof. Barry Hart: Just a question on 7.5, recommendation 7.5. I don't quite understand what you're getting at there. I can certainly understand the idea of capturing overland flow, I'm doubtful as to why the gas industry would want to do that, given that they're particularly in Boodaloo. Evaporation rates of two plus metres a year. What are you getting at there?

Paul Burke: The opportunity that the pastoralists saw there was the opportunity that if dam infrastructure was to be put in to capture that overflow water, it may



be an opportunity to utilise that in the future of pastoral operation sense. The way that was worded within the recommendation was that there was no capture of water, or no the taking of water, I think from natural water causes. So the ability for us to be able to capture water and have a future water storage, may be advantageous for the pastoral industry into the future.

Prof. Barry Hart: But you still have that opportunity to do that?

Paul Burke: We do.

Prof. Barry Hart: You're suggesting that the gas companies might do that.

Paul Burke: In some cases, they may want ...

Prof. Barry Hart: ... and you want the capacity after that to utilise it.

Paul Burke: Yeah, and in some cases they may or may not choose to use to do that.

Prof. Barry Hart: I just don't see it, but I understand where you're coming from.

Paul Burke: Yeah.

Prof. Barry Hart: Yep, thank you.

Hon. Justice Pepper: It's Dr. Jones.

Dr. David Jones: I am looking to explore some aspects of recommendation 8.15, which essentially refers to a 5,000 metre radius of reserve blocks as an offset. I can understand why residences and some of these other things for that category, but I'm just looking at the doc point, which refers specifically to artesian wells, bores, wells, dams, etcetera. Now, a five kilometre offset in a radius around one of those would effectively amount to a 10 kilometre diamond situation. Now, we visited the Boodaloo station, for example, and there they actually put in watering points that are quite closely spaced, as you're probably be aware. So if 5,000 metre radius was to be enforced around each of those bores, it probably be, just from memory of their current, you'd probably cover the entire pastoral. I raise that context and also in the context of we're recommending a one kilometre offset from existing stock water or domestic watering bores from the point of a spacial separation to allow for the paltry principle for an ...

Paul Burke: So critically the 5 kilometres provides to houses, stockyards, and areas of work. The inclusion of bores was around mustering periods, was around certain times. It was difficult to differentiate between different parts of infrastructure and that would be certainly something that would be negotiated as part of individual access agreement.

Dr. David Jones: As long as it's a negotiable point, rather than it being mandatory. I think, not just from the scientific point of view, but just from the practicality point of view it could cause some issues.



Paul Burke: Well, our sole objective is to be able to have habitat if we go down this path and the ability to be able to continue to be able to run our business, as we've done in the past, with minimum disruption.

Dr. David Jones: Okay, so maybe it needs a little bit of qualification. Perhaps, you can come back with this one saying that this is an operational window, for example, as you're talking about mustering around, it being an in perpetuity exclusion zone.

Paul Burke: Correct.

Hon. Justice Pepper: Yes, Professor Priestly.

Prof. Brian Priestly: Yeah, I presume a similar rationale applies to your recommendation 10.3, where you've proposed the extension of the setback distance for health reasons from 1600 metres to 5,000 metres. That 1600 metres was based upon an analysis of the published that contained in that chapter. I can only assume that the 5,000 metres that you proposed there is to be consistent with other parts of the recommendation is based primarily on the amenity issue.

Paul Burke: Correct, that you can't have an offset of 5 kilometres for one recommendation and not have it consistent with the second one. Otherwise, which one do you actually go by, the 1.6 kilometres or is the 5 kilometres. It was to create consistency.

Hon. Justice Pepper: Any further questions?

Alright, gentleman thank you for your presentation and thank you for, I must say, the panel certainly appreciates you going through in detail the recommendations and making your comments in relation to those. That's very useful.

Paul Burke: And we'll provide feedback in the next couple days.

Hon. Justice Pepper: As soon as possible, that'd be good. Thank you very much.

Paul Burke: Thank you.