



Darwin – Billee McGinley

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Speaker: Billee McGinley

Billee McGinley: Yes, my name's Billee McGinley. I will be representing just myself today.

Justice Pepper: Good.

Billee McGinley: I would like to acknowledge that today we meet on Larrakia land and pay my respects to the Larrakia elders, past and present, the true custodians of this land. Thanks to the people involved for heading the beginning of the interim report produced "The Scientific Inquiry Into Hydraulic Fracturing in the Northern Territory" with the poignant quote from the late Stingray Sister in Arnhem Land, the beautiful soul who, very tragically, left us recently.

She, and many other indigenous people across the NT, Australia, and the world, are preparing themselves and working tirelessly to protect their land from the very real threats of unconventional gas mining. And thank you for all your sincere work on this resource management and sustainable development issue. It's a big job.

I hold a Bachelor Applied Science in Natural Resource Management, just so you have a bit of background on me, with majors in Ecology and Human Geography and a graduate diploma in Geographic Information Systems, so I can make a pretty mean map. I began my studies in the dawn of the Rio Declaration on Environment and Development in 1992, which saw the birth in Australia of the National Strategy of Ecological Sustainable Development and Environmental Protection and Biodiversity Conservation Act of 1999 and understand these protocols, policies, and principles intimately, and at the time was very much the basis of my education.

I have been fortunate to live in the Northern Territory for the past 16 years. I was drawn here by the richness of the tropical savannahs, its amazing and plentiful water systems, and the richness and diversity of people and culture and thought it would be a good place to start my career in natural resource management. I continue studying and, hopefully, give to the communities that live here, some of the most disadvantaged, economically, in the world, having withstood a brutal colonisation and attempted genocide.



These days, we see so many people come to Darwin, generally just to make some money. Fly in, fly out workers, business people, corporations, and politicians working for [inaudible] to save for a home. And then the money is likely to be taken elsewhere, having little respect or understanding of this place and what it means to the people who really call it home, who are connected to the land and who will not, or cannot, ever leave.

Also, in this time, I have, unfortunately, seen the NT turn into a crime scene of unlawful developments, catastrophic environmental disasters, which has seen me get involved in a number of environmental and human justice issues. I suppose you could say I speak today from the grassroots level, and even though I'm a qualified scientist, I speak from the heart. And I apologise in advance that this presentation is a bit scattered, but hopefully refined in the written submission.

I've been working as an environmental scientist manager, environmental geographer and trainer for over a decade in the Northern Territory, and at times interstate and overseas. My early years were spent working in a global consultancy and was involved in preparing environmental impact statements for proposed industrial developments and worked on contaminated lands and water resource projects. I've worked for a short time with the Northern Land Council and was witness to the aggressive push from the federal government to the NLC to secure [inaudible] for a nuclear waste dump, in the process experiencing personal threats by an anthropologist working on the case and concerned at me exposing something I'm still not quite sure of.

Very fortunately, in the most recent years before taking a break for the last couple of years to become a mother for the first time, hence my lack of preparation for this, I landed a job working for an indigenous-run NGO, working for, and directly with, indigenous land and sea manager's ranges across Australia, including having worked with Nicholas Fitzpatrick, who you heard from yesterday. Here, I built good relationships and was exposed to the wealth of indigenous knowledge and people caring for country and economic aspirations in remote communities.

I also, time and time again, witnessed and heard the unlawful acts by government, tricks by indigenous land councils and industry to make a buck in the name of economic development for the community, leaving environmental disasters that the taxpayers are left to clean up and with no sign of progress for people living in the communities.

So, sorry again for my very limited presentation today, and I hope to prepare something a bit more detailed and robust in a written submission, but very much appreciate the opportunity to speak and be heard in front of the panel. I understand this public hearing relates to the interim report that has been produced as part of "The Scientific Inquiry Into Hydraulic Fracturing in the Northern Territory" and this internal report is the basis for further public consultation.



The hearing is an opportunity to provide new evidence or comment on the internal report, as you know, and to clarify information. I think much information, evidence, viewpoints, et cetera, has been submitted, and from what I have seen of this hearing, a lot has been covered in the past couple of days, and some concerns I have had already been raised by other presenters.

I must say, it has been an extraordinary wealth of information being presented for this inquiry, and is really becoming a review worthy for considering for all developments in the Northern Territory. Because there is so much to consider in this trial, I'll try not to go over the same ground too much. It's a huge enough job for you all at the moment.

So, today I sort of intent to make a few comments about the interim report, to highlight further, the entity is not fit to regulate a fracking industry. No regulatory framework can mitigate the risks of fracking. Fracking is not ecologically sustainable development.

Other individuals and groups have already raised a lot of these adequately in the hearing. I'm going to be talking a bit broadly and will hopefully submit, I've already said that, sorry. Let's start with the internal report, the summary.

I read the full version, just so ... It can be clear, I know there's a bit of differences. I found a couple of things in the executive summary to be a little demeaning although not likely the intention in terms of the potential risk of fracking and public concern, or [inaudible] anxiety and confusing with a couple of poorly premised misleading statements. For example, this revolution turned the US from an energy importer into an energy exporter - this is quoted from the report.

It transferred the energy marketing in North America and significantly affect the world trade in gas and oil. But in some instances, this transformation took place in jurisdictions that were poorly regulated, resulting in significant environmental damage. It's the last part of that statement, "but in some instances, the transformation took place in jurisdictions that were poorly regulated, resulting in significant environmental damage," that didn't sit quite well with me, is it implying that only poorly regulated jurisdictions will have significant environmental damage, and if so, which report does this relate to, and has someone collated all the data across the US and all the jurisdictions and found a correlation between regulatory systems and incidences of contamination and other environmental concerns. No, it's just a small thing, but it's a very important report, and I think from the onset, it needs to be clear on this. Plenty of things to discuss and that was just a very bold statement.

Further to this, just in general, I find it awkward that when weighing up the widespread irreversible catastrophic risks of fracking against economic gains, in respect to ecological sustainable development principles, that somehow a made up regulatory framework will magically mitigate the risk of



fracking, giving the risk potential less weight. There is no real solid evidence to support this premise either. You know the full risk and success regulation is still very uncertain.

It is outlined in the interim report that the scientific inquiry to hydraulic fracturing in the NT the panel will be consulting the Alberta Energy Regulator who widely to consider to be the world best practise in regulating fracturing, fracking. However, you do not have to look far to the amount of evidence to show that as per usual in this jurisdiction, the community concerns, but the industry are finding ways to keep the regulators off their backs, and there are many unreported contaminated cases, but the stats look good, and there's one widely known case in that jurisdiction. Jessica Ernst, who was trying to sue the Alberta Energy Resource regulators, and they're being rejected on many provisions, so there is issues occurring there.

And it seems that regulations do not stop the likes of some other proponents going about their dirty business and there are cases of breaches by these fracking proponents all over the world in all sorts of regulatory frameworks, which is easy to gather evidence for, but again, sorry I didn't have that prepared for today. Then, let alone not considering the NT's own track record with the mining industry in general, and in regulating the also very dangerous and serious business here, mining and exports.

In the interim report, at outlines under the petroleum environmental regulations, the decision-maker must determine one, an acceptable level of risk is by reference to the principles of ESD, ecological sustainable development, and any recommendations from the EPA. There remains, however, uncertainty about what level of risk the minister can and should consider to be an acceptable level of risk. It also mentions the precautionary principle requires that where there is scientific uncertainty, decisions should be made to avoid a series of irreversible environmental harm. The United Nations defines precautionary principle as where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used to as a reason for postponing cost effective measures to prevent environmental degradation.

These Australian Academy of Technological Sciences and Engineerings, ATSE, submitted to the Hawke inquiry that if management is inadequate, the NTC co-systems sedimentary based, water resources and landscapes will be detrimentally impacted. From the NT's EPA's report on ecological sustainable development, the scope of sustainability and ecological sustainable development ranges from maintaining the integrity of bi-physical systems to offering better service to just more people to pride freedom and hunger and deprivation. It also covers choice, opportunity and access to decision-making, which are aspects of equity within between generations.

I'm still to see this line drawn in the sand. If it's sustainable and not sustainable in the NT's between protecting people and ecology and developments. And it's being crossed many times. I understand it's not the



panel's decision or the nature of the inquiry to make final decisions whether to go ahead with fracking, but I hope the report does do the environmental concerns and risk of fracking justice.

Really, you do not need to be qualified scientists to understand how everything is connected in our environment and how fragile it can be, supporting vital life systems. Indigenous people know this well. Scientists are now, however, are also very concerned not just to bit anxious after seeing a film with someone lighting that water coming out of a tap. The executive summary refers to that footage, and then another film exposing that it's not true. I think I've seen Gasland. I haven't seen Fracknation or Gasland 2. I can't even remember the water being lit with the gas. Again, there's just so many things you could include in the executive summary and I just found this a little confusing and could be taken as a bit demeaning as well of the real issues and not just being an anxiety. Generally when you talk to people who don't know a thing about fracking, you just explain generally what's going to happen and it doesn't take much to excite some anxiety.

Fracking, to me, is an economic hoax. Already voiced in this enquiry a number of times. I mean, it's not even worth its weight in holding such a large enquiry in my very personal opinion, and it makes me highly suspicious of the people involved in advocating for this industry. I can't even seem to find a clear, economic feasibility study to go ahead with this proposal. And you've heard from other people and other submissions along these lines.

All across the world, there's multinational petroleum mining companies are rapidly and devastatingly polluting the earth and the government's a complicit and the laws and justice have been stripped remarkably. A recent survey, about a couple of years ago by Mix FM in Darwin found 89.1% of the respondents opposed fracking, NT news 83% and also there has been, in the past, some door-knocking in some places like Batchelor and found, again these sort of percentages of people against fracking.

You know, gain is another development, yet we know, they are saying-economic gain, they say, good for the communities, they say we could manage the environmental issues, they say. We have heard this all before. Our labour and [inaudible] governments, regulatory authorities time and time again show they cannot manage industry that produce unsustainable economies and are basically ripping off the point, destroying livelihoods. And now, they all of a sudden, are going to be world-class at managing fracking.

A fine example of the past is McArthur River Mine, the decision to divert this most biologically rich river system, potentially one of the most rich in the world, was made by the northern territory government, trying to environmentally impact assessment, that was taken to the Supreme Court and nearly a decade of fighting the people won to say that it should never have been approved, and then a few days later Peter Garrett, the then Environment Minister flew up and made some changes, and let it go ahead. Now it's been a huge devastation and people that I've met there have said



they can't take their kids to fish or gather food there anymore. Then they have to go to the shop, which has got poor food and expensive, and they said now we can't teach the culture, the language. We can't connect with the people across the other side of the river, so it's a huge devastation.

Regulations do not nullify the risks, in my eyes. I think it would be good if the panel is careful not to turn this into a scientific defenders of hydraulic factoring. I don't think the decision should be left to the politicians. Frack Free Darwin, yesterday in their presentation, listed many politicians who have gone through the revolving door into the petroleum and mining industries. They do not speak for the people of the NT.

I hope that the panel thoroughly explores the principles of ecological sustainable development that is mentioned in the report. Unfortunately the word sustainable is a little ambiguous and fuzzy and leaves weighing up the risks against economic outcomes to the judgement value to the decision makers. And as stated before I haven't seen that line drawn yet. The anxiety around fracking is based on very real and happening threats. Irreversible, catastrophic, widespread. Fracking is not just a question of science and regulations, it's also an ethics question. It's a big question of intra and intergenerational equity.

Your responsibility is to find scientifically how real these threats are and if they can be managed and not to defend or downplay and need to be careful not to have poor premised misleading statements. My main concern is always for Aboriginal people of this land, there has been very thorough submissions on the impacts to remote and indigenous communities. Preserving culture, language, connection to country is essential and should never be sacrificed. And enough is enough. And that's the end of my presentation.

Justice Pepper:

Thank you very much. There's a couple of things that I'm keen to get some more information on in due course. I appreciate that you said that you would hopefully put in a written submission and I know certainly the panel will welcome that. The two things that I was particularly interested were, I think you mentioned some cases, or a case against the operator regulator, whatever information you can provide on that would be useful. And also the survey information that you spoke about which, I think on one survey was 81 percent, the other was 83 percent opposed to fracking. Again I would like to know who conducted those surveys, when, where, all those sorts of things as well cause that's not unimportant information.

Billee McGinley:

Yeah. And actually that was an important point I was meant to make in terms of the perceived public concern with this issue, I'm not sure if the panel's factoring into their socially impact assessment. That there may be a huge public ... a huge movement against the fracking industry as well, as you've seen in other places like James Price Point, that's got quite active in the community at the moment. And I suppose that's a threat to the industry in a way.



- Justice Pepper: As I said I'm keen to get ahold of that information. Thank you.
- Justice Pepper: Yes, Dr. Jones?
- Dr. Jones: You mentioned that the definition of ESD, possibly, is in legislative guidelines is somewhat ambiguous in its intent.
- Billee McGinley: Not in the... I'm just talking probably a bit philosophically about the word sustainable. It's left up to the judgement of whoever is making that decision, what's sustainable and what isn't.
- Dr. Jones: Well it's interesting that in the draft guidelines that came out though it was originally going to be a requirement for the proponent to explain, please explain in your EIS or application for the event that they had to justify how they were going to conduct their enterprise according to the principles of ESD and the final guidelines that came out basically removed that particular proactive provision with the provision that the minister only needs to consider the provisions of the ESD in making his determination.
- Billee McGinley: Yeah, yeah.
- Dr. Jones: Do you think that having that provision in as a requirement would be better?
- Billee McGinley: Of course it would always be better. Unfortunately, when it comes down to it the environment minister in fine print at the end of every bit of legislation has the power to overrule anything. So it does [inaudible] end with them. But there doesn't seem to be any exercised or use of ecological sustainable development that I have seen.
- Justice Pepper: Thank you. Last question from Dr. Anderson.
- Dr. Anderson: Yeah, thank you. Just wanted to ask about your concerns over the environmental impacts and you talked about widespread and catastrophic and whether this is specific to do with fracking, per se, or if you held similar concerns just onshore gas development more generally, so I was going to ask what are your thoughts about the experiences of coal seam gas in Queensland? And would you describe those outcomes as widespread and catastrophic?
- Billee McGinley: Yeah, again it's sort of hard to contain what is widespread and catastrophic in anyone's thinking. I suppose I'm just thinking of the Northern Territory water systems and how interconnected they are. And the large bodies of water that a contamination can spread to. And it's also well-known that through culture that water is very connected all around this country and even over to PNG. Yeah, so that's probably why I talk about it being widespread and catastrophic. And catastrophic because there's people still living in country. Yeah.



Justice Pepper: Thank you very much, and as I said we look forward to your submission in due course. Thank you for coming.

Billee McGinley: Thank you, cheers.