



Alice Springs - Central Australia Frack Free Alliance

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Alice Springs Convention Centre

Speaker: Dalton Dupuy

Dalton Dupuy: I'd like to-

Hon. Justice Pepper: I think, for the camera, it's actually easier if you sit, please.

Dalton Dupuy: I would like to acknowledge the [inaudible 00:00:06] people, their ancestors, their leaders past, present and emerging. I'd like to say [foreign 00:00:13].

Hon. Justice Pepper: If you could please state your name for the recording, please sir.

Dalton Dupuy: My name is Dalton Dupuy.

Hon. Justice Pepper: And do you appear on behalf of anyone?

Dalton Dupuy: I'm appearing on behalf of CAFFA.

Hon. Justice Pepper: Sorry, and for those of us who don't know what CAFFA is.

Dalton Dupuy: For those who don't know what CAFFA is, it's Central Australia Frack Free Alliance.

Hon. Justice Pepper: Thank you very much.

Dalton Dupuy: I'm a retired businessman and a forensic volunteer ecologist. I'm presenting on behalf of CAFFA. CAFFA is opposed to fracking in the Northern Territory. But, in good faith, has presented and is presenting our views on the draft report. Let me say, first, that all wells will fail. From the time of installation to a period of 1,000 years or 10,000 years from now. In the report on page nine, well integrity, you refer to it, and the lack of available of information. And that becomes informative, because we don't really know, and neither do you.

Hon. Justice Pepper: Page nine of which report? Not the draft final one-

Dalton Dupuy: In the summary.

Hon. Justice Pepper: On the summary?



Dalton Dupuy: Yep.

Hon. Justice Pepper: Have you read the actual draft final?

Dalton Dupuy: I have.

Hon. Justice Pepper: Okay. Good. Now, just for the record again, it's just going to be easier if you just make sure which book you're referring to.

Dalton Dupuy: Which book, what you're referring to.

Hon. Justice Pepper: Thank you.

Dalton Dupuy: Yeah, sure. CAFFA believes that all legislation and regulations need to be in place before any further exploration and operational licence are issued. That goes along the line with your summary, conclusion on page 50 in your summary. I grew up in the south western United States, and I've been around miners and gas and oil companies all my life. Miners have not been, what I consider, exemplary citizens. And it's regulations and legislation that has forced them to take responsibility for their speculative activities. And I would encourage that the government take action on the basis of your recommendations in that regard.

My second point is that it's essential that all baseline studies are conducted before any further exploration occurs. Otherwise, data validity becomes seriously contaminated. I mean, even medical practitioners do physical examinations on healthy people, so that they've got a baseline. And, it's no different for this environment.

My third point is that I believe the Inquiry has been diligent, and mostly perspicacious. And, on that point, I'd like to say all of the recommendations, and hopefully with our amendments, need to be adopted. And that means no exception. When I read through the recommendations that you have written, with few exceptions, CAFFA agreed or asked that you strengthened the statement. So, instead of where you've written production licences, that you put it for exploration licences. And there's a number of those recommendations that has been identified from. For instance, Recommendations 7.1, 7.4, and there's a number of them that go through there that you've identified that. It's just about taking care before we start to inject the landscape with chemicals and processes that we may not appreciate in the throes of time.

Heather's already raised the issue of water. In Central Australia, we have a very limited choice of water, and it must be protected at all costs. Where there is uncertainty of ground water safety, or, in fact, any uncertainty of environmental safety, and the moratorium all hydraulic fracturing must remain in place. We need to get it right and safe the first time, and every time. I would not put my children or grandchildren on an uncertain or unfinished aircraft. And that's just a metaphor for how I see this circumstance.



In November, I went to see my children who live scattered on the eastern side. And had occasion to visit an old friend near Roma, Queensland. And his 20,000 acre place is in the middle of country that's got coal seam gas being mined. While I was there, I had occasion to visit ... Well, more than two, but at least two people that spoke about it, and their stories were informative. The first one was a fairly senior man with a very large place. And, I asked he and his wife, I said ... Because he'd indicated that they were going to make an agreement with Origin to conduct fracking on that property. And I said, "Could you oppose it?" And he said, "Well, I could." But he said, "They'll just go to a neighbour, and drill horizontally from their vertical bores and go underneath my place and do it anyway. So, I need to get out of them what I can." And that's a pretty cynical sort of attitude. But, it's exemplary of what a number of people in that community felt.

The other one's probably a bit more disturbing. To a cowboy that grew up in west Texas, which I have, I sort of got his energy. He said to an Origin foreman, who was coming on to his place to start the work. He said, "When are you coming?" And he said tomorrow. He says, "Well, make sure you bring a front-end loader." And the foreman said, "Well, we won't need a front-end loader at this stage." And he said, "Well, look, just make sure you bring a front-end loader." And the third time he said it, the foreman finally asked him, he said to landowner, he says, "Why are you asking me to bring a front-end loader?" He says, "Because, as soon as you cross the boundary, I'm gonna shoot you. And I'll need the front-end loader to bury you." And that's clearly an expression of anger and resentment about gas companies, and how they feel like they've been treated.

Land owners are in a unique circumstance. Often, they're probably the canary in the coal mine, if you wish. We're there to support the recommendation that land owners must be in full informed agreement before any exploration, or operational licences, operations can occur. And, we suggest, even, that they may have the right to veto. And probably for quite good reasons. They do have responsibility for biosecurity. And responsibilities of that, from my time in the Roma [inaudible] district, I observed widespread stands of African Lovegrass, numerous incidents of Parthenium along the roads and pipelines used by the gas vehicles and their inspection vehicles. Sure, they weren't the only ones on the roads, but they were often the most frequent user of the road.

And, as a result of that, there needs to be in place pest controls. Even some of the invertebrates must be considered, whether it's a fire ant or some of the others. There's no environmental impact statements done in Australia that include invertebrates. And, sadly, that's an unfortunate circumstance, because that means bees, ants, dung beetles, and a whole number of important contributors to this environment are excluded.

I went to university on the East Coast, and had occasion to visit New York City and different parts of that environment. And a story came to me about a young fellow that was standing on the footpath, and he was being harassed and pushed and shoved and punched by a group of other boys around him. And he held his ground and didn't move. Afterwards, they gave



up. And the old guy next door said, he came to him and said, "Why didn't you go inside or run away?" He lifted his foot, and he said, "Because my foot was on the dime." And I would encourage you to pay attention to whose foot is on the dime throughout this inquiry, which I'm suspecting you already have.

The social licence to operate by mining companies has probably been negated by three specific phenomenon. Their extensive access ... I'm just gonna take a drink of water, pardon me.

Hon. Justice Pepper: Oh no, please. Please do so.

Dalton Dupuy: The extensive access by vested interest to Government, Chief Minister, Minister for Development, compared to the limited access by deeply concerned activist groups is an indication of undue influence. And probably not a level playing field, which you advocate inside your report. The gas industry has conducted no surveys of community. And views that have been compared, say, to CAFFA, which, at the very least, has conducted a survey of Alice Springs in 2016. And came up with a pretty definitive answer after talking to 500 different households.

And, finally, if industry ... In terms of this social licence to operate. If industry pushes back on your recommendations, they are distrusting this Inquiry, and its interviews of hundreds of different Territorians. And, if they disagree with the evidence that you've collected, once again, their social licence is certainly diminished and maybe negated. Unconventional gas mining, potentially, affects all of us in regards to water, amenity, and community. And, therefore, I think each of us has a say, and needs to have a say, at some level. I won't say in what form.

I suppose, when I savour the point, it's stating the obvious, which is economic benefit must be second to environmental safety. And that's a challenge for lots of people from business and commercial interest. But we support the option for the regulator, in that the environment minister has the final say on a project proceeding or not. That's my primary points.

I come with a couple of opposers, in a way. And the first one is about the assessment that you commissioned by ACIL Allen. Unfortunately, there was no economic analysis of what it's like to be frack free. And the calm scenario wasn't included in terms of what's the economic benefit to the Northern Territory to have a few exploration wells, and realise that it's uneconomic.

Moving societies from toxic addiction, i.e fossil fuels, to healthy addiction, say renewables, seems to be a positive opportunity that we could actually take advantage of. And I would say that ... I know it's not part of the terms of reference in this inquiry, but, in terms of big picture, having a gas industry comparing to another industry that may be less damaging to the environment seems to be a possibility.

I suppose, before I start my final point, I'm about to point the finger. And, I know that as soon as I point the finger, there's three pointing back at me.



The recent story about the well being drilled near Daly Waters on the Amungee Mungee station, I found it ironic that you've got a fairly strong statement about protection of whistle blowers in your recommendations. And 14.25 if you like. And yet, you treated the whistle blower ... It seemed to me, that you treated the whistle blower, about Origin not pointing out the misinformation provided, as though the whistle blower had actually done something wrong. And I'd ask you to consider your position in that regard. And I'm happy to take any questions.

Hon. Justice Pepper: Thank you very much. Just, for me at least, a couple of points of clarification. Firstly, ACIL Allen have indeed modelled the no fracking scenario. That is, the ban stays in place.

Dalton Dupuy: Yep.

Hon. Justice Pepper: They have modelled that.

Dalton Dupuy: Did they do the economic assessment of what it would be like for the Territory without fracking?

Hon. Justice Pepper: Yes.

Dalton Dupuy: Okay.

Hon. Justice Pepper: They did.

Dalton Dupuy: I missed it.

Hon. Justice Pepper: That's all right. I just wanted to point that out. As for your comment about the whistle blower, I don't know whether you've had a chance to look at that live stream, and consider the events that occurred. But, it became apparent that, in fact, the characterization of what Origin had done was, in fact, just plain wrong. And, in fact, that diagram, far from it being a cover up, had been in the public domain since the 25th May last year.

Dalton Dupuy: Okay.

Hon. Justice Pepper: And that was on the website, in two submissions no less, for all the world to see.

Dalton Dupuy: Okay.

Hon. Justice Pepper: So, with great respect, and I do need to correct this. With great respect, there was no attempt to judge the, to use your words, whistle blower. The whistle blower, again to use your words, just simply got it wrong.

Dalton Dupuy: Yep. I can accept that. My information came from ABC news feed. So, I've not been able to live stream where I live.



Hon. Justice Pepper: That was subsequently updated. So, I would urge you, if you want to find out exactly what occurred, I'd urge you to go. The live stream is up on our website. But there was a subsequent clarification or explanation by Origin. There was a clarification by the panel as to the, I guess, timeline. Which explains how the two different versions of the diagrams came about in our reports. There was then a clarification by Dr David Close of Origin. And then there was a clarification by Miss Naomi Hogan. There was no apology, that's a matter for her. But it's apparent that, simply, the characterization was just simply wrong.

Dalton Dupuy: That's why I said the thing about one finger pointing forward and three pointing back. Thank you.

Hon. Justice Pepper: Well, it's-

Dalton Dupuy: So, I was wrong too.

Hon. Justice Pepper: The allegations that were made against Origin, of having engaged in some type of deliberate cover up, they were very serious allegations. They were wrong. They've been proven to be wrong. And it's a ... I think the panel expressed at the time that the panel was satisfied with the explanation that's been provided by Origin, and our own research, and our own timeline, to explain what has occurred. And, mostly, it's a matter of continuing concern to the panel, that those allegations made by Miss Hogan have not been fully and properly withdrawn, and an apology issued.

Dalton Dupuy: Right. I would say that I'm not a member of Lock The Gate, and I take that point. I've not made a mistake before. And I appreciate you give the feedback for that, because that makes it easier for me to work with.

Hon. Justice Pepper: Thank you. Any questions? Yes, Professor Priestly.

Prof. Brian priestly: Thank you [inaudible]. I was just wondering if I can ... If I heard you correctly, or interpreted correctly. You indicated that you were up in south-western USA. And you made the comment that you thought that the impacts of regulation on the industry, were they positive? I wasn't quite clear whether you thought that these were positive impacts?

Dalton Dupuy: Well, regulations ... I mean, I think I'm gonna have to move from being a spokesperson for CAFFA, to being speaking for myself in that regard. My experience in the past with mining companies is that they, and gas and oil companies having been surrounded by them, was they would only do what they were forced to do, in terms of social contribution. In terms of workers and unions forced them, legislation by governments forced them, as the environmental impacts of what miners do became obvious. Then they were forced to adhere to things.

And that's happened in Queensland, as we all know. That, as time's gone on, the regulations have increased, and the oil and gas companies have been forced to comply. Well, as best they ... As much as they're willing to. I mean, part of it's probably my younger life of being aware of how they weren't



such great citizens in terms of rehabilitation. And driving across from here, through the central desert, to [inaudible], it's really quite evident about how much the miners have left undone.

Hon. Justice Pepper: Yes, Dr Anderson.

Dr. Alan Anderson: Thank you. I've got a question about the issue of the extent to which the recommendation should be applying before exploration, as opposed to before reduction.

Dalton Dupuy: Sure.

Dr. Alan Anderson: It's a really important issue that's been brought up by a number of people, and it's something that the panel is still considering very deeply. One of the issues is that, if they were applied before exploration, it would mean that the gas industry would be required to do things that other industries, including existing industries, are not required to do for doing exactly the same thing. And so, there would be a case of different industries facing different requirements for doing exactly the same thing. I'm just wondering about your thoughts on how appropriate that would be?

Dalton Dupuy: It's an economic decision. And it's probably a political football. But I would say that it's not dissimilar to the changes that were legislated to the building of vehicles in Australia in the seventies. Every car had to have a seatbelt, and there were cars being made that didn't have seatbelts, and so, how did the extra work being put in to having to install seatbelts raise the price of the vehicle, compared to those that were grandfathered out. I think, probably, if we were in a different environment, where it wasn't a single shot, that you might do it that way. But, if we're gonna put a spacecraft into a vacuum, things have to be right.

If there's only one water supply for central Australia, if it's not safe, it can't go. And that means air on the side of caution, if you wish. And I'm sure that's CAFFA's point of view. CAFFA's pretty clear that they do not want fracking, as has been declared in a number of jurisdictions. And they're only contributing, as best we can, in the context of this inquiry.

Hon. Justice Pepper: Well, we'll work down. Dr Jones?

Dr. David Jones: Thanks for your comments. I was looking at the record ... I've copied down about your comments about social licence to operate. I noticed, particularly, your third point about if the Government was to cherry pick recommendations, and so on. Your view is that it would further diminish the social licence of the industry to operate, because it hasn't taken the whole package.

Dalton Dupuy: Yep, that's my view. And that would be CAFFA's view that, "Look, you guys have done the work. And, in a sense, to disobey even a part of it is disobeying a part of what you've done." I mean, I'm quite happy, as you've already seen, willing to challenge the panel and raise an issue. But, if a gas company started to push back already on, say, weed control officers, which I



have heard anecdotally, then why? Because, there is a really quite strong argument for weed control officers being having a dedicated position, and gas companies have to fund them. It's probably more challenging, in a sense, in terms of if you consider the invertebrates like fire ants. Man, I've seen the damage the Parthenium can do and African Lovegrass can do, and it's not a pretty sight.

I would say that your recommendations are based on a fairly perspicacious and diligent process. And, therefore, it needs to be accepted. And, traditionally, recommendations by panels such as yourselves has not been necessarily accepted holus-bolus by industry. And that's my experience in another life, in another world.

Hon. Justice Pepper: Yes, I think Professor Hart had a question.

Prof. Barry Hart: Yes. It's a question on your concern about potential contamination of ground waters, particularly around Alice. Reasonable concern. I just wondered, though, what was your view about Mereenie? Which is pretty close, and it's been going for, whatever, 30 or 40 years.

Dalton Dupuy: Mereenie's a conventional gas field. They have used conventional mining techniques there. My view about that is that it would be fantastic, and I've advocated it already, that the Mereenie gas field be examined for fugitive emissions. And that the pipeline from Mereenie to Darwin be examined for the same thing. For its pipeline integrity, and for the wells integrity in that Mereenie basin. To me, that would inform at least a couple of things. It would inform the panel in terms of how much the gas companies are willing to put their money where their mouth is. And to do that inspection. They probably do some, but I would like it to be a fairly diligent and involved process, so we could actually trust the results.

Prof. Barry Hart: So, there is no monitoring of methane in that system?

Dalton Dupuy: To be honest, I don't know. I suspect there could be some. But, I think that the monitors that are available are fairly light on the ground at the moment, and funding a regulator or a monitor for each well head, which is probably what I would suspect would be required, at least in initial circumstance is a fairly costly exercise, and potentially exploitive. So, in terms of, it's easy to buy off somebody that's not well paid, and to get a result that you want. So, I mean, I would want the regulator to be pretty diligent and pretty well funded, so that they could actually do the job properly. Yep.

Prof. Barry Hart: And, just a last point. On your suggestion that our recommendations in total be accepted, that's been our view point all the way and I can't see that we would change this. Nothing's been put up that suggests that we should.

Dalton Dupuy: So, I'm sorry, I'm not clear. You're asking-

Prof. Barry Hart: I'm saying that we have made it clear that our recommendations, in total, relate to that final conclusion.



Dalton Dupuy: And just to that point, because CAFFA's actually supporting that position. I recognised that their social licence to operate is significant, because we've actually realised what work you've done, even though we're opposed to fracking, that there is a level of support for this to accept it holus-bolus.

Prof. Barry Hart: Yep.

Hon. Justice Pepper: Okay. Just wanted to pull up on something that you said to Professor Hart. I think you said that Mereenie used conventional techniques. Sorry, that Mereenie used conventional techniques. Would it come then for as a surprise to you to find out that, in fact, about a third of the wells in Mereenie have been fracked at some stage?

Dalton Dupuy: And you mean horizontally, that they've drilled down vertically and then-

Hon. Justice Pepper: Drilled down vertically, not horizontally. But they've drilled down vertically, and they've fracked.

Dalton Dupuy: And they've fracked, that's right. I understand that.

Hon. Justice Pepper: They've watered down, they've put chemicals, and so on.

Dalton Dupuy: Yep. I understand that. And-

Hon. Justice Pepper: Does that change your view at all of that field?

Dalton Dupuy: Not unless I saw the results of what's happening out there at the moment.

Hon. Justice Pepper: So, is your complaint then really about fracking, then more about the fact that it goes horizontal underneath the ground?

Dalton Dupuy: Well, fracking usually is implied with unconventional mining techniques. Which is a vertical well followed by a horizontal, if you like, spiderweb that goes out from it. And that's at a really serious depth. And monitoring and quality control on those issues are significant. And the fact that Mereenie's been fracked in vertical holes is, it's sad that they felt that they had to do that, but maybe the horse has bolted.

Hon. Justice Pepper: Sorry, maybe?

Dalton Dupuy: The horse has bolted, before the barn door's closed. In other words, maybe the damage has been done. And until that was assessed, I couldn't actually say something more accepted, more opposed to fracking full stop.

Hon. Justice Pepper: Okay. Again, perhaps I've misunderstood. I just wanna get your position. What is it about fracking that you don't-

Dalton Dupuy: Risk of contamination to the water.

Hon. Justice Pepper: Okay. Surely that risk still exists by vertical drill and frack-



- Dalton Dupuy: It does. It does indeed. That's why I would say that there needs to be an examination of what goes on out there, in a pretty deep way.
- Hon. Justice Pepper: And certainly, again, to reiterate what Professor Hart, my deputy said. And if it's not clear, we will make it much clearer in the final report that we will be putting to government that this is a whole package. And that our conclusions, our overall conclusions, is to the mitigated risk profile of this industry, are based on the implementation of the whole package.
- Dalton Dupuy: Yep. Thanks Justice.
- Hon. Justice Pepper: Any further comments or questions? Yes, Dr Beck.
- Dr. Vaughan Beck: It's just following up on that point. I think you made the observation during your presentation that you supported all recommendations. But you have a caveat with the suggested CAFFA amendments to be adopted, and hence the package be applied in full.
- Dalton Dupuy: And what I meant by that is that the recommendations that you've written, all we've actually done is suggested that you strengthen those that aren't. So, where it says, "Licence to operate." Becomes, "For exploration." For instance. So there's a few of those sorts of things. And that's the level that we're talking about.
- Dr. Vaughan Beck: Right. And if all of that was done, in an ideal world, what's CAFFA's position?
- Dalton Dupuy: They would probably be unhappy with it, and continue to lobby. But, nevertheless, that level of acceptance that the best was being done in the current circumstance.
- Dr. Vaughan Beck: Thank you.
- Hon. Justice Pepper: Any further questions? Thank you very much for presenting today Mr Dupuy.
- Dalton Dupuy: Thanks Justice.
- Hon. Justice Pepper: Very much appreciated.
- Dalton Dupuy: Okay.
- Hon. Justice Pepper: Thank you.
- Dalton Dupuy: And good.