

**LEGISLATIVE COUNCIL**  
**Question On Notice**

**Tuesday, 12 February 2019**

**1831. Hon Robin Chappie to the Minister for Environment**

(1) In the 'risk assessment' section of the *Fracking Inquiry Report* the risk of fracking in the Canning Basin to National Heritage Values is considered. However, the list of values does not include the listed values relating to "a rich and dynamic Aboriginal culture", including "The Fitzroy River and a number of its tributaries, together with their floodplains and the jila sites of Kurrpurrngu, Mangunampi, Paliyarra and Kurungal, demonstrate four distinct expressions of the Rainbow Serpent tradition associated with Indigenous interpretations of the different ways in which water flows within the catchment and are of outstanding heritage value to the nation under criterion (d) for their exceptional ability to convey the diversity of the Rainbow Serpent tradition within a single freshwater hydrological system.", I ask:

(a) can the Minister please explain why the indigenous values are not mentioned in the report?

(2) In section 9.3.2.11 of the report that discusses Existing Water Use, why is there no mention of cultural or sustenance use of water by Aboriginal people?

(3) Can the Minister please clarify if the 2km buffer protection for water supply will also apply to all communities and homesteads?

(4) The report is critical of the Conservation Council of WA, claiming that activist have misrepresented Aboriginal opposition to fracking based on two limited multi-stakeholder consultation meetings and five submissions by individual Aboriginal people from the Kimberley:

(a) is the Minister aware that the Yawuru, Nyikina Mungala and Walmagarri Traditional Owner groups that have Native Title within the area that the Government proposes to open up for fracking have formally voted to oppose fracking, and that this has been reported in the media;

(b) can the Minister clarify why the authors of this report were unaware of this formal opposition to fracking within the area in which they have stated there is Aboriginal support for fracking;

(c) can the Minister outline how the report authors applied best practice consultation principles to ascertain the views of Aboriginal people in the Kimberley before making assertions about the views of Aboriginal people;

(d) can the Minister outline what expertise in Indigenous consultation was on the panel;

(e) can the Minister outline how the report authors applied best practice consultation principles to ascertain the views of Aboriginal people in the Kimberley before making discrediting comments about the State's peak conservation group; and

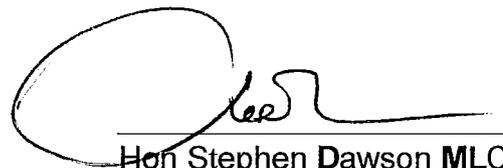
(f) can the Minister please clarify why the authors of this report that the Government claims is science based have included comments appearing to discredit the State's peak conservation group on grounds that are demonstrably dubious?

**Answer**

(1)(a) Indigenous values were considered as part of the Inquiry and are addressed in the Final Report of the *Independent Scientific Panel Inquiry into Hydraulic Fracture*

*Stimulation in Western Australia.* Section 12.13 (Aboriginal heritage) (Page 451) of the Report explains that understanding what is valued can best be ascertained or gauged through an ongoing dialogue with the local community and its established industries, which extends to the identification and appreciation of the cultural and heritage values of the environment.

- (2) Section 12.13 (Aboriginal heritage) of the Report (Page 451) addresses the cultural or sustenance use of water by Aboriginal people.
- (3) Hydraulic Fracture Stimulation will be prohibited within 2000 metres of sensitive receptors, such as residences, schools and settlements, and Public Drinking Water Source Areas. In addition, the Government will be introducing a requirement for consent of relevant Traditional Owners and private landowners before Hydraulic Fracture Stimulation production is permitted.
- (4)(a) Yes
- (b) The Report was silent on the whether or not there was formal support or opposition to fracking by Aboriginal people. Section 12.13 (Aboriginal heritage) of the Report (Page 456 to 458) does address the points raised in submissions that were provided by Aboriginal groups.
- (c) Section 2.5 (Page 64) and 2.6 (Page 66) of the Report details how the authors applied detailed consultation to ascertain the views of Aboriginal people. This included calling for public submissions, directly inviting submissions from organisations likely to have significant information of interest to the inquiry, individual meetings with interested stakeholders, and visiting the Kimberley, Midwest and Perth to run public meetings to speak directly with the people who live in those regions. The Panel held three meetings in the Kimberley, two meetings in the Midwest and two meetings in Perth. The Panel advertised details of the submission period and meeting registration process on the Inquiry website, Twitter and local newspapers, as well as direct emails to people who had registered for updates.
- (d) Panel members have experience in consultation with Aboriginal people. The Panel members visited the Kimberley twice, visiting Broome, Fitzroy Crossing and the Noonkanbah community, and met face to face with many Aboriginal groups.
- (e) Answered in 4(c).
- (f) The Report presents an unbiased representation of the information that the Panel received from the submissions and what it said at public meetings and was not intended to be critical of the Conservation Council Western Australia (CCWA). Page 458 of the Report includes a quote from CCWA which stated in its submission that: *“Aboriginal Traditional Owners are opposing fracking on their cultural lands, for they know that protecting their groundwater is critical to the health of their people and their country”*– submission from the Conservation Council Western Australia. The Report details that on numerous occasions this statement has been contradicted in other submissions and at public meetings and provides examples of some of those submissions. The submissions and the notes of what the Panel heard are all publicly available on the Inquiry website.



Hon Stephen Dawson MLC  
**MINISTER FOR ENVIRONMENT;  
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