

Environment Centre NT



MEDIA RELEASE: “ENOUGH IS ENOUGH”: DENNIS TIPAKALIPPA TAKES AUSTRALIAN GOVERNMENT TO COURT OVER THE BAROSSA GAS PROJECT AS DRILLING ABOUT TO BEGIN

Senior Lawman and Tiwi Traditional Owner Dennis Tipakalippa is taking the federal offshore oil and gas regulator to court to challenge its decision to approve Santos’ plan to drill the Barossa gas field, saying he and his people were never consulted about the drilling.

Santos received approval in March 2022 from the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) to drill up to eight gas production wells off the Northern Beaches of the Tiwi Islands.

Mr Tipakalippa, who was chosen by his community to represent them, is asking the Federal Court to set aside Santos’ drilling approval, saying, contrary to Santos’ legal obligations, he and his community were never consulted about the drilling plans.

Plaintiff and Munupi Senior Lawman, Dennis Tipakalippa: *“Santos say they did consultation for this drilling project, but no one spoke to me as a Traditional Owner and Senior Lawman for the Munupi clan. My clan, the Munupi, own these Northern Beaches. It’s our land that’s closest to the drilling site. We are the ones who are going to be affected. They never came to me In person or face to face. I think they couldn’t face my people.”*

The legal action was filed just as Santos is set to commence drilling, with Tiwi Islanders saying the drilling proposal poses a fundamental threat to their food sources, culture and way of life, and that they should have been consulted.

Mr Tipakalippa: *“We spend a lot of time out in the water – hunting, fishing. We only ever take what we can eat in a day, no more. We respect our homelands, our sea country and it looks after us. Santos should have respected us and consulted in the proper way. They think they can just go ahead with drilling our sea country without even talking to us. It feels like a big backstab. Enough is enough.”*

Mr Tipakalippa and his community are particularly concerned by impacts on their sea country if an oil spill occurs. He is also worried that increased shipping may interfere with the breeding patterns and nesting grounds of turtles, dugongs, whales and other marine species essential to Tiwi ceremonies, songlines and cultural practices.

“The drilling may be out in the ocean, but that’s our sea country and we know how the waters move. We know anything that goes in the water out there will come in here to our shores. Especially in the wet season when there are big winds and cyclones. I’m also worried about all the noise from the choppers overhead and all those big ships going by. The turtles could be killed by those ship propellers. Their shells all chopped up. Or they will be scared away and not nest here anymore,” Mr Tipakalippa said.

Marine scientist & energy campaigner for the Environment Centre NT, Jason Fowler, concurs with the Tiwi Islanders concerns: *“Drilling production wells in the Barossa field will have a huge impact on marine life in the Timor Sea because it means two years of non-stop heavy industrial*

shipping activity and huge volumes of chemicals, cement and waste dumped into the sea during the drilling process.

“Any mistake at the Barossa field, such as a well blowout or ship collision, could be devastating to the Tiwi Islands, particularly during the summer monsoon when strong northwest trade winds will push any oil spill towards the Tiwi coast. Tropical cyclones regularly cross the Timor Sea which greatly increases the chances for these disasters to occur.

“Santos have rejected key safety measures such as locating oil spill clean up equipment at Port Melville on the nearby Tiwi Islands, ceasing drilling during cyclone season and ruling out the mandatory use of double hulled ships. This all adds up to increased risk to Tiwi Islanders who will have limited ability to react if an oil spill occurs.”

Santos was required by law to consult with people who might be impacted by the drilling plans, including Tiwi people. Lawyers from the Environmental Defenders Office will argue that because Santos failed to consult Mr Tipakalippa and his community, the decision by Australia’s offshore regulator, NOPSEMA to approve the environmental plan is invalid.

Alina Leikin, Special Counsel for the Environmental Defenders Office: *“In seeking approval for this project, Santos had a legal obligation to consult with people who might be impacted by the drilling. Our client is arguing that consultation did not occur, and so the approval is invalid.*

“The stakes couldn’t be higher for the Tiwi community. Their food source, their traditional practices, their culture and the country they’ve protected for millennia will be at risk if this drilling goes ahead. These waters and the life within them mean everything to Dennis and his community, but they didn’t have a chance to voice their concerns before the drilling was approved. They were sidelined from the consultation process.

The outcomes of this case will be significant, given that it is Australia’s first ever legal action challenging the lack of consultation with First Nations people in relation to an offshore project.

Ms Leikin: *“This case could establish what constitutes adequate consultation with First Nations people in relation to offshore gas developments. It could have significant implications for how mining companies view their consultation obligations with First Nations people.”*

This case is not the first time that Tiwi Traditional Owners have voiced their concerns over a lack of consultation by Santos. In February 2022, Traditional Owners from the neighbouring Jikilaruwu clan took the South Korean government to court in an attempt to stop it from financing the project, about which they said they had not been consulted. In May, the South Korean court found that Tiwi people still had legal rights to challenge the project in Australia and therefore the environmental and cultural impacts should be assessed in Australia’s legal system.

Mr Tipakalippa: *“It’s all about our future generations. That’s what I worry for. What are they going to have, who are they going to be? Our lives are not just lived on the land, but in the sea - this home that we have loved for thousands of generations.*

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For media enquiries contact Rebecca Parker or Anthony Gough.

For a legal explainer, background on the Barossa gas project and previous litigation, see [here](#).