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Singleton High Court of Australia Appeal – Fact Sheet

What points will the High Court examine in the appeal?

- High Court appeal is about whether the Singleton water licence was granted according to law.
Key issues under consideration:
 - Whether the NT Minister properly justified granting a 30-year licence instead of the standard 10-year term
 - Whether Aboriginal cultural values were adequately considered
 - Whether native title holders were denied procedural fairness, including the opportunity to review and comment on licence conditions affecting cultural values

What does the appeal mean for the water licence?

- The water licence remains valid until the High Court hands down its decision
- Fortune cannot use the water unless it completes an environmental impact statement, secures NT environmental approvals and complies with licence conditions
- If the appeal finds the licence was granted unlawfully the NT Minister will need to reconsider the licence
- The Minister cannot reconsider the licence until the environmental assessment is complete

Impact on the NT environmental impact assessment process

- The High Court appeal does not halt the NT environmental assessment
- Native title holders and the Central Land Council are pushing for a rigorous and transparent assessment
- The process will clarify impacts on native title rights, culture and community wellbeing
- It is another avenue for protecting culture, sacred sites, ceremony, hunting and gathering areas

Singleton Horticulture Project – overstated benefits

- An independent review by UniSA Professor Jeff Connor found Fortune substantially overstated the economic benefits
- Fortune's claims of a \$110 million spend in the Territory are likely to be closer to \$13–\$28 million; projected revenues may be half of what it has claimed
- The project relies on a major public subsidy not included in Fortune's analysis
- The free 40GL water allocation is worth an estimated \$70–\$300m per year
- ANU Professor Quentin Grafton, who peer-reviewed the study, said the free water allocation cannot be justified in the public interest
- The project follows a pattern of irrigation proposals overpromising and underdelivering

Employment claims

- Fortune's claim of 110 permanent jobs is significantly overstated
- Independent analysis suggests only 25–36 full-time jobs, with just 5–8 for local Aboriginal people

- Jobs are more likely to displace existing local jobs than create new employment
- Most of the 1,350 seasonal jobs are expected to go to overseas workers
- NT Farmers Association data shows only 11% of horticultural labour is sourced locally

Cultural and spiritual significance of Singleton Station

- Singleton lies south of Tennant Creek, near Alekarenge, on Kaytetye country
- Native title was recognised in 2010; four Kaytetye landholding groups are connected to the area
- The Mpwerempwer Aboriginal Corporation represents the native title holders
- Mpwerempwer is the name of a major sacred, groundwater-dependent site
- The area contains bush tucker, hunting grounds, water places and connected songlines
- Many sacred sites depend on groundwater
- The traditional owners have spiritual and cultural obligations to protect and care for these places

Concerns about the 40-gigalitre water licence

- The project is unprecedented in scale and risk
- It proposes the largest groundwater extraction ever approved in the NT
- More than 4,000 hectares would be cleared, and this does not include clearance from the destruction of country that depends on the groundwater.
- At least 40 groundwater-dependent sacred sites are at risk
- Even small drops in groundwater levels could permanently destroy sacred trees, water sites, plants and the animals that depend on them
- The critical issue is lowering the top of the water table — the water that sustains country
- Loss of water would cause irreversible cultural, environmental, spiritual and cultural harm

Long-term cultural risks

- Permanent destruction of sacred sites is the central concern
- Loss would sever cultural practices, sense of identity and spiritual responsibility
- Traditional owners are personally accountable to ancestors and future generations
- Damage would cause lasting trauma, grief and social harm

Who is funding the litigation?

- The Central Land Council is legally responsible for supporting the native title holders
- The native title holders have consistently opposed the licence due to its scale and cultural risk