
West Timor Care Foundation

Submission to the
Commission of
Inquiry into the
Uncontrolled Release
of Oil and Gas from
the Montara
Wellhead Platform

Dr Christine Mason, Legal
Advisor to the WTCF, on Behalf
of Mr. Ferdi Tanoni, Director,
West Timor Care Foundation

Commission of Inquiry

Montara Well Head Platform Uncontrolled Hydrocarbon Release

Submission by the West Timor Care Foundation

Main Concerns

Due to the limited time available this Submission wishes to address the following, from the Terms of Reference:

7. Assess and report on the environmental impacts following the Uncontrolled Release using available data and evidence including the outcomes from monitoring activities already underway, review any proposed environmental monitoring plans, and make recommendations on whether any further measures are warranted to protect the environment from the consequences of the Uncontrolled Release.

The West Timor Care Foundation believes that the Nusa Tenggara Timor (NTT) Province of Indonesia, with particular emphasis on the West Timorese region and the Roti and Sabu Islands, has incurred significant environmental and economic damage due to the Uncontrolled Release.

Evidence of Environmental Damage caused by the Uncontrolled Release

The Foundation accepts that this Submission and the evidence accompanying it is extremely late and at a time when the Commissioner is writing his Report. However, we ask it be considered due to exceptional circumstances. First, following the initial Uncontrolled Release in September 2009, the oil moved at a slower pace into Indonesian waters and then more slowly again into the direct fishing and seaweed farming regions of NTT, Indonesia. Thus, when the initial calls for Submissions were first released the Foundation did not feel it had the requisite information or evidence to make a Submission. The Foundation wanted its research and evidence to be of a high standard for the Inquiry but has had to wait a longer period for clear evidence of environmental damage and evidence upon the livelihoods of seaweed collectors and fishermen in the West Timorese region of NTT in particular to become apparent. Second, NTT is the poorest and one of the most remote Provinces of Indonesia. Many Submissions to this Inquiry by relevant Australian Government Bodies,

community groups, large Non-Government Organisations (NGOs) and companies in Australia obtained evidence through highly trained experts in numerous fields. In short, the Foundation does not have access to the funding nor local expertise needed to bolster its Submission with expert research. It therefore relies upon evidence gathered by the Foundation's Director, Ferdi Tanoni and the findings put forward in Senator Rachel Siewart's Submission that also relate to the West Timor region (detailed in Section A). However, more recently, former Barrister Phillip Vincent was able to visit Roti Island, off the coast of Kupang, during the period of his visit to West Timor from 12-29 March 2010. During his one day visit he was able to gain the Affidavits from local seaweed farmers (in the *Bahasa Indonesia* language). As these Affidavits, due to the number of them and time limit faced by the Foundation, were not able to be translated into English they have not been tendered to the Commission. Reference, however, will be made to them and their content.

Section A: Water Contamination around the West Timorese region of NTT from the Uncontrolled Release.

The Director of the Foundation, Mr Ferdi Tanoni organised for a traditional fisherman, Gab Oma, to collect water samples from the south cost of West Timor. These samples were forwarded to Senator Rachel Siewart. Senator Siewart requested that these samples, along with two others, be tested in order to determine if they contained oil from the Montara Oil Spill. The sample pertinent to this Submission, provided by Mr. Ferdi Tanoni via Senator Siewart, was sent to Leeder Consulting for analysis. The aim was to compare the sample provided by Mr Tanomi with a sample of Montara fresh crude oil to see if the former contained Montara oil. Using the Nordtest methodology the fresh Montara crude oil (Leeder ID 2009021829) was a 'profile typical of crude oil.' (p. 9, Leeder Consulting Report No. M100047RL). Sample 3 (Leeder ID 2010000436) is the contaminated water provided by Mr. Tanomi from the coast of West Timor. Leeder Consulting also found that this sample 'was a profile typical of crude oil.' (p.12, Leeder Report) In its conclusion, Leeder Consulting determined that '[t]he correlation plots show a match of diagnostic ratios within the 95% confidence interval and suggest a positive match of the samples to the fresh Montara crude.' (p.17)

To further reinforce the above finding by Leeder Consulting, the Foundation also wishes to refer to two Laboratory Test Results of two water samples taken from Southern West Timor via Mr. Tanoni. These samples were analysed at the University of Indonesia, Jakarta, Indonesia and are in English. Both samples were taken to Jakarta to be tested by Sadli Hudari Ardani on behalf of Mr. Ferdi Tanoni. The tests on both samples 1 & 2 were received by Jakarta University on the 28/12/2009 and the results returned on 4/1/2010. These results found significant amounts of chemicals derived from crude oil, as described above, including a high level of lead. However, the Foundation concedes that at this point these samples have not been compared with a sample of Montara crude oil and therefore the full data analysis we have obtained so far has also not been tendered. The University of Indonesia continues to retain these samples and aim to test them against Montara crude oil in the near future.

Section B: Affidavits from seaweed collectors from Soao village, Roti, NTT, Indonesia.

During the period of the 12th - 29nd March 2010, Mr. Phillip Vincent visited West Timor and the village of Soao on the Island of Roti. While doing so he collected affidavits in the *Bahasa Indonesia* language testifying to the damage caused by the Uncontrolled Release of oil from Montara. Mr. Vincent made a day trip to follow up on a seaweed fishing community in Soao, Roti that had been granted rp. 27 million (c.A\$3,375.00) through the Australian Embassy's Direct Aid Programme. This overall Programme commenced in 2001 and involved using 'long line' seaweed farming. The Project was started in Soao village in 2007. During his March 2010 trip, Mr. Vincent spent one day at the seaweed farm initiated in Soao. He witnessed the destruction of the seaweed harvest first hand and was able to discuss the situation with the local seaweed farmers who said this damage was from the PTTEP Australia's oil leak from the Montara. Mr. Vincent subsequently collected affidavits to this effect. Due to the short time period for preparation of this Submission and the difficulty of translating long documents into English, all affidavits testifying to the damage to their seaweed farms are in the *Bahasa Indonesia* language and therefore have not been attached to this Submission.

However, the Foundation felt it important to note that the affidavits explain how the oil impacted upon the seaweed, forcing villagers to have to wash all their collections daily with

the use of lontar palm fronds. The financial loss demonstrates the overall impact. In 2008 the seaweed farm made a profit of c. Rp. 265 million (c. A \$33, 125). However, in 2009 this figure dropped by 80% to only rp. 58, 200,000 million (c.A \$ 7,275). Such a drastic loss of income and near destruction of the farms will most certainly impact upon such areas as health, education and future employment.

Section C: Need for further investigation and prolonged environmental monitoring

As discussed, the investigation into the impact of the Uncontrolled Release requires a great deal of further study, analysis and planning for future measures to protect and regenerate the environment in the NTT region. Further scientific studies are planned in order to do so.

Thank you for accepting and considering this Submission.

Sincerely,

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On behalf of Director, Mr.Ferdi Tanoni (11/5/2010)

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