

BROWSE LNG PROJECT — INQUIRY

Motion

Resumed from 16 October on the following motion moved by Hon Robin Chapple —

That an inquiry be established into all aspects of the Western Australian government's involvement in regard to all decisions associated with the proposed Browse liquefied natural gas processing precinct at James Price Point.

HON SALLY TALBOT (South West) [2.03 pm]: In the first part of my speech on this motion last week, I made the point that WA Labor would support the motion. But I suggested to honourable members that the reason we have made the decision to support the motion is probably very different from the reason the Greens have moved the motion.

The fact is that the business of processing gas from the Browse Basin has turned into a losing situation for everybody. It has turned into a losing situation for the local community—I will have a bit more to say about that in a moment—and the local Indigenous people, for industry in the area, for the town of Broome and the Shire of Broome, and, indeed, even for the Greens and the conservationists who led the push to have the site relocated from James Price Point. There have not been any winners out of the decision to not proceed with the processing of gas at James Price Point.

Last week I talked at some length about the loss of jobs. I was responding directly to a comment that had been made by Hon Peter Collier in responding on the government's behalf to this motion. Hon Peter Collier said that he could not see any purpose in holding an inquiry into this matter, and he could not see that any benefits would come out of an inquiry. That is despite the fact that the government concedes that it has made some mistakes with this project. I talked about the fact that one of the benefits of an inquiry is that we would have some clarity about the opportunities that would arise from the onshore processing of gas. I suggested that in the realm of 32 000 jobs have been lost to this state because of Woodside's decision to process gas offshore. I suggested also that one of the benefits of an inquiry is that it would restore public confidence in the environmental assessment system. I pointed out at some length—as I have done on many other occasions in this place—that public confidence in the environmental assessment process has been shattered by the way this government has mishandled the processes around Browse. At the end of my time last week, I made brief reference to a third area that I want to explore; that is, what self-determination for Aboriginal people means to us, and how we can give real meaning to that concept, not by empty words, but by our actions. It is that issue that I will spend the last part of my speech today talking about.

I first want to take members through a bit of the history that has led us to this point. When Labor was in government, an agreement was reached with a number of parties. I must say that if we look at the list of people who came together and sat around the table in the same room and talked productively about the future industrial development of the Kimberley, it is almost impossible to imagine that same meeting happening in 2013. The reason is that over the past five years, we have seen a fracturing of all those relationships that made it possible for the Labor government to bring those people together. Those relationships have been fractured largely because of the way the Barnett Liberal–National government has mishandled the negotiations over James Price Point.

Given the resource exploration that was taking place in the Kimberley and the amount of oil and gas that was likely in terms of prospectivity, it looked as though the Kimberley would be—to quote one of the commentators at the time—littered with developments and that large sections of the Kimberley would basically be turned into industrial subdivisions. Nobody wanted that to occur, for a great many different reasons. Therefore, the great breakthrough for us on the Labor side of politics was when we managed to get everybody to come together to talk about the fact that what we wanted was a single hub. That was absolutely key. I remember that the central part of that proposition was that with one hub, we would avoid the scenario—as Hon Ken Baston would know—whereby, when people fly over the Kimberley, they see that Koolan Island and some of the other islands around the top of Dampier Peninsula and into King Sound have effectively been decimated by mining.

We did not want the whole of the Kimberley to look like that when we flew over it. That is why we brought together the Northern Development Taskforce to talk about the possibility of having a single hub. Hon Ken Baston might smile at the word picture I am painting of what we were trying to avoid, but surely everybody on that side of the house wants to avoid that as well. Surely all of us in the major parties, with the possible exception of the Greens—I am not quite sure what they are committed to; I am not sure that they know what they are committed to either—are still committed to the idea of minimising the footprint of industrial development in the Kimberley. Surely we are all fundamentally committed to the idea of a single hub.

Extract from *Hansard*

[COUNCIL — Wednesday, 23 October 2013]

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Hon Dr Sally Talbot; Hon Peter Katsambanis; Hon Ken Baston; Hon Robin Chapple

The toughest part of that was to make sure that the owners of the land could live with whatever result we came up with. That was the whole point of bringing everybody together so that there could be a collective process of decision making. It really was a remarkable achievement. A section of those negotiations was led in no small part by Wayne Bergmann, who has set an outstanding example with his activities over the past 10 or so years, advancing the argument that for Indigenous people to find their way out of poverty, they need to be enabled to participate in a white western industrial economy. Wayne has articulated that position very eloquently and has been one of the people who have shown by example how hard it is to be part of that kind of decision-making process. I think this gets close to the kernel of the problem, because too many people who made up the negotiating teams from the Barnett government side of the negotiations thought that there would be an easy fix and that all they had to do was to use the act and put out a couple of dimension lengthwise pamphlets and suddenly everybody would be lined up onside. Wayne Bergmann has been one of the people who have always argued that it is not that simple. This has been the very sad side of the crumbling of the Woodside proposal for James Price Point, because the Aboriginal people in the Kimberley ran a democratic process to make a decision. I imagine—I have certainly been told by people who participated in that process—that it was one of the hardest decisions that anybody would ever be called upon to make in their whole life; that is, to what extent were they going to get involved with a fundamental change of direction for the local economy and to what extent were they going to give their land over to some kind of industrial development? There are vital questions to be weighed up about what the economic benefits and costs might be. It is crucial in that whole process that people go into those negotiations with their eyes wide open and that nobody lies or dissembles or tries to advance their own interests over the interests of other people. It is very important that there are clear-eyed and honest negotiations about these things. That is what I particularly admired about the way that those negotiations were conducted. I have talked to many, many Aboriginal people who were involved directly in that deliberation process and I have heard from them how carefully they went through all the pros and cons in making that major decision. Of course, when the decision was made, the margin that decided in favour of James Price Point was in the region of 60–40. In our world, honourable members and Mr President, we would call that a landslide. I am not in any sense saying that the discussion finished at that point; I am saying that a very well-considered, thoughtful, arduous and thorough process was gone through by the traditional owners that led to that 60–40 vote in favour of the site being located at James Price Point.

As I say, it would be a great mistake to think that there was an easy way through that kind of thing, and that is one of the things that I have always deeply admired about Wayne; he was prepared to ask the hard questions and do the very difficult work to build the relationships and to build people's trust and confidence in each other to have those negotiations on a sound footing. I do not think that I can use words that express my point any better than going to the words that Wayne Bergmann used when he addressed the National Press Club on 27 June 2012. I will share with honourable members one particular comment he made before I go into the detail of that speech. He said —

As one of our Kimberley women elders put it, if we don't create economic opportunities for our young people, in one generation our culture will be gone.

That is why I say that it is almost impossible for most of us, given our life histories, to imagine what it must be like to sit down and negotiate on the basis that if we get the right outcome, our culture, our people, our languages, our traditions and our stories will be preserved for posterity, but if we get it wrong, our culture will disappear. As this woman said, "in one generation our culture will be gone". That is how much was at stake in these negotiations, and that is why I think it is very important that we do some more thinking. My point is that the inquiry that is the subject of this motion would give us the place to do that thinking about what we mean when we talk about Aboriginal people having the power of self-determination. I think we got it right up to a point. I think we got it right up to the point at which the Liberal–National government walked away from the principle that was always enshrined in Labor's actions, words and deeds when we were in government; that is, Aboriginal people must have the power of veto over this kind of project. That was our undertaking and that was our rock-solid commitment from which we never deviated; Aboriginal people should have the power of veto over these kinds of developments. It was within a matter of days of the Liberal–National government coming to power in September 2008 that that power of veto was removed and the Premier was strutting around the state saying, "You can go through your own processes but, in the end, it does not matter one jot because I will ensure that we compulsorily purchase this land." That was a catastrophic mistake.

Just to give members a flavour for the story as it unfolded, I will quote from Wayne Bergmann's speech to the National Press Club. First of all, he went into some of the history —

It looked like to us the Kimberley Coast would be littered with development. And in the early days I must give credit to the environmental groups that came and stood beside us and agreed that we need a compromise. Having a single gas hub in the Kimberley—on the Kimberley coast would mean

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sacrificing a small area, but could potentially save the rest of the Kimberley from the onslaught of development.

These were some of the darkest and toughest days, trying to place traditional owners in the strongest position. At the time I was proud to have stood with the Environmental alliance. The Kimberley Land Council and traditional owners negotiated an Act of Parliament to stop any further LNG development on the Kimberley coast and to limit industrial activity associated with gas processing.

We negotiated a regional benefits package for the benefit of all Kimberley Aboriginal people and a compensation package for traditional owners.

We supported national heritage listing over a large part of the Kimberley, yet most of the environmental groups turned against us. These groups could have assisted us in enforcing the highest environmental standards in order to minimise impact of development but they turned their backs on us. They have deliberately ignored the way in which Kimberley traditional owners have worked to protect the Kimberley coast.

For example, the director of Environs Kimberley, Martin Pritchard, has stated that processing of natural gas could result in the establishment of explosives, plastics and gas liquids industries. This type of industrial development is in fact explicitly prohibited by the agreement signed by traditional owners and the KLC, agreements that are publicly available on the Western Australian Government's website.

We have stood side-by-side with environmental groups to minimise the impact of gas development in the Kimberley but what have they delivered in return? Nothing. They have no interest in the need of Kimberley Aboriginal people to build a strong culture and a strong economic future. In fact, some cases they have involved themselves in the politics of Indigenous people and groups and families, and encouraged and promoted division, disempowering traditional owners.

You hear environmental groups talking about preserving ancient songlines and culture, and claiming that industrial development must be stopped because it is going to destroy precious Indigenous culture. Songlines are in fact all over the Kimberley. They cross roads, towns, mine sites, yet they are still maintained and practised.

What environmental groups want is for Indigenous groups to become museum pieces. They value our culture only if we always say no to development. This attitude is an abandonment of their support for Aboriginal self-determination. This is wrong and insulting. They have no right to speak about our people this way or to seek to dictate what we can do with our land. They imply we must make a choice to live like a traditional Aboriginal or abandon our culture and become Westernised. And if we want to be part of the economy, they call us greedy. Why should we accept this as a choice? It is a false dichotomy and one that you cannot subscribe to. There are other choices and they are ours to make.

I think that is a vital point and one that every member of this chamber should have emblazoned on their minds when they deliberate over matters like this. This is about choice. It was as close to informed consent as the traditional owners could get when they took the vote to go ahead with James Price Point while the Premier was dangling the sword of Damocles of compulsory acquisition over their heads.

It is my belief this is only the first of many occasions on which Aboriginal people in the Kimberley will have to make these very difficult decisions. I think Wayne Bergmann points out clearly in the extract from his National Press Club speech I have just read that sometimes it is simply not possible to weigh up the potential advantages of a process that is carefully controlled for environmental outcomes, that does not degrade the quality of life of people living in or visiting those areas. It is not possible, in an abstract sense, to weigh up those advantages against some of the so-called environmental values that the conservation movement has been so keen to protect.

Let us be very clear. I am not saying that those environmental values do not matter. I refer to my earlier comments about people being able to have faith in the environmental assessment process. It was always absolutely central to the agreement of the traditional owners that to go ahead with the development of James Price Point, whatever project took shape there would have had the most rigorous environmental assessment possible anywhere in the world. If ever we were to set the highest possible standards for assessing the environmental impact of a project, it should have been for the onshore processing of Browse gas.

That brings me back to the point I am making about the damage that has been done to that confidence. Simply because the government was unable to grapple with the fundamental concept of conflicts of interest and how to manage them, the whole of the environmental assessment of Browse was compromised. It was compromised to such a serious extent that when Woodside picked up its bat and ball and sailed off the coast, there was absolutely nothing the Barnett government could do to tempt it back.

I suspect there is a very long way to go before we see any real evidence of the way we might have gone had that sword of Damocles not been hanging over the heads of Aboriginal people in the Kimberley. Even if the Barnett government had walked into office in September 2008, what a different world it might have been if everyone had stayed around the table and maintained that process and the Barnett government had not adopted that old Howard government phrase of “bucketloads of extinguishment”. I do not know how members on the conservative side of politics can ever look an Aboriginal person in the eye knowing they have never disavowed that bucketload of extinguishment attitude that was so clearly evident when the Howard government was in power. I think this is a big problem but I think we must always move forward and look ahead. Woodside has been and gone. My understanding is that the state is still a proponent in the James Price Point project and that the assessment will go ahead. That is why it is absolutely crucial that the proper environmental assessment is done in a way in which the community can have confidence. While the government is the proponent, something will go ahead at James Price Point.

I think the key to all this is that we have to restore our confidence in a process that ultimately opens a real and meaningful choice to the owners of the land. I think that choice can be expressed by the capacity to say no. A view that Wayne Bergmann and a couple of other leaders in the Kimberley have been talking about recently is that the way to empower people is to make it meaningful for them to say no. In a recent article on the ABC Kimberley website titled “A Kimberley lesson in making Aboriginal land an economic asset” the argument is that there is a kind of counterintuitive approach to allowing Aboriginal people to say no. By assuring Aboriginal people that they can always walk away from the table if they are not convinced that the economic benefits of onshore gas processing are going to be worth the inevitable costs, we will have empowered Aboriginal people to stay in the process right to the end arguing about what they wanted. The key point is that we give people genuine inclusion in a process only if we give them a genuine option at the end to say either yes or no. Compulsory acquisition—the removal of the power of veto—is counterproductive if we really want to empower people and give a living meaning to the concept of self-determination, rather than just turn the concept of self-determination into a lot of empty hot air rhetoric.

To very quickly summarise, it is our belief on this side of the chamber that we need an inquiry into every aspect of what has gone wrong with the onshore processing of Browse gas. We need clear answers for how the state missed out on up to 32 000 jobs. As I pointed out last week, they are not jobs just within industry; they are jobs that are generated from a healthy economy, which is exactly what the arrival of Browse gas at James Price Point would have done for the West Kimberley. Poets, artists, teachers and musicians would all have benefited as well as people who were directly employed in the industry.

On the local economy, I refer to an article that went onto the ABC Kimberley website fairly recently about what the journalists Robert Mailer and Ben Collins referred to as an economic exodus from Broome. I am told anecdotally that the number of houses for sale is up to four times higher than what it has been in the last decade because people are walking out of town. That is bad for Broome, bad for the West Kimberley, bad for industry, bad for Aboriginal people and bad for the whole economy. There are no winners out of this mess the government has created. I and members on my side of the chamber believe that some of the answers to that question lie in a thorough inquiry into exactly what went wrong and to ensure we never make the same mistakes again.

HON PETER KATSAMBANIS (North Metropolitan) [2.29 pm]: I rise to speak on this motion of Hon Robin Chapple and indicate at the outset that I do not intend to support it. Like other members of this place, I am extremely disappointed at the eventual outcomes of the proposed Browse LNG project at James Price Point. There is absolutely no doubt that, had the development at James Price Point gone ahead, it would have significantly benefited and been one of the greatest investments ever made in this state. Unfortunately, it has come to pass that there will be no development at James Price Point, which is to the detriment of all Western Australians. It means there will be significantly less construction activity and fewer job opportunities, it will impact on Western Australia’s economic growth, and it is a negative outcome. Most particularly, it is an extraordinarily negative and disappointing outcome for the Indigenous people of the area, including the traditional owners, who stood to benefit so much in not only direct financial payment but also their ability to actively obtain better self-determination through access to the job opportunities this project would have brought to the local area. None of that is in dispute. This motion does not talk about that impact. It somehow or other tries to sheet home the blame for a decision of a private company to the Western Australian government, which, as has been clearly put on the record time and again, was and remains extremely supportive of the proposed development. The government has in its own way done everything in its power to make this proposed development a reality. This project has not gone ahead in spite of the actions of this government, not because of anything this government has done.

I agree with the first few words of the motion: “That an inquiry be established”. An inquiry might be valuable, but I do not think there would be any value at all in an inquiry into the actions or involvement of the Western Australian government, which, as I said, did its utmost to make this project go ahead. In spite of its best efforts, a

conglomerate of both Australian and multinational companies decided the project ought not to go ahead in its original proposed form.

Hon Simon O'Brien: With not a squeak out of the then federal government, I might add.

Hon PETER KATSAMBANIS: I will get there, Hon Simon O'Brien.

Why would we condemn a government that tried its best to make the project go ahead? It makes no logical sense, none at all, which is why I do not support this motion. However, I hope that the decision made by Woodside and its partners to not go ahead with the development at Browse and James Price Point wakes us up to the fact that actions end up having reactions. I hope it wakes us up to the fact that making things as difficult as possible for a company or a group of companies to undertake a beneficial project is a bad rather than a good thing. What I hope the decision does is wake us up to the fact that if we continue to wrap up projects in green and red tape, in all sorts of souped-up protests, and if we continue as a nation and a state to send out signals that we do not want this development, then those companies will go away. They will go away and think it is all too damned hard to do business in WA or in Australia, and will look at other technology. In this particular case, the companies involved have decided to take a massive, multibillion-dollar punt on an unproven technology that has not been used anywhere else in the world because it became all too hard. Why did it become all too hard, and who tried to smooth things out so that it did not become too hard? Conversely, who continued to make things harder? Who continued to push this project out the door? That is what we have to look at. An inquiry into the WA government's involvement will not look into any of that. It will show a government that tried its absolute best and that was hamstrung every step of the way by an uncooperative federal government, by a series of local and imported groups that deliberately created an atmosphere of hostility and opposition to the project

Hon Simon O'Brien: Are they supported by any state and federal members of Parliament?

Hon PETER KATSAMBANIS: I wonder, Hon Simon O'Brien, which members of state or federal parliaments, and from which parties, supported those groups that whipped up hysteria and opposition. We do know the people who supported this project: the government of Western Australia; the general public—the vast majority of the public of Western Australia—and the Indigenous people of the Kimberley, the traditional owners and the other Indigenous people in those areas. We know they supported this project. We know they wanted it to go ahead. We know they tried their best.

What did the then federal Labor government do? Did it do anything to assist this project? Did the various roundabout of federal environment ministers as the leadership of the federal Labor Party changed do anything to actively assist this project? No. They tied it up in red and green tape. They made it as hard as possible for the project to go ahead.

Look at the protesters. Look at the imported people, the people sometimes described by sections of the community as ferals, who made their way up there, lay in front of bulldozers, held their hands together and made it damned hard for anyone to undertake any preparatory work on that site. A lot of those people have moved on. They have gone. They are probably trying to stop a logging operation in Tasmania at the moment, to shut down another community there. They might be the same people who are lying in front of bulldozers, trying to stop a road development in Melbourne. Those ferals have moved on, but the people of the Kimberley are the ones missing out. They include people like John Butler who came and played concerts to supposedly save James Price Point from development. They have gone away; they do not care. He is still selling his records. He is out there on iTunes selling his protest songs. He does not cop the economic impact; neither do any of those imported groups of professional and paraprofessional protesters suffer any consequences. They move on.

The people of Western Australia, those people who are winding up on other construction projects but were hoping to get work at James Price Point, are the ones who are suffering. The Indigenous people of the local area who stood to gain so much are huge losers as a result of the decision taken by Woodside and its partners. Because of a bunch of professional protesters agitated and spurred on by sections of the Labor Party—particularly the then federal Labor government—and people in the fringe parts of the environmental movement, everyone else misses out on the benefits. What a shame; what a pity. We are all left to carry the can.

We ought not to point the finger at those people who tried to make it happen. Those people who, occasionally along the way, warned of what might happen, if we continued to make things harder for corporations to go about their business and invest here. I am not for one moment dismissing legitimate environmental concerns or legitimate heritage issues, including Indigenous heritage issues. I am not doing that. I believe that they should be properly considered, but they should not be dragged out month after month and year after year; the goalposts should not be shifted along the way and when one of a series of obstacles is removed, a new one should not be built up overnight. There should be a clear and defined process that takes into account all those environmental and heritage issues. The process should be finite. It should be transparent and it should be in a time that is acceptable to the corporations that are making these large investment decisions; not one where the goalposts shift year after year. But that is what we have had here.

We have had a bunch of people, led and cheered on by the federal Labor government and by extremist elements of the environmental movement who have tried at every step of the way to put up barriers. If those barriers were removed and their concerns met, they came up with a new set almost overnight, as if they knew that they had to have another in reserve and another emergency problem that they could whip up hysteria over. That is what happened here. This should not be swept under the carpet or forgotten about. Hopefully, there will be other projects in the future that decide to invest money in Western Australia rather than go to Brazil, Africa, South-East Asia or various parts of Europe, especially Eastern Europe that is opening up to exploration projects.

Hon Simon O'Brien: Or the need to move to Darwin like Inpex did.

Hon PETER KATSAMBANIS: I will get to Inpex as well. Do not worry, Hon Simon O'Brien; you are being of assistance.

Hon Simon O'Brien: I thought the honourable member may have forgotten.

Hon PETER KATSAMBANIS: I certainly have not forgotten Inpex and the people of Western Australia have not forgotten Inpex. The former Western Australian Labor government stands condemned for being asleep at the wheel and losing that project as it walked away to Darwin. We lost the benefits. There is an important contrast between Inpex and this project. With Inpex, the project chose another place; it was a similar process and a similar procedure. One could argue that some Western Australians may still get employment on a fly in, fly out basis at the Inpex project so we may get some benefits. With this project, instead of it moving from one place to another, it has been replaced by what, in some technical circles, is called disruptive technology. It is something new, untried and different. Corporations that make massive multibillion-dollar investments have a stake in protecting their investment and they are prepared to take a risk in untried technology when it all just seems too damn hard. It is too damn hard to do business in Australia anymore and too damn hard to do onshore oil and gas and the benefits do not flow to people onshore. The companies still get benefits, because as corporate entities, companies are interested in profits for their shareholders, as they rightly should. Any ancillary benefit is a bonus that they can crow about; they can take out ads in the paper and act the good corporate citizen. But if there is a negative impact on their bottom line then they will look somewhere else, or in this case, at something else.

If floating liquefied natural gas is commercialised and acceptable, if it works, this decision may end up having an even more disastrous impact in the future. Had there been clearer regulatory certainty, additional layers of red and green tape removed rather than added, and the mess that is the interplay between state and federal environmental regulations on such projects sorted out, these companies would have felt far more predisposed to doing what they have always done—find a gas field, build a pipeline onshore, process the gas onshore and away we go. It would have been simple for them. The working public, taxpayers and local Indigenous people of Western Australia would have received the significant flow-on benefits of billions and billions of dollars recurring for many years to come. Nice and simple—everyone is happy and everyone benefits. But what we did was kill the goose that laid the golden egg. To continue the idioms, we did not just look the gift horse in the mouth; we kicked it in the mouth again and again until it said, “No more thank you very much, I will look elsewhere.”

I am not sure whether we will come back to onshore developments if and when floating LNG is commercialised, becomes financially attractive and is shown to be effective in an engineering sense. What we have seen recently in committee hearings held by members in the other place is that the member for Joondalup, Jan Norberger, and other members of the committee, teased out of these companies that the financial impact of going from onshore LNG to FLNG processing is probably marginal. One or two per cent on a few million dollars might not seem a lot; however, on hundreds of billions of dollars over the life of the project it is billions and billions of dollars, and we have pushed these companies down that path. I must say that I am not sure whether the floating liquefied natural gas project will work or not; I do not know. I am not an engineer of any sort. I am certainly not a subsea engineer or any of the very learned, technically skilled people who understand this complex work and who undertake it on a daily basis. But I have spoken to a lot of these people. Some of them, whom I know quite well, are experts in their field and I am prepared to listen to their judgement. They say that they believe the FLNG project will happen; that it will work. It might not work the first time; it may take a little bit of time, but as I said, there are billions of dollars at stake, billions not only in differences in cost, but in time to market.

The FLNG project does not need year upon year of fighting green and red tape or moving protesters, who are intent on stopping deliveries of equipment to sites, off the roads and so on. The FLNG project does not need any of that—none at all. Many billions of dollars are at stake here and given that we have pushed these companies down this path, I do not think any will come back. I fear that we may have seen the last of the large-scale onshore LNG projects in WA.

That did not happen because of the actions of the Western Australian government—not at all. To the contrary, all the Western Australian government tried to do was to facilitate this project by assisting the companies to reach an outcome with the Indigenous people of the area—that is, the traditional owners. The government assisted in

every step along the way. It is others who need to look deep to ask whether they did enough to make this project happen; to make it a reality. Did they do enough? That is those elements from the environmental movement—I stress extremist elements of the environmental movement—the Labor Party and the then federal Labor government. But what did the leadership of the Labor Party in this state do to lobby their colleagues in Canberra, who could have done something about this by smoothing the waters over? They did nothing. They sat on their hands. In many ways I would describe any tears coming from the Western Australian Labor Party in relation to this project as crocodile tears because when it was time to be counted, they were missing in action. Where was Mark McGowan when he needed to be in Canberra to lobby? I know there was a lot of people to lobby—namely, Julia Gillard when she was Prime Minister and before that, Kevin Rudd. Again, after Julia Gillard, there was Kevin Rudd again. It was the same with environment ministers; there was Tony Burke and a few others.

Hon Simon O'Brien: It was a revolving door.

Hon PETER KATSAMBANIS: It was a continual revolving door, but maybe if opposition members stood on one side of the door, they could have got their federal colleagues' ears. In contrast, the actions of the Liberal Party were such that we continually—I would even use the word—harassed our federal colleagues. The Western Australian contingent of the Liberal Party that we sent to Canberra argued strongly about not only this project but also things such as the minerals resource rent tax, which we know was another one of those disastrous Labor incursions into large-scale WA projects that ended in tears. It is the members of both the state and federal Labor Party who are culpable, particularly, the federal guys—I admit that. Labor Party members opposite should ask themselves, “What did you do as a Western Australian Labor person to make your federal colleagues see the error of their ways; to smooth things over rather than add new barriers to make it harder and harder and harder?”

Hon Simon O'Brien interjected.

Hon PETER KATSAMBANIS: To be honest, federal Labor member Gary Gray did occasionally mouth some platitudes, but did he have any outcome?

Hon Ken Baston: He did not support it!

Hon PETER KATSAMBANIS: No, he did not.

Hon Col Holt interjected.

Hon PETER KATSAMBANIS: Hon Colin Holt raised the other issue; namely, why did the federal Labor government act in the way it did? Because at the end of the day, exploration and LNG production in commonwealth waters attracts the petroleum resource rent tax. The Labor government was keen to balance its books. Its members said, “Here’s another cash grab! And the cash cow is called Western Australia.” The one-third of Australia that is the most productive part of Australia was the former federal Labor government’s cash cow in a vain attempt to balance its books.

Hon Simon O'Brien: Perhaps there is a need for an inquiry after all to get to the bottom of this!

Hon PETER KATSAMBANIS: Yes! As I said, there is a need for an inquiry! Perhaps as a suggestion, Hon Robin Chapple’s motion should be changed to read —

An inquiry be established into all aspects of all Australian governments’ involvement in regard to all decisions associated with a proposed project.

That motion might be worth considering! Again, it should not be all Australian governments; it should be the federal government at the time. What did it do? Partly through self-interest, the former Labor government pushed it away. Hon Colin Holt raised the PRRT issue. When it comes to whether something was done capriciously or simply by error, mistake or omission, the previous federal Labor government—that is now long gone and hopefully buried for quite a while—usually erred on the side of capriciousness when it came to WA. It was not something that the former federal Labor government did because it was an accident or its members did not consider the impact it would have on the PRRT that they would collect. I think they knew damn well that by conceptualising FLNG, it was not just this major project, but the next one that came along too, and the one after that.

As money kept going out through one door in handouts that did absolutely nothing to help the Australian economy, the federal Labor government needed to somehow stop the haemorrhaging of its bottom line. This is the issue we need to determine going into the future. FLNG is a whole new ball game. We already talk about the horizontal fiscal imbalance created by, particularly, GST revenue distribution. It is not the only thing that impacts on the horizontal fiscal imbalance—that is, the imbalance between the share that each state gets from the federal government’s tax collection—but this opens up a whole new area for vertical fiscal imbalance. Since 1901, there have been continual tax grabs by federal governments at the expense of state governments. In this case we know that there are vast resources of LNG here in WA. Obviously, there are resources in other places,

such as in Bass Strait. We may find out one day that there are still some resources in the Tasman Sea or maybe off South Australia—I do not know. However, we know that the vast resources are here that will result in another attack by the federal government on Western Australia. There will be another increase in that vertical fiscal imbalance between the capacity of the federal government to collect tax and the capacity of state governments to collect tax.

Hon Simon O'Brien: This federal government promises to actually be competent; so we'll probably get done over even worse in the future!

Hon PETER KATSAMBANIS: We will see about that, Hon Simon O'Brien! The proof will be in the pudding. I think it is incumbent on all of us to continue to pressure our federal colleagues; I really do. We are Western Australian parliamentarians; our interests involve this state first and foremost. I know the effort that the people on this side of the house have put in to keep the pressure on our federal colleagues, not only those who represent Western Australians in the federal Parliament, but also others. I know what we have done, but I do not know what the other side is doing—I really do not. I do not think I digress. I recently wrote to a number of new federal ministers from other states who were appointed and I congratulated them for their appointment. They are friends of mine, people who I have known for a long time, but I did not miss the opportunity, I tell members what. I put a nice fat paragraph in the middle of that letter reminding them that now they are ministers of the Crown federally, they have an obligation to address and redress the inequity of GST distribution. More than one of them got on the phone or sent me an email—one of them even sent a messenger to me directly—to say that they did not miss it; they noticed what I was saying and that Western Australians will not take the pressure off simply because the political party in power in Canberra has changed. That is a practical way that we can continue to keep the pressure on. I know that my colleagues on this side will continue to do that and I hope that we will see outcomes that are far more beneficial than the outcomes we have seen in the past six years when we were the cash cow again and again. When we said that the imbalance was getting worse, that it was not helping us, that we had massive infrastructure needs and a growing state that really needed its fair share—we were not asking for anything more than a fair share—what did the Labor government do? It laughed at us. Not only did it ignore us, it laughed at us. It had another whack at us with its mining tax—at least it was an attempted whack. It was an incompetent attack that scared people away and scared new investment away, but it did not bring in the expected revenue, of course, because those companies that were likely to pay the most tax were asked to devise how the tax operated—a smart way of doing it! I have to say that I do not blame those companies. As Kerry Packer once said, “You don't tip the federal government; they are not doing that good a job.” BHP certainly did not take kindly to offering the federal government a tip when it helped devise the minerals resource rent tax behind closed doors with Wayne Swan. That is what federal Labor has done; that is the mess that it has left us.

In pushing floating liquefied natural gas, the federal government will eventually come a cropper too. By encouraging FLNG, we will find that the taxation regime will be the one big issue. Costs of development and costs of build will be internalised by companies, because they will build these platforms wherever is cheapest—Korea, Singapore. It will not make any difference at all to their bottom line whether the plant, once built, is located off Australia or off the coast of East Africa or West Africa or South America. It will make zero difference. They will compare the taxation regime solely. Cost of construction will be irrelevant. A lot of the sovereign risk issues other than taxation will be irrelevant too—nationalisation of assets and things like that, which have occasionally been fears in some developing countries. Those things have significantly lessened anyway as those countries have understood far more clearly the benefits of allowing development and creating a rational legal framework—an understandable legal framework that does not change with the whims of each government or dictator. Those countries have become far more competitive in that aspect and we already know that they are far more competitive in taxation; we hear about it. The commonwealth government's, federal Labor's, push for FLNG as a technology to be developed will eventually push those projects to places where the taxation regime is more beneficial to the companies; that is where they will go. That is something for the future, but it is something that we need to consider.

We need to look at this failed project in the context of what it means for the future. What does it mean for Western Australia and for Australia? Once we look at that, we then need to determine where we went wrong in the past and fix things for the future, starting with one clear, articulated and time-constrained approval process. We can argue how long that approval process should be—three months, six months, certainly no more than 12 months, but not year upon year. It should be one process that is time limited and that properly takes into account environmental concerns, heritage concerns and all sorts of other concerns that might arise. I do not know what other concerns might arise in projects that have yet to be conceived. They should be properly looked at in any approvals process. I do not question that, but we need to get smarter and we need to cut green and red tape. We need to do it for our public; I know that. We need to do it for small business, we need to do it for consumers, and we definitely need to do it for these big multinational and Australian companies whose projects offer so much benefit to us, the people of Western Australia.

When we look at the motion before us, I question why we need to point the finger at the Western Australian government, the one government that clearly and unambiguously supported the development of the Browse liquefied natural gas plant at James Price Point. The government worked positively with everybody—with local Indigenous people, local non-Indigenous people, local government and the corporations involved. The government attempted to facilitate. The Western Australian government is not to be condemned; it ought to be applauded. As we know, we do not always win everything we set out to achieve, but if we put in our best possible effort, we cannot be condemned simply because we did not win; we should be congratulated for trying. The WA government tried, unlike the previous WA Labor government that did not even lift a finger for Inpex and lost that project, and the benefits flowing now, to Darwin. We now see the Northern Territory moving on in leaps and bounds, obviously off a very small base, and very good luck to it—fair play to it. If I am correct, a Labor government in the Northern Territory attracted that investment, so it is not as though other Labor governments have not tried; it is just that the WA Labor government at the time failed in supporting its state and its people and exported that project to the Northern Territory. Federal Labor did the same with Browse. Federal Labor made it so attractive for these organisations to investigate technology that until a few years ago was seen as science fiction and is still not proven, but the gains those organisations stand to make are enormous. They will not have to go through this rigmarole ever again. They will not have to bother with hiring an army of consultants to wade through federal green tape, federal red tape, state red tape and state green tape, and then worry about negotiating with the various interests—the Indigenous communities, the traditional owners, local government—and all that sort of stuff.

What does that do for local content? I look across the chamber and I see one of my colleagues who is a champion of local content, Hon Phil Edman, and many others who are champions of local content. When these floating liquefied natural gas plants are developed in Korea, Taiwan, China or Singapore, there will be lots of local content but not Western Australian local content. No-one is going to care about Western Australia because they will not need to deal with us if things go ahead and they build liquefied natural gas projects in the future.

That is sad and disappointing; it puts a limit on our growth and raises great question marks about whether we will ever see other projects like the North West Shelf Gas Project, Pluto or the Browse Basin project, which will bring in more than \$50 billion dollars in benefit to this state during its construction phase, and then the ongoing benefits of employment, royalties and onshore domestic gas when it is up and running. We will look at this project with great anticipation and strong levels of concern about what it means for us. The territorial nature of these projects will change if this project succeeds. It will create an even bigger vertical fiscal imbalance and also the risk I spoke about earlier—that eventually it will also create a risk to the federal government's revenue because projects like this will not require that territoriality, either in a federal or state sense; they will be able to go off to other areas.

It is not the Western Australian government that is at fault for any of that—not at all. The former federal Labor government is at fault; extremist environmental groups are at fault. Perhaps we could have lobbied harder to create a one-stop shop for approvals of these processes. But the federal Labor government did not listen to us on all sorts of other matters, so why would it listen to us on this? It would not have, and it did not. I think it is incumbent upon us, as parliamentarians, and upon the executive government, to start working cooperatively with the new federal government, to learn the lessons of this debacle and to make sure that we create the process I spoke about before: a one-stop transparent process that properly assesses environmental concerns, heritage concerns, financial concerns and all the other legitimate concerns that ought to be addressed. It will give everyone the opportunity to participate in the process, but it will be time limited so that both the community and the proponent companies can have certainty. A decision can then be made in a timely fashion, which will reduce the initial costs of the project, and then as the project goes on, we can reap the benefits of employment, economic growth and particularly the benefits that would have flowed to Indigenous communities in the Kimberley that now will not flow—benefits to some of the most marginalised and disadvantaged people in this nation. It is about time the ferals, the environmental extremists and those people in the Labor Party, federally and here, who pay lip-service to promoting these projects but who, through their actions, show they are not supportive, woke up and were held accountable for the damage they have done to this state.

HON KEN BASTON (Mining and Pastoral — Minister for Agriculture and Food) [3.14 pm]: I would just like to add a few words to the debate on this motion on a topic that Hon Robin Chapple referred to in his contribution, as did Hon Peter Katsambanis—that is, the loss of the Inpex project to the Northern Territory. I would like to point out that this project had been all but lost when Premier Barnett came into government. From the early stages of Inpex's intention to create a hub in Western Australia, its business model was quite clear. In an article by Nigel Wilson that appeared in *The West Australian* of 18 February 2006 it was reported that Inpex at that time believed that the future lay in LNG sales to Asia and not in supplying the domestic market. That arose from the then Carpenter government trying to introduce a policy of companies having to provide a fixed 15 per cent of LNG production to the domestic market. I remind members that this was 2006, so it was a bungled Labor project from the outset.

An article by Robert Taylor that appeared in *The West Australian* on 5 October 2006 reported that the Japanese Ambassador to Australia, Mr Hideaki Ueda, said that it was unfair to change the rules midstream on companies already committed to developing the state's gas fields. The then Premier had moved the goalposts and, of course, investors were ultimately discouraged from fulfilling their projects in Western Australia. The Northern Territory then rolled out the red carpet and accepted investment in Darwin. I was up there about three months ago, and this was already showing signs of benefitting their economy; Darwin is actually booming. In the same article, Mr Ueda was quoted as saying it was important that the trust between Japan and Australia was not threatened by the process, and that the price of gas should be acceptable to both sides. He was quoted as saying that they could not bargain in a Middle East way of bargaining and that there was clearly an unstable relationship between Inpex and the Labor state government.

I remember this being quite interesting, because Inpex was already drilling on the island they were looking at, one of the Maret Islands; one does not just go and drill without having been given the authority to do so. On 9 July 2007, the then acting Minister for the Environment, Margaret Quirk, was quoted in the *Broome Advertiser* as recognising that the Maret Islands had the potential to become a class A nature reserve. This prompted the director of Environs Kimberley, Maria Mann, to say that warning bells should be sounding for Inpex. Virtually what happened was that it discouraged Inpex from going ahead with its proposed LNG gas hub on the Maret Islands.

With the Inpex project being dragged out by the Labor government in 2008, the project still was not secured two years later. At this time, the Northern Territory Chief Minister, Paul Henderson, was able to broker a deal with Inpex, even promising to assist with any approvals in the process. Meanwhile, the federal environment minister, Peter Garrett, placed more green tape around the project going ahead in the Maret Islands by requesting further research and investigation. Of course, that was a further delay. We are all aware that Inpex eventually came to an agreement with the Northern Territory and that we lost a \$33 billion project. Unfortunately, Hon Sally Talbot is not here at present, but when she last spoke she was getting into us for our handling of it. Let us just say that Inpex was another project that started before this government came to power, and we lost it to the Northern Territory.

I now address the motion at hand, but I am unclear as to what its real purpose is, because I believe that all the environmental conditions were met. In fact, we probably overdid it, if anything, in many ways.

Hon Robin Chapple interjected.

Hon KEN BASTON: The WA government has been transparent throughout the planning stages. We have published all material that is not commercially confidential. This included the EPA report, which states the project did not contravene the commonwealth Environment Protection and Biodiversity Conservation Act 1999, and nor did it contravene strategic agreement 208, which recognises the environmental, heritage, social and cultural values, while also acknowledging the economic potential. Other public documents included the regional benefits package, the Browse LNG project agreement and the Browse land agreement. There has been a high level of transparency and scrutiny in developing reports and agreements, with public consultation being integral to the process. There has also been scrutiny of government decision making, with numerous freedom of information requests.

In the Browse strategic plan, a broad scope of hard and soft infrastructure impacts were tested. These included site disturbance and excavation; noise and vibration; sediment deposition; water, both ground and waste; dust; physical and human presence; heritage, both natural and Aboriginal; and light emissions, which includes things like turtles coming up on the beach because they are attracted by light. Many LNG plant operators have gone to great lengths to deal with light emissions, particularly at Barrow Island. Other impacts tested were marine discharge; vessel and vehicle movements; flora and fauna; greenhouse; population, both local and Indigenous; cost of living, including power, telecommunications, health and education; and potential for fire. There actually was a fire at James Price Point and, after that fire, I flew over the area in an aircraft to have a look, and it was quite amazing, because the fire had burnt the area around the precinct but had left the actual precinct totally intact.

The site selection for the plant was fair and transparent and made in consultation with key stakeholders. They included the Department of Industry and Resources, the Department of Indigenous Affairs, the office of native title, the Department of Environment and Conservation, the Department of Planning and Infrastructure, and the Kimberley Development Commission. Forty-three sites were measured against the specific criteria—that is what Hon Robin Chapple mentioned—and the four sites deemed most suitable were Gourdon Bay, North Head, Anjo Peninsula and James Price Point. It really came down to two sites—North Head and James Price Point. I know Hon Robin Chapple does not agree with me. Gourdon Bay is south of Broome; North Head is north of Broome; and Anjo Peninsula is near Kalumburu, which was inaccessible, and, if I remember correctly, the Kimberly Land Council came out against that site.

The Premier's preferred site at the time was North Head. To me, the only obvious choice out of North Head and James Price Point was James Price Point, because of the number of people and the amount of housing around North Head. I travelled with the Premier in a helicopter and landed at both those sites, and the Premier made his decision on his way back home, and he said he would not tell me what his decision was, but he thought I would know what it was. James Price Point was determined also by all the stakeholders to be the most suitable site.

The Browse land agreement clearly sets out the parameters under which the hub would function. The agreement limits further LNG development on the coastline to that one site. It requires that there be remediation and rehabilitation of the JPC land at the end of the project. The agreement provides also that at the end of the project, the land will revert to the native title party, and the land will, of course, be freehold.

The state government created a precinct control group, which comprised representatives from the Department of State Development, Broome Port Authority, LandCorp, and the office of native title. The role of that group was to report and make recommendations on the precinct's operations to the Minister for State Development.

I will now outline some key facts and figures on what the project would have brought to the electorate. Many members have listed this, but it is important to bring it up again. I stress that there are approximately 9 000 children under the age of 15 in the Kimberley, with the current labour force being approximately 18 000. One does not need to be Einstein to work out what is needed for the future. I have seen some other statistics of the average age in the Kimberley, and it is not very high.

Hon Robin Chapple: There are some good projects up there at the moment to deal with that, and that is helping people to get work in the broader industry.

Hon KEN BASTON: Yes, and that is extremely important.

There was a clause in the agreement for the proposed gas hub at James Price Point that provided that youths be offered work experience and that many of the jobs be filled by local Indigenous and non-Indigenous people. One of my staff told me recently that one constituent in Broome had posted on social media, in the context of the local government elections, his feelings about the employment opportunity he had been given by a mining and petroleum company. He said, according to my notes —

As one of the 18 local Indigenous boys from Broome trained by Woodside and Farstad Shipping —

That is one of the big oil supply shipping companies —

I commend the move to upgrade Broome's port facilities as it is essential in becoming a viable alternative to Darwin. This is an example of 18 local guys from local families earning excellent wages in blue chip jobs, working out of and residing in Broome.

This is a fantastic example of big corporations looking after local people and providing them with fantastic skills and careers.

The local Goolarabooloo Jabirr Jabirr people were to have benefited from a \$1.5 billion package. I will not run through that package, because other members have mentioned it today. The government is so committed to assisting the people of the Dampier Peninsula that we are still striving to gain access to that land in order for that benefit package to be delivered to the traditional landowners. The Liberal–National government sees the great advantages that this project could have for the Kimberley, not only economically but also socially.

James Price Point still has the potential to be utilised as a natural resource site. It could be used by an array of companies other than those that have walked away. Some of those companies are interested in using James Price as an onshore hub, where gas would be piped in from inland and then distributed to markets, rather than the reverse, where gas is piped in from the sea to James Price Point.

I have experienced firsthand the protesters who were stopping vehicles every day to delay people from getting to work at James Price Point. That hold-up took between 15 and 30 minutes every day. One does not need to be Einstein to work out the cost of that to any company. I had a briefing with security the day before I went out there, and at five o'clock in the morning I joined the convoy of some 15 vehicles to travel to James Price Point, only to be blocked on the road. When the police were called, of course the protesters would scatter off the road and go back into their little tents, but on the way back they would send vehicles that would try to split us up and play chicken with us. I asked them how long this had been going on for, and they said every day. It is no wonder the company has decided to roll up its swag and go somewhere else. The loser out of all this, as has been said, is the remote communities on the Dampier Peninsula, with the loss of job opportunities and also the income that would have come into that town.

The James Price Point project was estimated to involve 15.5 trillion cubic feet of gas and 417 million barrels of condensate. To put this in context, the proposed hub would have covered 35 square kilometres out of a possible 424 517 square kilometres of the Kimberley. To keep it relevant, the hub was to cover an area of 35 square

kilometres of the 13 000 square kilometres that were required for the James Price Point precinct. This small piece of land had the potential to accommodate a \$45 billion project, while also delivering \$1.5 billion to the local Indigenous people. Now that that project has been shelved, the local businesses in Broome are counting their losses. The Broome Chamber of Commerce and Industry estimated that losses could be as high as \$30 million. Of course, that income would have been generated by the 2 000 workers required to initiate construction of the hub. The losses can be counted further because local tradespeople and manufacturing, business and other services will now not be required. In the longer term, the hub was due to employ some 850 people. Some of those would have been fly in, fly out workers, but most of those would have been residents living in the town and it would have given them permanent jobs.

The state government is committed to delivering strong economic growth and greater access to amenities and improving the standard of living for those living in the regions. For these reasons, I am not willing to support the motion.

Hon Peter Collier: I am pleased about that!

Hon KEN BASTON: Hon Peter Katsambanis said that we need to trim red tape and green tape and allow these processes to happen quicker. I believe that the project was behind by about two years. If it had been two years ahead, it would have happened; we would have been building it now and Western Australia would have been getting the advantage of the construction phase of a liquefied natural gas plant on the coast just 60 kilometres north of Broome.

I have one other quick point. I will give an example of how the eastern states viewed this issue. The propaganda machine worked well over there. I sat next to a lady on an aircraft from Sydney. She was chatting away and she told me that she had come from Sydney and was travelling to Broome for a holiday. She said to me that before she hopped on the aircraft, her mother had said to her, “Darling, make sure you fly over the Kimberley because it won’t be there for much longer.” As we were about to land in Broome, I pointed out to her that she could not even see from the aircraft where it was going to be located 60 kilometres away. I believe the whole beat-up in the eastern states to stop this project was very sad. Of all the protest groups, the biggest group I saw consisted of about 110 people in Broome, who protested whenever the Premier or one of the ministers arrived. Of those, there might have been one or two Aboriginal people. They were not out there protesting. They were not protesting because they knew the benefits that this would mean for them in the Kimberley.

HON ROBIN CHAPPLE (Mining and Pastoral) [3.32 pm] — in reply: There was an awful lot said by members that I would like to touch on, but obviously I will not be able to do it in the time available to me.

Firstly, the contribution by Hon Peter Katsambanis was very good inasmuch as it enables me to touch on a few things. I met with the joint venture partners very early on in the piece back in 2006. It was very clear at that stage that the joint venture partners did not favour the James Price Point location; in fact, at that stage they were already talking about floating LNG. The preferred option of the joint venture partners at that time was to pipe to the North West Shelf facility. There was an issue. Certainly, Woodside did not mind that because if it had gone to the Pluto site, Pluto had a shortfall of gas. The joint venture partners, who have a specific interest in the North West Shelf site, did not like the idea of it going to a wholly Woodside-owned facility. That came from some comments made by Jeroen van der Veer, who was then the head of Shell. He sent an email to all his executives at that time. We have to remember that Australia has only 1.1 per cent of the world’s supply of gas. We do not even make it onto the BP chart of gas suppliers; we are very small. Jeroen van der Veer and Shell said at that time that, given the paucity of gas in Australia, Shell needed to have a sweeping process of the gas fields in Australia because it wanted to retreat to Norway, Russia and Saudi Arabia where it had giant fields. This was also mirrored in some comments made in about 2009 on CNN by Ann Pickard, the current head of Shell.

I do not think the long-term projection was for it to ever go to James Price Point. I think the problem was with the government. I will make a division here. Quite often, in this place we blame each other politically. One of the groups that have been heavily involved in this process that has escaped scrutiny, and has consistently escaped scrutiny, is the Department of State Development, which advises the relevant Premiers over time. I reminded the chamber when I came here in 2001 that State Development said to then Premier Geoff Gallop, “We’re going to have eight projects in the Pilbara. Build us some infrastructure.” So some infrastructure was built in that area and none of the projects eventuated. State Development has been appalling in directing this state, whether it be under a Labor government or the current Liberal government.

Hon Peter Katsambanis also mentioned a number of other things. There have been comments about the influx of ferrets into Broome. Certainly, some people from out of town went to Broome, but I doubt whether the honourable member would realise that the Broome community told them to go away, because the Broome community was quite happy in a large sense. We have to remember that the people who got arrested on those picket lines were local Broome businesspeople. There was a meeting quite recently in Broome and those people

came together again. They were all locals. The one thing about that campaign that amazed many people in the conservation movement was that it was organic, it was local, and it was not orchestrated. Things just happened because the Broome community drove it.

Hon Peter Collier: When I went up there, they were down here on Heirisson Island, and they complained because I went up there and did not tell them.

Hon ROBIN CHAPPLE: That is not the Broome mob.

Hon Peter Collier: I'm agreeing with your point; that's what I'm saying.

Hon ROBIN CHAPPLE: Quite often, what we call the out-of-town feral group is not really appreciated by the locals.

There is an awful lot to deal with. Hon Sally Talbot mentioned the vote. I have two areas of expertise. Firstly, I worked in remote Aboriginal communities for many years from the 1970s to the 1980s and I worked for BHP as an engineer for the rest of my time. The idea of yes or no is a concept that is not embraced by Indigenous communities. For me to say no against somebody who is saying yes is culturally inappropriate. I am reminded of when Gough Whitlam gained support in Papunya in 1974. He rolled up and said, "I want to put some houses somewhere; let's have a vote." The community said, "We don't vote." He asked, "How are you going to make a decision?" and the community said, "We'll sit down over the next couple of weeks and determine our decision." Some voices said, "Yes, let's have the houses at point A", but the rest of the mob abstained. They did not vote no because to vote no is actually to offend. Prior to the James Price Point vote, I met with a number of the Jabirr Jabirr and Goolarabooloo people who said that they were not going to turn up to the meeting and were going to abstain. I made it quite clear that if they wanted their decision recorded, they would have to turn up and vote no. They all said to me, "We're not going to do so." When we talk about the result of the vote being only 110 to 160 and that some 2 000 people who were eligible to vote, did not turn up to vote, suggests that the idea of a mandate—the ultimate decision—is a bit of a furphy.

Hon Peter Collier: What about the local government elections on the weekend? It is the same system.

Hon ROBIN CHAPPLE: Absolutely. From the government's perspective, there was a 30 per cent turnout across the state. Everyone is getting fed up with elections.

Hon Stephen Dawson: Would you not contend that 60 per cent vote of the voters voted?

Hon ROBIN CHAPPLE: Absolutely.

Hon Stephen Dawson: That's a landslide in politics.

Hon ROBIN CHAPPLE: We will not get that in Aboriginal communities; that is the problem. Whether we deal with the Yindjibarndi in Roebourne or any other group, for them to vote against somebody is to offend.

Hon Stephen Dawson: But 110 people did vote against them.

Hon ROBIN CHAPPLE: Yes.

Hon Stephen Dawson: I'm not sure that your argument holds.

Hon ROBIN CHAPPLE: The member is from that neck of the woods; he can test it.

I refer to the other point that proper environmental process occurred. In 1962 the Academy of Science and National Parks Board of WA proposed a national park for that area. In 1971 and again in 1980, the Environmental Protection Authority review of the conservation areas proposed that that area be a national park. Again in 1991 the Department of Conservation and Land Management recommended a national park for that area on the Dampier Peninsula. Interestingly enough, the EPA failed to remember any of this. In 1993 the Red Book came out and again endorsed the Dampier Peninsula and that area as worthy of the system 7 recommendations. The area shown on map 6, which is the map we are referring to, shows nature conservation reserves in the Kimberley to be added to the Coulomb Point Nature Reserve, which is the area we are talking about.

I refer now to the Waterbank structure plan of 2000, which determined the whole area, including the Lurujarri heritage trail needed to be conserved for the future. In 2005 the Broome Planning Steering Committee recommended the implementation of the coastal reserves policy over that area. In 2002–2005, the draft Waterbank program for that area came out and again identified that the area should be a national park. We come now to what has happened over time. Development of the block held by Mina Sarubin, which was a mining lease in the exact area of the James Price Point development, was not allowed to proceed after the Department of Mines had determined that the conservation value of the area was too high. These are all on the record.

We come now to the WA sites museum, which in 1989 identified that the area was a specific area for the Lurujarri heritage trail and that the area should be an "Aboriginal protected area"; that is, development should

not happen in that area. With regard to Quondong Point, which is in the same area as James Price Point—in the lower half of the development—in EPA bulletin 519, the recommendation was that no mining, which includes any or all ground disturbing exploration activity, occur in that area. That is in an EPA report. It was never mentioned in the EPA assessment for the proposed James Price Point development process. The EPA did not go back and do any due diligence.

In the Terrex hearing in the Wardens Court in 1991 the Aboriginal Cultural Material Committee, the authoritative standing of which was noted, concluded that no exploration activity should occur in the area defined as the Song Cycle path. Terrex was prohibited from going into that area because of those issues. In the EPA bulletin that followed, an interesting comment was made by the then Minister for the Environment, which was one of the clearest tongue-in-cheek comments I have ever heard. He allowed for mining to occur as long as no more than three kilograms of material was removed from the site. It was the Clayton's win. They could mine but under the conditions that they did not remove any material.

Hon Adele Farina: Who was that?

Hon ROBIN CHAPPLE: It was Mr Parker.

Historically, governments have wanted to use that area, and time and again the EPA and the Department of Mines and the Warden's Court have said it was a no-go area. None of that material was ever mentioned in any document that was produced on this proposal. I can assure Hon Peter Katsambanis, who was probably not in this state from 1969 to the current time, that that area has been ruled out time and again. I tend to agree that, as the member said, it needed proper assessment, but it never got it. I believe the problems around that do not emanate from this or the former government but the failure of the bureaucrats to do some proper work and provide the relevant information to the ministers. The EPA's reports on James Price Point operated in an absolute vacuum. They did not refer to any previous assessment.

I wanted to put that on the record. I have a lot of other material to deal with, so I will probably use up some of the valuable time of the house during members' statements to put a lot more of this material on the record. I am not blaming the government or, indeed the Premier; I am blaming the people who should have provided proper advice to the relevant ministers. That advice was not forthcoming.

Question put and negatived.