

BROWSE LNG PROJECT — ENVIRONMENTAL PROTECTION AUTHORITY MEMBERS —
CONFLICTS OF INTEREST

568. Mr C.J. TALLENTIRE to the Minister for Environment:

I refer to the dire warnings from law firm Clayton Utz concerning the validity of the Environmental Protection Authority's assessments of existing, current and future proposals following Chief Justice Wayne Martin's ruling last month that the approvals for the Browse project were unlawful.

- (1) What is the minister doing to fix the situation and give businesses in Western Australia certainty that their projects will not be delayed or ruled unlawful?
- (2) What action has the minister taken on assessments in which EPA members declared a conflict of interest, yet still participated in the assessment process?

Mr A.P. JACOB replied:

- (1)–(2) This is a quite significant issue to do, obviously, with James Price Point and Chief Justice Martin's ruling on the environmental approvals for that project. It is very important to state right from the outset that the ruling reflected on procedural matters that had happened during that process; they were not reflective of the environmental studies or the environmental review that went into that process.

Mr C.J. Tallentire: It's not the only project though.

The SPEAKER: Member for Gosnells!

Mr A.P. JACOB: Member, I am just putting it in a bit of a frame.

It was with regard to procedural matters on how that recommendation came from the EPA to the then minister; and then, subsequent to that, the minister's decision based on the recommendation from the EPA. The government has accepted that ruling; the time to appeal has passed. I am aware that Clayton Utz has put out advice to other clients. However, this report was challenged in court, and any report or anything under the EP act —

Mr C.J. Tallentire interjected.

The SPEAKER: Sorry; thank you. Member for Gosnells, you normally get a supplementary question. I call you to order for the first time.

Mr A.P. JACOB: As I was saying, anything under the EP act, or indeed anything under legislation, could conceivably be challenged. Whether or not it was challenged successfully would be tested through the courts. I simply cannot stray into speculating about what may happen in that space.

As to the specific conflict of interest issue that occurred in EPA procedural matters, the code of conduct has been significantly tightened up. Obviously, the ruling has happened subsequent to that report on the code of conduct. We will also go back to and take on all of the recommendations made by Chief Justice Martin in his ruling and will apply those to the code of conduct and the way in which the EPA handles conflict of interest matters when it makes a recommendation to the environment minister.