

**ENVIRONMENTAL PROTECTION AUTHORITY — GREENHOUSE GAS EMISSIONS —  
COMMUNICATION**

*Motion*

**HON DR STEVE THOMAS (South West)** [10.09 am] — without notice: I move —

That this house calls on the Minister for Environment to provide a complete and transparent account to the house of —

- (a) what communication took place between the minister and the Environmental Protection Authority in relation to the EPA guidelines released last week that would require the offset of any residual—net—direct emissions associated with a proposal with scope 1 emissions in excess of 100 000 tonnes per annum;
- (b) what communications took place between the minister's office or any of his staff and the EPA on this issue;
- (c) what communications took place between any other minister and the EPA on this issue;
- (d) what stakeholder communication the EPA undertook with potentially affected parties/businesses prior to issuing its new guidelines; and
- (e) what steps the government will take to stop the EPA guidelines being enforced in every future EPA assessment of projects with scope 1 emissions in excess of 100 000 tonnes per annum.

Members will most likely be aware that last week the Environmental Protection Authority effectively started developing policy on behalf of the government of Western Australia on greenhouse gas emissions. I will start this contribution by saying that Dr Tom Hatton is a man of high moral stature and that he is to be taken seriously. He has made a great contribution to the environment of Western Australia, as has his predecessor, Dr Paul Vogel. But that does not mean that I always agree with decisions they have made, even on a case-by-case basis. In my view, on occasion the EPA gets it wrong. On this occasion, the EPA has got it wrong. It has got it wrong for a significant reason. The most important question I am asking in this debate today is about the Minister for Environment's involvement in the development of this policy outside government, and what the minister, his office, the Premier, and the Premier's office did in relation to this, to see whether it was encouraged or promoted, or something that was sprung upon the minister and the government without any forewarning. As I said, I have enormous respect for Dr Tom Hatton, so I would be remarkably surprised if Dr Tom Hatton had announced, without some discussion with the Minister for Environment and/or his staff, the Premier and/or the Premier's staff, a policy that will have a significant impact going forward on the state of Western Australia—a resource development state. I will come to that later in a little more detail.

This is important. I am actually going to agree with the Premier. Given the first speech I made back here after eight and a half years, I find that to be a fairly difficult process. Let me agree with the Premier: Western Australia produces gas primarily for export, which in many cases replaces old coal technology overseas. The reduction in greenhouse gas emissions because of that generally starts at 30 per cent, but I have heard figures of up to as much as 50 per cent on the basis of the burning of cleaner fuel from Western Australia. That is a good outcome for the planet. It might surprise some members to know that greenhouse gases do not respect national boundaries; they are a bit inclined to cross them at will and to form, as we all know from Boyle's law, a uniform concentration in a volume. There is the potential to reduce greenhouse gas emissions. It has been said that Western Australia's greenhouse gas emissions have gone up. Of course they have. We had a mining boom, so our emissions are higher per person. Most of our mining boom has gone out to support the entire globe. Those emissions increased because we had a mining boom. A fair proportion of that was because we export gas, and a fair proportion of that gas goes to places where it has a positive effect, including a positive environmental effect.

It is absolutely the case that Dr Tom Hatton is passionate about emissions and climate change, and so am I. The reality is that we would both like to see global emissions reduced considerably. But he has taken the wrong step with the process he has used. I want to know how involved the government was in the process and decision he took. The EPA has set out a new set of guidelines, and in particular technical guidelines, that say that the EPA will assess every project that emits more than 100 000 tonnes of CO<sub>2</sub> equivalent and make recommendations on the basis of zero net emissions; that is, every tonne of carbon on top will have to be offset somewhere. That is an immense change to policy in Western Australia and Australia; it is unprecedented in these jurisdictions. I respect Tom Hatton. That may well be his opinion. But the way he has processed this, by putting this into guidelines that now bind the EPA with every set of recommendations going forward, is wrong.

Dr Tom Hatton had the capacity to present this as an environmental protection policy. That environmental protection policy would have gone out for public debate. It would have gone to the minister. The minister would

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have reflected upon it and taken it for further public debate. Something would then have happened in terms of the government and the EPA working together to reduce emissions. But that is not what occurred. This is the EPA setting its own policy going forward. In my view, it should have done this absolutely differently. The opportunity was available to Dr Tom Hatton to make a speech. If his opinion is that the federal government is not doing enough in climate change, he is free, as every EPA chair has been, to make those comments and engage in the debate. He is free at any point to suggest that we go through an environmental protection policy process, on which debate would be had around the state—public consultation is actually a requirement of the Environmental Protection Act.

The Environmental Protection Authority could have progressed this in a number of ways. I am initially going to assume that it was done without informing almost anybody, perhaps including the Minister for Environment, whose job it is to be aware of these things. I am going to assume that, but we do not know that, so I look forward to the Minister for Environment standing up in a little while and telling us exactly what interaction he, his office and the Premier had with this process and, in particular, whether at any point he or his office was aware of the intent of Dr Tom Hatton to progress down this particular path of having binding guidelines. Did the minister suggest that Dr Tom Hatton could present his proposal in an alternative way that would not immediately put offside the resources sector and a large proportion of the government? Did it also occur to him that this would have a significant impact on the resources sector itself? We have to be a little cautious about some of the statements that have been made about the impact of this matter on the resources sector. The claim that it threatens tens of thousands of jobs perhaps needs to be tested. I accept that such claims need to be tested, but there is absolutely no doubt that uncertainty in the oil and gas sector is a major negative to oil and gas investment.

The Gorgon gas project went through many years of examination. At the end of that process, it blew out to something like a \$40 billion project. The cost is still going up, so I am not sure what the latest figure is. The carbon-capture project is still going up as well. Would that project have been undertaken in an environment of uncertainty about the policy on greenhouse gas emissions at the state level? I suspect that a number of projects would have been under threat at that point if this policy had been enforced, or will be under threat in the future if this is now a policy that the government can do nothing about.

It is all very well for the Premier to say—I am going to agree with him twice in one speech; that is very dangerous!—that this is not the policy of the government. If it is not the policy of the government, what conversations did the minister have in the development of this policy? He must have been aware. I cannot believe that Tom Hatton, who is an honourable man, would have dumped this without some conversation with the minister's office. The Premier has said that it is not government policy, but that is not an answer that the industry will accept. The Premier does not have the capacity to demand that the EPA change its policy. As I understand it, the government cannot give a direction. I expect the minister to stand up and say how he intends to respond to this, because I do not think he is going to be able to say, "On behalf of the government, we will direct the EPA to change its policy."

What is the result of that? In the future, if these guidelines stay in place, every major resource project will have a recommendation for complete offsets above a threshold, which will be a major impost, and will put at threat jobs and the economy in Western Australia. The government will say that these recommendations go to the minister, and ultimately the minister makes the decision, and that is absolutely true. However, the way this has been presented by the Environmental Protection Authority will put almost every government in the future, be it Labor or Liberal, into conflict with the EPA. It has done a major disservice to the independence of the EPA itself, because every project will have to go with a recommendation of complete offsets, and every environment minister will most likely have to say no, for significant projects.

This opens a couple of avenues. The first is that of legal challenge. It is absolutely true that if the minister does not respond in either direction there is a potential legal challenge. It has been done both ways. There are potential legal challenges both to governments that enforce EPA policies that they agree with, and in which people have taken to court decisions that have gone against the EPA. It can cut both ways, but this makes it absolutely binding on every future environment minister to have a public brawl with the EPA on the decision of every major resource project. Is that the intent of the EPA? Tom Hatton has high ideals; I absolutely get that, but in this case he has taken the wrong steps to deliver on them. The Greens can disagree with me.

**Hon Alison Xamon:** And we do.

**Hon Dr STEVE THOMAS:** Let us address that. The reality is that the Department of Environment Regulation and Treasury—the people who manage the environment and deliver the incomes—will come from either the Labor Party or the Liberal Party, who between them pick up 70 per cent of the vote, of the 90 per cent of people who vote every time. I absolutely get that the Greens, who will never have to balance the budget —

**Hon Darren West:** You're not very good at that either.

**Hon Dr STEVE THOMAS:** I will start on crayfish with you in a minute, so do not start.

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The Greens can agree with policies that would decimate the economies of Western Australia and, ultimately, Australia. I note in the headlines today that the federal government is receiving an economic boom from the iron ore industry again. I wonder which state that came from, and I wonder how much emissions that involves. Everybody will jump on board with the policy when they do not have to deliver the outcomes—that is, an economy that delivers security and jobs for Western Australia. The environmental economic balance is just that—a balance. With this process, the EPA has taken it out of balance, and inflicted conflict on the relationship between the EPA and the government. I would like to know how involved the government was in that process. I have offered a couple of alternatives for how a passionate environmentalist may have progressed this debate, but that is not the one that was chosen, in my view, to the detriment of the relationship between the EPA and the government, and ultimately, I have no doubt, to the detriment of the economy of Western Australia.

Without doubt, it will cost jobs. I am not suggesting, necessarily, that I take on board the mining sector's level of job losses and its appointed level of risk, but this will cost jobs, because resource sector projects are not automatically ticked off because someone thinks they are a good idea. They go through a significant process. Everybody is aware of the environmental approvals process, but each business, at the end of the environmental approvals process, which costs millions if not hundreds of millions of dollars in some cases, makes an investment decision. Will the business make an investment decision to invest in the mining sector of Western Australia, with an EPA set of guidelines that states that its expectation is 100 per cent offsets, or will it take that investment to Queensland and put it into the coal industry, or will it take those millions and billions of dollars to Indonesia and put them into the Indonesian coal or gas industries, or the Malaysian gas industry? All of these things then become a "which is best for me?" argument.

In the circumstances facing the state of Western Australia at the moment, we have made it infinitely more difficult when we did not need to. We had the capacity to have a sensible, mature debate about this in six different forms. I have raised only a couple of them. If the Minister for Environment and the Premier say that the feds are not doing enough, they should start a debate. How many ministerial councils have they attended? How many Council of Australian Governments meetings have there been? Raise it in debate, put it forward, and have that debate.

**Hon Stephen Dawson:** It has been raised, but with not much action so far.

**Hon Dr STEVE THOMAS:** Well, keep going. How long did it take the government to put a container deposit scheme in place? It was longer than this minister has been a minister. The government should keep at it, and not take shortcuts. I know everybody thinks that if we can take it out of the political sphere, people would think that is not a bad idea, but unelected bodies do not always make the right decision. If the Greens do not support state agreement acts because they take decisions away from Parliament, and say that we have an agreement with a company after we put it in place, and Parliament cannot play with the rules, I do not understand why they would then support having an EPA that can write its own rules as well, except that they think that the EPA will be on their side. That is absolutely fine for the eight to 10 per cent that the Greens represent, but the reality is that 70 per cent of people will make a choice between the Minister for Environment or me making decisions on the environment. I think the Minister for Environment means very well; I have enormous respect for him. He is possibly the best minister in the cabinet, but in this case he has made an error. He has got it wrong, and the EPA has got it wrong.

Two very important questions need to be addressed today. What was the involvement of the minister and his office in the development of this version of that opinion? That is, who decided that it was a good idea for the chair of the EPA, Dr Tom Hatton, to come out with this set of guidelines and regulations? When was the minister made aware? What discussions did he have to say that there might be an alternative viewpoint on this? How did he take that to public consultation? What did he discuss with Dr Tom Hatton as a part of this process? When did this first occur? Were the minister and his office aware of this a week ago, a month ago, or a year ago? When did that occur? When was the Premier involved? I understand that the Premier's office was briefed at some point. Was that before or after the announcement? When did that happen? The Premier has made some comments to say that he rejects the policy. Was he aware of it in advance of the announcement of the policy? Was he aware of it, but did not understand it, and when it was announced and everybody suddenly went, "Hang on, there's a problem here" he did another lobster backflip, and went, "Hang on a minute; we can't do that?" It is a bit like marron—they are very famous for flipping over backwards. Has he done a lobster backflip or was he unaware? Did nobody bother to tell him in advance? Have we got government entities, absolutely independent because that is in the EPA act, making independent government policy on behalf of the government, which was completely unaware that the policies were coming? How on earth is that good governance? That is the first question that the minister needs to answer. When was the government aware, and what conversations were had to make sure that everybody was a part of the process here, because this will set up conflict between industry and the EPA, between the EPA and government and, potentially, between government and industry?

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That is not a good way forward for either the economy of Western Australia or, ultimately, the world's environment. That is not a good outcome for anyone. The other critical question that needs to be asked and that the minister needs to answer is: what is the government going to do about it? I do not think the minister can legislate anything to take a set of guidelines away. Will a future Environmental Protection Authority chair, hopefully, look at this and say, "Hang on, there's a problem here"? What will the minister do to manage this process going forward? The Premier has said it is not government policy, so what will happen? What will he do about it? Will he leave this as a recommendation for every environmental review for a major project over 100 000 tonnes of equivalent CO<sub>2</sub> emissions in the future? What will happen?

**HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment)** [10.30 am]: I thank Hon Dr Steve Thomas for giving me some notice that this issue would be raised today. I state at the outset that I have great confidence in Dr Tom Hatton and echo the comments Hon Dr Steve Thomas made in his contribution earlier. I make the point also that the Environmental Protection Authority is not a board of one; indeed, it is a board of five. In his contribution, Hon Dr Steve Thomas alluded to Tom Hatton doing this, that or the other. The EPA is a board; indeed, it is an independent statutory authority in Western Australia.

**Hon Dr Steve Thomas** interjected.

**Hon STEPHEN DAWSON:** There is collective responsibility. My view is that when there is a board, everyone takes responsibility.

As we know, we are referring to the "Environmental Factor Guideline—Greenhouse Gas Emissions" document publicly released on 7 March this year—last week. As has been made clear over the past few days in the media by the Premier and me, this is an EPA guidance. This is not the state government's policy and this is not the McGowan government's policy. The guideline sets out the approach and expectations of the EPA when it is considering greenhouse gas emissions for significant proposals. The EPA's guidance is used as part of its environmental impact assessment process. It is also used in providing advice to me as the Minister for Environment. Ultimately, though, it is up to the McGowan government to make a decision on proposals. It is certainly the government's role to take into account not only environmental impacts, but also social and economic impacts of any project proposed in Western Australia. Environmental impacts are but one of the considerations. I will not say on a daily basis, but certainly on a weekly basis, decisions come before me. I see in the room today Hon Donna Faragher, who has been a former environment minister and will know the process very well. Like me, she would have had projects before her and may well have seen EPA recommendations that did not take into consideration the economic and social implications of a project and therefore a different decision had to be made. That is what happens to me when I make decisions and they are the issues I am mindful of.

Before I answer the specific questions in today's motion, it is worth noting the EPA assessment framework and the intent of the EPA's guidance. For the past two decades the EPA has applied guidance to mitigate greenhouse gas emissions to significant and relevant proposals subject to formal environmental impact assessment in Western Australia. Why are we here, I guess? I have a series of points I want to bring up. We are in this space because of a lack of federal policy in the climate change space. In his contribution, Hon Dr Steve Thomas asked why did we not continue to raise this at the federal level. We have. In fact, most states and territories have raised it. The federal opposition has raised it. When it was previously in government, federal Labor intended bringing in an emissions trading scheme, but it was the Greens who voted against an emissions trading scheme, so they are probably part of the cause for the problem we have today. Nobody can put their hand on their heart and say, "We are not responsible." Collectively, we all have responsibility for dealing with climate change. I think most of us in this place this morning would agree that we all have a role to play. There will probably be a few outliers, but most of us agree that climate change is real and we all have a role to play in dealing with the issues around it.

Getting back to the EPA assessment, the EPA assesses significant proposals for the state and makes recommendations to me as Minister for Environment on whether the proposals are environmentally acceptable and what conditions should apply to mitigate the environmental impact. If the EPA determines to assess a proposal, it must set out what it considers to be the key environmental factors identified as part of the assessment. The EPA's environmental factor guidelines are organised into five themes—sea, land, water, air and people. The EPA periodically reviews its guidance documents in these themes for environmental impact assessment. The revised guidelines outline the information required for proponents and how it may be considered by the EPA in its environmental impact assessment. It also sets a clear threshold for when greenhouse gas emissions from proposals will be considered by the EPA and what mitigation measures will likely be required. In the revised guidance, the EPA has noted its intention to recommend offsets for proposals with direct emissions above 100 000 tonnes of carbon dioxide equivalent per annum, as Hon Dr Steve Thomas pointed out. However, the EPA has indicated there will be a significant transition period for proponents to prepare their greenhouse gas offset plan. That is to allow time for proponents to consider the availability of state, commonwealth and international carbon offsets. I again make the point that the EPA is an independent statutory authority, as Hon Donna Faragher and anyone else in the chamber

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who has been a former environment minister would know; certainly, there have been shadow environment ministers. The EPA is independent and it makes recommendations. However, at the end of the day, it is the government that makes decisions and it is the Minister for Environment who has to sign off on them.

In answer to Hon Dr Steve Thomas' questions, I can advise that regarding the communication that took place between the minister and the EPA, on 21 February and 6 March, I was given a verbal briefing by the chairperson of the EPA that the EPA's intended approach was to include in its revised guidance a provision to require offset of any residual net direct emissions associated with a proposal with scope for emissions to be in excess of 100 000 tonnes per annum.

In relation to the communications that took place between my office, my staff and the EPA on the issue, I am advised that in addition to the above meetings, the EPA chairperson briefed staff in my office on the revised guidelines on 14 February and 5 March. I understand also that an email was sent on 13 February about a meeting that was to happen the next day. On the issue of what communication took place between only the minister and the EPA on this matter, on 21 February, the EPA chairperson briefed—I have mentioned I was involved in a meeting—the Premier and me about the EPA's decision on the greenhouse gas emissions guideline. In terms of stakeholder communication in paragraph (d), the EPA has advised me that it consulted on the development of the greenhouse gas emissions guidance through its stakeholder reference group, with initial discussions occurring in August and November 2018. On 7 January this year, the draft "Environmental Factor Guideline—Air Quality" document, which included greenhouse gas emissions at that stage, and draft technical guidelines "Minimising Greenhouse Emissions" was provided to the EPA stakeholder reference group for comment. Feedback was received from stakeholders from late January to early February and the guidance documents were amended where the EPA thought appropriate. I am told also that the EPA stakeholder reference group was briefed on 27 February 2019 on proposed changes to the guidance as a result of the consultation process.

That is the advice that has been given to me. The Premier, as Minister for State Development, Jobs and Trade, but also as Premier; Minister Johnston, as Minister for Mines and Petroleum; the Minister for Regional Development; and I attended a roundtable discussion this morning with industry on this issue. Representatives were there from the Australian Petroleum Production and Exploration Association, the Chamber of Minerals and Energy Western Australia, Shell Australia, Woodside Energy, Chevron Australia, Santos Ltd, a range of directors general from government departments and staff from my office and the various ministers' offices to talk about this issue.

**Hon Dr Steve Thomas:** Was it a robust meeting?

**Hon STEPHEN DAWSON:** It was a very good meeting, I have to say. It was a very good conversation. One of the things that came out of that meeting was a level of frustration from the industry that even though the Environmental Protection Authority had said that it had consulted with the stakeholder reference group, members of the group who were in attendance this morning suggested that they were not given the full picture. There was real frustration from them that they were blindsided and that, in fact, the information that was provided could not be taken away; they were essentially sworn to secrecy. One of my criticisms earlier in the week was that I did not believe appropriate consultation had taken place on this issue. It is a significant issue, a very significant issue, for industry in this state. If there was a fault in the process, it was that proper consultation was not undertaken.

In addition to what I mentioned earlier about the stakeholder reference group, immediately prior to the release of the guidance documents, I understand that the EPA chairperson briefed Woodside, Chevron, Fortescue Metals Group and BHP on how the guidance would be used in the environmental impact assessment process. However, I —

**Hon Dr Steve Thomas:** Do you know if that was a confidential briefing?

**Hon STEPHEN DAWSON:** I am not aware. That is probably not the point, anyway, but having met with those companies this morning, I certainly believe that a proper level of consultation did not happen. I think those conversations were probably in the preceding days for many of them—likely after the decision had been made by the EPA. The decision was made: "We're doing this and we're potentially announcing it tomorrow, and we're telling you about it today." For such a momentous policy shift, if I can use those words, I think proper dialogue should have taken place with the companies that were likely to be affected, and I do not believe that was the case.

**Hon Dr Steve Thomas:** We agree on that, then.

**Hon STEPHEN DAWSON:** Well —

**Hon Donna Faragher:** If it started back in August, why were they not consulting with you?

**Hon STEPHEN DAWSON:** There was a process last year. There was an earlier —

**Hon Donna Faragher:** I get that, but you're the minister.

**Hon STEPHEN DAWSON:** Sure. There was an earlier document and there was an earlier decision —

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**Hon Donna Faragher** interjected.

**The PRESIDENT:** Member, you will have an opportunity to have a say later. The minister is on restricted time.

**Hon STEPHEN DAWSON:** I think I referred to this: there was an earlier process with a different document last year. This year it changed its focus solely to greenhouse gas. Originally it was about air quality, the work last August. This year, in January, it changed tack to say, “No, we’re going to focus on the greenhouse gas issue.” I am told by the EPA that everyone was involved. The draft document was put out in relation to that earlier work, but this work that it has landed on is very different, in many respects, to what was put out last year.

With regard to Hon Dr Steve Thomas’ question on the next steps, as the Premier said on Tuesday when he addressed the issue in the other place, the EPA’s guidelines set out the approach and expectations of the EPA when considering greenhouse gas emissions from a proposal. The EPA’s guidelines—I stress this again—are not the government’s policy, and the Premier and I have made it clear that we are not endorsing the guidelines as they stand.

The EPA provides advice and recommends to government conditions on the proposals that it assesses. It is up to the government to decide whether the proposals proceed and what relevant conditions, if any, are to be applied after, again, balancing the economic and social considerations of the proposal with its environmental impacts. The government is committed to consulting with the industries that will be impacted by this guidance, and we have started those conversations this week.

Members also will be aware that over 12 months the government will be developing a climate policy for the future, because we believe we have a role to play in this state, recognising that the heavy lifting absolutely should be done by the federal government. We should not be penalised as a state that helps keep Australia’s economy strong. We have big industries in Western Australia and they have to play their part, but the federal government should be doing the heavy lifting and it has been missing in that space.

Having listened to those leaders of industry this morning, they clearly gave us the view that the greenhouse guidance policy could threaten jobs and, at the very least, undermine the international competitiveness of our industries. We will continue to have those conversations with industry about where we go to from here. Certainly, as part of our policy development, a broad level of conversation and consultation with stakeholders, including the resources sector, is already underway. We will talk to all of the parties that have an interest in climate change, and that includes community groups, not-for-profits, non-government organisations and environmental groups, and we will ensure that the government’s policy response is achievable and equitable, and that it complements, rather than duplicates, the national approach.

I am very well aware that some of these companies—in fact, many large businesses—are actively pursuing technologies to reduce and offset their emissions and to position themselves in a carbon-constrained future. I am also looking forward to working with my ministerial colleagues and industry partners to ensure that we are well placed as a state to take advantage of the global carbon market. I know the Minister for Regional Development is a big supporter of this work and, indeed, has been leading work on carbon projects in the pastoral regions.

We have more to do as a state, but I want to be clear that the guidelines that were issued by the EPA are not ours.

**HON TIM CLIFFORD (East Metropolitan)** [10.45 am]: I rise today in opposition to this motion. Let me be clear: this is about politics and power—the politics of singing to your base, which is the climate-denying base, and *The West Australian* —

Several members interjected.

**The PRESIDENT:** Order! The member deserves to be heard in silence. Other members were afforded that respect.

**Hon TIM CLIFFORD:** Politics in this state are appalling when it comes to climate change. We have an opposition that has today put forward a motion that is basically in line with the new *Daily Telegraph*—that is, *The West Australian*. The power in this state are the mining, oil and gas companies, and all I see is both sides of this chamber dancing around for these companies. The Nationals WA took a royalties policy to the last election and was totally annihilated by the mining industry, which sent members scurrying into corners, terrified by the power of these oil and gas companies.

Several members interjected.

**The PRESIDENT:** Order! Hon Tim Clifford has the call and I think he is finding it difficult to speak with the excessive noise that keeps erupting around the chamber, so why do members not listen carefully, and if they want to have a say and respond, they should seek the call when he sits down at the end of his speech. If not, listen quietly.

**Hon TIM CLIFFORD:** What we have seen over the previous week is an appalling exertion of power by the oil and gas industries. We have seen them take out ads against the sitting government. We have seen them working behind the scenes to coerce the government into folding to their demands, which means no action on climate

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change. We have a responsibility to the future of our children, because if we do not act now, we are restricting the enjoyment of our natural environment and the health of our planet.

Let me look at what is going on with the EPA. The EPA has set out guidelines to the government to say that we need to restrict our emissions because we have a responsibility to the globe to act on climate change. Those guidelines are reasonable. The EPA has advised the government that we need to mitigate greenhouse emissions and has set out reasonable, much needed requirements, because our federal government has failed. We have been talking about kicking the ball back to the federal government, but states have a huge role to play. We have seen what has happened in the United States with Trumpism: Trumpism has resulted in the United States flagging that it will pull out of the Paris Agreement, but multiple states have said, “No, we need to act, because this is damaging our health and damaging our economy.”

The restriction is 100 000 tonnes. What does that mean? That is 49 259 round trips between Sydney and Perth. That is a lot of emissions, but that restriction is not enough. We need to make sure these industries are doing their utmost to restrict emissions. The fossil fuel industry wants self-regulation. That is like having the banks run the banking royal commission: a total joke. Both the government and the opposition are folding to the power of these people, and I do not understand why. The EPA is just doing its job. The EPA is there to give frank and fearless advice. For too long criticism of the EPA has hit home and it has not been able to give that frank and fearless advice because of the politics around this matter.

I come back to the influence of these companies. The EPA announced its time line and it provided frank and fearless advice to the government. As I was driving to Midland on Friday, I heard on the radio a succession of people talking about this subject. The Premier came on and said that he would not be a jobs killer. The EPA’s decision does not mean that we have to kill jobs. It is commonsense to everyone in this state. The majority of people across this country want action on climate change. Members should not be politically afraid to take action on climate change, because people want action on climate change. After the Premier had spoken, the head of Woodside spoke on the radio. Obviously, he has a financial interest in this matter—it is in his interest to make money. His company is definitely not paying much tax and definitely not paying many royalties to this state. It is the people’s resource and they are getting hardly anything out of the oil and gas industry, apart from shovelling money into international boards.

Right across the globe people are rising up and saying that enough is enough. We need to act and we need to act now. Today, for example, Chevron reported a \$32 million profit. Two per cent of that profit would go a long way to negating its emissions, but there has been no action, no regulation, and nothing put forward by the state government, and there is definitely nothing coming from a possible future Liberal government. We are also coming off the back of one of the worst summers in history, which saw one-in-1 000-year fires in Tasmania, a mass dying off of animals across the country due to the heat, and floods in Queensland. That was not a regular cycle; it is now a more frequent occurrence due to the effects of climate change, yet there is still no action.

The Intergovernmental Panel on Climate Change recently released its dire warnings for the next 12 years. I was reminded yesterday that leading climate scientists have warned that within a dozen years the earth’s temperature will rise by a minimum of 1.5 degrees due to global warming. If the earth’s temperature rises above that, it will have a devastating impact across the globe. It will significantly increase the risk of drought, floods and extreme heat and result in poverty for hundreds of millions of people. That will cause more conflict and more deaths. It is just galling to live in a state that does not want to do anything to protect the people of this planet.

Look at what is happening across the world. It started in Europe, it is happening in America and it is happening here in Western Australia tomorrow—children are taking to the streets because our political leaders are not acting.

Several members interjected.

**The PRESIDENT:** Order! Stop it! If you want this debate to continue, you will let Hon Tim Clifford complete his speech. Hon Tim Clifford, you do not need to sit down every time they start arcing up.

**Hon TIM CLIFFORD:** Thank you, Madam President.

There is a groundswell of support for action on climate change. In the wake of political leaders across the globe failing to do anything to mitigate emissions or protect the health of our planet and the people who exist on it, children are taking to the streets. I hope people in this chamber listen to those kids because they are obligated to do so. I see that as my role. I have a duty of care to members of the public of this state to protect their health and their future. Right now the oil and gas industry is having a huge influence, yet it is paying hardly any taxes or royalties. It also has no real social obligation to the people of this state. It exerts its power, politicians fold and nothing happens. There is zero action on climate change and zero action or consideration for the health of our planet and the future of our children.

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**HON COLIN TINCKNELL (South West)** [10.54 am]: I rise today to support this motion. I do so because of the reckless behaviour and the shock announcement made on 7 March by the Environmental Protection Authority. I do not know how these things happen. Once again, there has been very poor consultation. This behaviour by government ministers and government-controlled departments is becoming regular. It creates major problems right across the state. As I said, the EPA's decision created major problems. It is not practical. It is unwanted. It is especially damaging in financial terms and it is unworkable. Let us make no mistake: this decision will damage WA's economy and reputation.

I do not give a damn about large mining companies or multinationals. We have been fighting with multinationals to pay tax for a long time, but there has been very little support from all Australian Parliaments when this discussion comes up. People on the opposite side knock multinationals, saying that they do not pay tax, yet those people do nothing about it when they have the chance to legislate about it. This decision will cost jobs, but we do not know how many. The Premier and the Minister for Environment have said that they will not pay attention to the Environmental Protection Authority's decision, or will pay it very little attention, but I do not understand how it got to this stage. The guidelines that have been announced are reckless to say the least.

When economic times are good, jobs are created, and consumers and businesses have confidence in their economic future. But it almost looks as though this government has gone out of its way to do the opposite. The Premier has made announcements about creating 150 000 jobs. How will he create those jobs? They will not be created from within the renewable energy industry only. The mining, and gas and oil industries are important. They help to pay the bills because they are the biggest contributors to a state's coffers, especially in Queensland and also in other states of Australia. Federal and state government social programs survive because money, royalties, taxes, income, payroll tax and everything comes from people working in the mining, and oil and gas industries. This state has not had any major energy crisis because a deal was done with the gas industry. Regardless of whether members support the gas industry, they cannot deny the amount of royalties, taxes and jobs that come from it.

I remind members that eight years ago, Western Australia was the number one jurisdiction in the world for doing business in. It slipped to 23 because of some bad decisions made by the previous government. It fought its way back to number five and, just recently, was announced the number two jurisdiction in the world, I think second to Nevada, in which to do business. That is the reputation we need to uphold. But these kinds of decisions do massive damage to our reputation, not only in this state and country but right across the world, as a place that can be relied upon to not change the rules halfway through or at the last minute, like this shock announcement. I really hope that the Minister for Environment and the Premier stand up and make sure that they fix the damage that has been done, because it is a poor decision. It is a bad announcement and it has done damage to this state even before action has taken place.

**HON ROBIN CHAPPLE (Mining and Pastoral)** [10.59 am]: I rise to speak on the motion. I will not take up a lot of time because I think I can be really quite pointed about what I have to say. Today we are speaking on a motion about who can do things better in terms of the petroleum industry, but that is not the real case; we need action on our climate emissions and a rapid transition to renewable energy. This is achievable; the only ingredient we are lacking in any of this is the moral fortitude to go down this path. I welcome the Environmental Protection Authority's guidelines. In fact, it was Bill Marmion in a former government who actually stopped Wheatstone and one of Rio Tinto's mines from having to report on their carbon dioxide emissions. Then, Albert Jacob, when the federal government's emissions target was cancelled, refused to reinstate the EPA's ability to monitor projects' CO<sub>2</sub> emissions.

While our young people take to the streets because they value their future, here in these sheltered halls of Parliament we sit around having a race to the bottom. The Premier and the Minister for Environment have tripped over themselves over the last couple of days to assure industry that we do like it. The Premier said his number one priority is LNG jobs, never mind the fact that Chevron is making an estimated \$32 million a day out of these LNG projects and pays no tax in Australia—none at all—and that the gas industry accounts for only one per cent of the workforce and there are thousands and thousands of jobs in clean and renewable energy. The big gas companies are taking this government, and the previous government, for an absolute ride and they are capable of paying for their pollution.

It is hysterical to suggest that the EPA's guidelines will drive away projects. We have the resources in this state. Bear in mind that I worked for one of the major mining corporations, and if we did not produce the ore because we got our knickers in a twist and walked away, somebody else would come in and take over the resource and produce it. Norway's sovereign wealth fund is estimated to have accumulated \$US1 trillion on the back of income from its oil and gas. In Australia, we have \$0.3 billion in our sovereign wealth fund.

I find it ironic that Hon Dr Steve Thomas brought forward a motion asking for transparency in dealings between the EPA and the minister. It was the Liberal Party that made the EPA independent during its tenure in power. I am



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mindful that we spent almost two years in this chamber debating the amendment bill introduced in, I think, 2009 and concluded in 2011, which the Labor Party and the Greens opposed. I am sure that the former minister will remember that.

The Intergovernmental Panel on Climate Change says that we have 12 years to drastically reduce our emissions or face irreversible catastrophic climate change. People say that they do not believe in science and scientists, but when we have something like 98 per cent of the world's scientists and the IPCC saying that we have 12 years left, we have to do something.

The coalition has taken over \$80 million in corporate money since 2012, including over \$9 million from energy and resource companies. But that does not let the Labor Party off the hook, because it has taken over \$60 million of corporate money since 2012, of which almost \$4 million has come from energy and resource companies. It saddens me no end that as our climate warms and we head down this railway track in a runaway train, we sit here in this chamber and pontificate. You are both two sides of the same coin, taking dodgy donations and giving oil barons a free ride.

There is another way. There are tens of thousands of jobs to be had in the renewable energy sector, and we have abundant opportunity to transition to a clean future and provide quality stable jobs in Western Australia that will continue into the future. We have to ask: once our resources—oil, gas, iron ore and everything else—are gone, where will our jobs be? If we look at the iron ore industry, we see that high-grade iron ore has about 47 years. The oil and gas sector is about the same. Where will we be in the future? That is an economic argument, but my main focus is that I have two grandkids who very shortly will most probably be having children of their own, and those are the kids whom I value. Thank you.

**HON TJORN SIBMA (North Metropolitan)** [11.05 am]: It gives me great pleasure to speak in support of the motion put forward by my colleague Hon Dr Steve Thomas. Might I just say at the outset that I unabashedly agree with climate science, I have absolutely no dispute. I know with complete certainty and confidence that Hon Dr Steve Thomas does as well. If members of the Greens are particularly interested in the many times that he has spoken on that issue, I would be happy to direct them to his speeches. However, this motion is not necessarily about ideology; it is about trying to get the facts straight.

It speaks well of Hon Dr Steve Thomas that he did not pull the usual convention to drop the motion on the relevant minister's desk the afternoon before non-government business; he gave notice well in advance because he wanted some questions answered. I think they are reasonable questions. Let us not get into principle and ideology; let us deal with the facts. The minister's response to this motion was very interesting. We learnt four things. Firstly, we learnt that the government, the minister and the Premier were briefed well in advance of the EPA releasing these guidelines. For confirmation, the minister was verbally briefed on 21 February and 6 March. On 21 February, it appears he was with the Premier at the time. The minister's staff received verbal briefings on 14 February and 5 March, and a further email on 13 February to arrange a following meeting. In essence, the minister and the Premier had two weeks' notice in advance of the EPA releasing its guidelines. That is material evidence. We would like to understand what happened when the minister and the Premier were briefed by the chairman of the EPA that, effectively, we were going to move to a 100 per cent offset regime. What was their response to that? My understanding and experience of briefings, probably like every other member of this chamber, is that it is not one-way communication; ordinarily, there is an exchange of views, an attempt to grapple with the finer detail and to explore the consequences of a policy change. We are none the wiser. I think we need to interrogate that element. What was the Premier's response?

**Hon Dr Steve Thomas:** Did he understand?

**Hon TJORN SIBMA:** That is another question.

The second thing we learnt—I was taking notes throughout the minister's contribution—is that this EPA guideline represents “a momentous policy shift”. That is why I identify the at least two-week period between the Premier and the minister being briefed on this guidance and their apparent lack of response between then and the announcement. Did they understand that it was a momentous policy shift at the time they were briefed or did they work that out after industry reacted in the way that it did post the announcement, which I think was on 7 March? That is my understanding of the time line.

The third thing we learnt was a concession by the minister, and I think a fair concession by him. The minister is an honourable person and I think generally a very good minister in a difficult portfolio. He conceded that consultation with industry on these revised guidelines was “inadequate”. To be perfectly honest, that is probably a placeholder for something less diplomatic. I would also like to understand whether the minister or the Premier believe that the consultation, or the briefing that they received from the Environmental Protection Authority on what they have admitted to being a momentous policy shift, was itself inadequate. These are serious issues. This motion was moved not to talk about our ideology and not to appeal to our own political constituency, which we

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all understand we have occasion to do from time to time, but to actually get to the facts. This is a specific motion. It couches five specific questions. The responses that we received, I unfortunately have to say, were pretty glib and actually beggar more questions.

The fourth thing we learnt, however, was that the minister appears to have continued faith in the chairman of the EPA. I do not know how long that faith will continue because it seems to me that the EPA is being thrown under the bus. This government has a little bit of form in that, not to reflect on recent events. It astounds me that there is an apparent lack of any tangible outcome from this morning's roundtable meeting. The Premier has protested, as the minister has protested, that these new EPA guidelines do not represent government policy. They are bending over backwards to placate industry to assure it of the fact that they do not believe it and that they will not accept guidance like that. What we did not hear and what we have not yet seen is a breakout of extreme confidence from those industries—industries that invest in this state, create direct and indirect jobs in this state, provide education pathways for children in this state, and produce a product that displaces dirty coal in other places of the globe—and whether they are particularly confident in the outcomes of today's roundtable discussion. All I hear is a deafening silence.

This is a problem of the government's own making. Notwithstanding the fact that the EPA is an independent statutory authority, government environmental policymaking has been outsourced and the government has been sideswiped. It might not be only the minister and this government that become the collateral damage of this; my fear is about what it will do to the Western Australian economy. We have to come to grips with what our strategic advantages are as a state. Do we want to harness our energy abundance and our mineral wealth or will we continue to wring our hands and attempt to save the world? All the while, we are condemning our children and our grandchildren to a life of lower expectations and lower standards of living, because that is exactly what will happen. In the minister's own words, this constitutes a momentous policy shift. I would put it even more strongly than that: I would say that this is the most significant, dangerous regulatory shock that has beset Western Australia probably in a generation. I see absolutely no plan from the government to address it in the way that it needs to be addressed. It has set itself up for failure and it has potentially set up future governments for failure, and everybody else who relies on a strong Western Australian economy.

I know that members have different views of economic management. We come from the side that says grow the pie. Colleagues opposite say split up the pie. I will put it to the people who like just redistributing wealth: there will be no wealth to redistribute!

Several members interjected.

**Hon TJORN SIBMA:** Do not be foolish. Be an adult. Your responsibility is not to a Green ideology! Your responsibility is to the people of this state and you are letting them down. As a consequence of that, you are letting these guys off the hook. Shame on you!

**HON DIANE EVERS (South West) [11.14 am]:** I would like to say in response to the EPA's guidelines, if polluting, destructive developments do not go ahead or are reconsidered to make them less harmful, that is good. If development funding is redirected to renewables that lead to the rehabilitation of our planet, that is good. If polluting, destructive developments must invest in offsets in order to balance the harmful aspects of the development, that is good. That is what provides jobs. The guidelines will provide more jobs in industries that protect and improve our environment. I would even take it a step further and ensure that the funding for these offsets is spent on Western Australian projects, providing meaningful employment for Western Australians. That would be good. For the most part, unfortunately, the environment has been largely overlooked in the last few decades, probably in the last few centuries, by destroying that pie that we so willingly want to distribute. We are killing the planet. We are killing the lifeblood that provides those resources.

**The PRESIDENT:** Member, I am going to interrupt. I have listened to the last few speakers and noted that the motion moved by Hon Dr Steve Thomas was actually quite tight and specific around issues to do with communication and transparency. I must say that there has not really been a lot of focus on that by the member. I would encourage the member to look at the motion in front of her and focus her comments on the motion we are dealing with, not a much broader debate on environmental issues perhaps.

**Hon DIANE EVERS:** Thank you, Madam President. I am nearing the end of my speech in any case and what I wanted to say about this disregard for developmental issues. The EPA has provided valuable advice. The guidelines it has put forward are forward thinking. The EPA is looking to the future. Without those guidelines and without advice from the EPA, the damage to our planet would be significantly worse.

I have one last point. I have heard much recently about social licence. This is what both major parties must heed if they care to maintain their voting majority: do some social research. Times are changing. New, young voters can see right through self-serving, politically motivated kowtowing to the polluting industries. It is only through

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the EPA taking some steps, possibly off its own bat without the government following along, because it is an independent organisation, that this can happen. The EPA is there to provide advice on protecting the environment. That is what I would like to see it do. I fully support what the EPA has come up with. I hope we see some changes through these guidelines so that the polluting industries in our state take some responsibility for what they are doing and show some care for the residents of Western Australia.

**HON DONNA FARAGHER (East Metropolitan)** [11.17 am]: I apologise for my voice. I understand that Hon Alison Xamon might want to say something, so I will keep it fairly short. I have listened with great interest to the debate this morning, perhaps more so given my role as a former Minister for Environment and someone who has a very good understanding of the environmental impact assessment process. I have to say that the lack of clarity and transparency around the issuing of these guidelines remains. That is what this motion is about. Appropriate questions are being asked. Regardless of whether members agree with the EPA guidelines, I think it is a matter for the government to advise what information it had.

I agree there is no doubt that as a statutory independent authority, the EPA will make decisions on occasion that may not accord with the views of the government of the day. They may not even accord, to be frank, with the views of the Greens on occasion. On plenty of occasions, the EPA has made a decision on something and the Greens have said it has not gone far enough. The EPA has to balance a whole range of things and it does not always accord with what the Greens would actually like. I am getting positive comments from Hon Alison Xamon. In this instance, I would agree with Hon Dr Steve Thomas that this is a massive change that is being put forward. It does appear that the EPA, even the minister would agree, is taking it upon itself to effectively decide government policy in this critical area.

It is a critical area, and we all agree with that, despite what some members on the Greens' side of the house want to say, particularly about people on this side of the house. I actually take offence at some of the things that were said earlier today, but that is a debate for another day.

The government has said, albeit somewhat belatedly, and after strong criticism, that it rejects these guidelines from the Environmental Protection Authority. However, there is major uncertainty about this issue. It is not unreasonable for industry to know where the government and the EPA sit on this issue. I was very surprised to hear that the Minister for Environment was not aware of what was going on prior to 21 February. As my colleagues have said, the minister has known about the guidelines since 21 February, but they did not come out until 7 March. I remain surprised that the minister did not know before that time. I take the minister at his word on that matter. However, why were the minister and his office not better informed? I appreciate that this decision was made by an independent statutory authority. However, it is clear from what the minister has said that work was being done through a stakeholder working group. Perhaps that work was done through a slightly different mechanism. However, the fact is that there was clearly some form of consultation on this issue, and the minister was apparently not aware of it. I understand from what the minister said that that consultation actually commenced back in August last year.

The minister was right when he said that he has the power to make decisions about whether a project can go ahead. In fact, the role of the Minister for Environment effectively is that if he or she does not agree, the project stops there. That is a very strong power that has been given to the Minister for Environment. The minister can reject recommendations of the EPA. The minister can even go further than what the EPA had suggested through an appeal process. I did that when I was the environment minister, and I am sure the current Minister for Environment has done it. Plenty of environment ministers before us have done that. As Hon Dr Steve Thomas has put to the house through this motion, we need to understand what consultation was undertaken. We also need to understand how the government will deal with these guidelines. The Greens may hate industry and want us all to live —

**Hon Alison Xamon:** Rubbish!

**Hon DONNA FARAGHER:** From what we have heard today, that is where we are at.

**Hon Alison Xamon:** That's a bit rich.

**Hon DONNA FARAGHER:** That is certainly the way it has been put today. It is fair and reasonable for industry, and, indeed, conservation groups and anyone else who has an interest in this issue, to properly understand how projects will be assessed going forward. I am talking about not only how the EPA will assess projects and make its recommendations, but also how the government and the minister of the day will respond. It is a major change. If the EPA wants to use these guidelines to assess various projects going forward, and the government of the day is saying that it will reject those guidelines, we need to understand how the government will deal with that. I would have thought the Greens would agree with that. The government cannot just say that it will reject the guidelines and leave it at that. We need to understand what the government will do. We hear that there was a meeting today. I have heard there will be further consultation. The questions that were asked by Hon Dr Steve Thomas are appropriate. The role of government is to make policy decisions in this area. The role of the Minister for Environment is to make sure that people know that he is the person who makes the decisions. Therefore, with these

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new guidelines in mind, we need to know how the government will address this issue. That has not been made clear in the conversations today.

**HON ALISON XAMON (North Metropolitan)** [11.24 am]: I want to say a few words on this motion. To be very clear, I do not know what role the Minister for Environment played in the discussions with the Environmental Protection Authority about the creation of these particular environmental guidelines, which I understand is effectively the question that members of the opposition are trying to get to the bottom of. However, I do know that the EPA is an independent statutory body. It is absolutely true that the Greens do not always agree with the decisions that are made by the EPA. In fact, in the past I have been very critical of some of the decisions that have been made by the EPA. That is why I am pleased that the EPA has come up with a set of guidelines that we can wholeheartedly endorse—finally! I want to point out that the EPA guidelines make it clear that were it not for the federal government’s inaction in this space, it would not feel the need to take such urgent action. It is urgent action. I particularly point to paragraph (e) of the motion, which states in part —

what steps the government will take to stop the EPA guidelines being enforced ...

My quick response to that is: I hope none! I hope the EPA guidelines will be well and truly upheld. However, with all the commentary that has been coming out, particularly the position that our illustrious daily paper has been pushing very heavily, it would appear that politics has, once again, been put in the way of responsible action on climate change. I have been disturbed by the haste with which our Premier and, indeed, our Minister for Environment have tried to distance themselves from this very important and necessary action on climate change. I remind people that industry has had plenty of time to get used to the idea that there absolutely needs to be a change in business as usual on the issue of climate change. It has been almost 30 years since Australia signed a range of international protocols around the need to address the absolute crisis that is climate change. In the past, we have had to deal with the drama of climate change denial. I think most people are no longer there and have finally accepted the science of climate change. But, my goodness, it took decades to get to that point. I notice that some people are still deniers, but I think they are well and truly in the minority, just as those scientists who are opposed to climate change are absolutely in the minority.

It then became not our problem. We have always looked to other countries, other states and the federal government to deal with climate change. Apparently, this state never needs to step up to the plate and do something about climate change. I think it will be only a matter of time—I am talking about the next few years—before we will have to say, “Whoops, too late. We didn’t do anything about it, and we should have done something about it.” We know what the Intergovernmental Panel on Climate Change is saying about the urgency for us to take action on climate change. We already have to start talking about adaptation. I am concerned about what will happen into the future. I feel very confident that history will ultimately be on the side of those of us who have been calling for urgent change. However, it is not nice to always be right. I would like to see change happen. Change needs to happen right now.

I want to remind people of what these guidelines are calling for. Part of what the guidelines are calling for is transparency. Everyone in this place has carried on about transparency. This is exactly what the guideline are calling for. They are calling for industry to be transparent about what, if any, offsets are currently being undertaken. Gee, that would be fantastic! If industry is not undertaking any offsets, everyone has the right to know about that. That is a critical part. I wonder whether people want to throw out all the guidelines. Are all the guidelines completely unacceptable, or is only the requirement that people do something—anything—to initiate offsets unacceptable? People are talking about jobs, and they should talk about jobs, because jobs are really important. However, industry is absolutely inflating the impact of the sorts of offsets that are being called for. I point out also that jobs are created when industries implement offsets. That is a no-brainer. That is something that happens.

I want to come back to the urgency of why the EPA has done this in the first place. The EPA has put this up because climate change is a crisis. Climate change is something that every single one of us in this place needs to take absolutely seriously. I wish we did not have to. I wish it was business as usual. But I cannot look my kids in the eye and say to them that I am not going to do anything. I will not do that. Members need to recognise that that is the awesome responsibility that lies with all of us while we are here. The time to act is now. We cannot wait 10 years. The time to act will be gone in 20 years. We have to start doing this now. I do not know to what degree there might have been a nudge, nudge or wink, wink from the minister or, indeed, anyone from government to the EPA to say, “Look, would you be able to establish these sorts of guidelines?” but what I do know is that there has been an unholy haste to distance themselves from that. I am desperately disappointed with that. I want us all to be talking about how we need to address the issue of climate change. I am not hearing genuine solutions being put up in this place. This is beholden on all of us.

Motion lapsed, pursuant to standing orders.