BROWSE LNG PROJECT — INQUIRY

Motion

HON ROBIN CHAPPLE (Mining and Pastoral) [2.44 pm]: I move —

> 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.

Many aspects of what has evolved in this proposal raise a number of questions—questions that I think all sides of the house will need to perhaps find some answers to. Clearly, it has been a failed process from the government's perspective; from the Broome community's perspective; for a number of Indigenous groups, the Jabirr Jabirr people represented by the Kimberley Land Council and the Goolarabooloo people; for Woodside, with the joint venture partners; and for many others. I want to touch on some of the problems I am aware of, and there may be many more, that have led me to seek an inquiry.

More recently it has been determined that the Environmental Protection Authority process was not in accordance with the Environmental Protection Act 1986 and was invalid due to, among other things, numerous and significant conflicts of interest. I will come to that shortly. The Department of Indigenous Affairs acted inappropriately when, at Woodside's request, it withdrew its advice on the clearing of Indigenous heritage sites. Woodside knowingly breached the Aboriginal Heritage Act 1972 in 2011 by clearing the heritage sites. The public was misled about the compulsory acquisition processes, which were botched on two occasions. I believe the site selection process—this probably needs some teasing out—was based on the Premier's whim given that an awful lot of work had been done previously within the Northern Development Taskforce in identifying a number of sites that were completely disregarded when the Premier said North Head would be the site. As we now know, that also led to Inpex Corporation going to Darwin, so we need to canvass issues around that. The Premier did this without carefully assessing all the options that had been considered by the Northern Development Taskforce during the previous two years. I served on that task force representing the Mineral Policy Institute and became very conversant with the options that were available to the various governments of the day. There were a number of conflicts; for example, AECOM Australia did survey work that identified that there were no threatened species in the area. That was ultimately found to be wrong, and it was found that AECOM Australia became the tenderer for a road project over that same area. Also Planning Solutions were involved in the decisions under the development assessment panel process and then was, indeed, the tenderer for the accommodation units. What has been consistently missing in all this is reference to documents that were held by both the EPA and the Department of Indigenous Affairs that had precluded development of this area for many reasons. In fact, we came across one really telling document that shows in my view a high degree of incompetence within the EPA, and I will come to that in a minute.

The initial development proposal started quite a long while ago. A document referred to as "Regional Minerals Program: Developing the West Kimberley's Resources" was released in 2005 and became publicly available through the Northern Development Taskforce process. It was not a particularly publicly available document until it was disclosed in that process. The authors of this document looked at the development of Kimberley resources such as bauxite and coal and many other aspects and came up with some notional ideas of where development should occur and where porting should be developed. Much of what was contained within that report from 2005 led to a lot of the decision making that subsequently occurred.

On 25 March 2008, the Department of State Development—which seems to have its fingers over this whole process, which invariably led to the process failing—wrote to Dr Paul Vogel. Hon Eric Ripper, the former Deputy Premier, Treasurer and Minister for State Development, caused a strategic assessment for the common-use liquefied natural gas hub precinct in the Kimberley region to be undertaken by the Environmental Protection Authority. Dr Paul Vogel received the letter on 26 March 2008. It was to organise a series of draft assessments for where we might develop an LNG facility in the north west. An advertisement appeared in *The West Australian.* The document that was tabled carried a map headed, "Kimberley hub regional assessment". Basically, the assessment went from Broome, almost down to Le Grange and then up to Cape Londonderry and that whole West Kimberley coast. Part of the proposal—it was a really good proposal and I commend the government of the day for this—was to have a major task force and all the parties involved, including the Aboriginal parties, the pastoralists, the tourism industry, and all stakeholders in that area, came together into the Northern Development Taskforce. There were to be different working groups under that. Along with a number of others, I participated in that task force. I think we got going in early May 2008. The chair of the task force was Duncan Ord. A number of other people from state development were also involved in that process. In my working group was Gary Whisson from the Department of Environment and Conservation; Paul Gamblin from

the World Wide Fund for Nature; Maria Mann from Environs Kimberley; me from the Mineral Policy Institute; Jeff Ralston from the —

Hon Ken Baston: Was it Kimberley Quest?

Hon ROBIN CHAPPLE: No, it was PSCC, and I am trying to think what that stood for. It was not a conservation group but a tourism entity. The working group also consisted of Annie Phillips from the Kimberley Land Council; Sarah Grimes from the federal Department of the Environment, Water, Heritage and the Arts; Josh Coates from the Wilderness Society; Anne Crass and Alison Cleary from the Australian Conservation Foundation; and, from DEWHA again, Charlie Brister.

The task force approached this at both state and federal levels because the federal government was very much interested in the process. At that time Minister Garrett was in charge of the federal Department of the Environment, Water, Heritage and the Arts. We had a meeting, which determined that Gaffney, Cline & Associates, which was then to do the first scoping report, was to expand its area of investigation into King Sound, Point Torment, and then further down to the Pilbara. This was eventually signed off by the state government and indeed by the federal government. The second Gaffney, Cline & Associates report carried out work that included that.

I quickly want to turn to an important part of that Gaffney, Cline & Associates report. Appendix 2 looked at a couple of things that were quite telling in the whole development—that is, where the gas would go, who would use it and for what purpose, and the constraints of that gas. Remember, at that time there was no proponent; we were looking at maybe two, three or four proponents going into that Kimberley area. I will quote from appendix 2 of the report —

> **1 Produce gas from different source**
>
> The governments stated policy is to allow producers maximum flexibility including consideration of providing gas from a different source. This option is not effected by the location of a gas processing hub and is not addressed in this study.

The location of the gas hub was not core to the study. The report states —

> **2 Provide gas to large gas consumer located in the Kimberley or Pilbara**
>
> It would appear that if gas was sold to a large gas consumer in the Kimberley or Pilbara region, such as a methanol plant, this would satisfy the government's gas reservation policy but it is not clear that it would bring additional benefits to the state over and above those flowing from an LNG development and would not provide certainty that Western Australia gas consumers would have continued access to natural gas.

The report went on to identify that if we still had to have gas to the Bunbury gas pipeline, we either had to build a pipeline from Browse down to Karratha via the ocean or, subject to an onshore development, build a subsequent development from the offshore development, again, down to the Pilbara for gas development. That became a significant point. Was it cheaper to build a completely new plant in the Kimberley and a new pipeline in the Pilbara or was it cheaper to have a pipeline only to the Pilbara and use the existing facilities? A number of points certainly came out of that. For the science selection program the strategic assessment agreement with the commonwealth was to look at options outside the Kimberley, which already had substantial infrastructure. They were often referred to by Woodside joint venture partners. I will read from some WikiLeaks documents shortly of conversations around that issue between the United States of America Consulate General here and petrochemical companies in America.

We first came across misleading information in one of the Northern Development Taskforce reports. I refer to page 23 of that report —

> It has been agreed that any short-listing of sites in the Kimberley should be subject to a public comment period prior to any preferred site being identified.

But it then went on to make an incorrect observation —

> Some environmental groups have maintained a position of 'no development in the Kimberley' …

If we go through the minutes of the NDT, we find that it was not some; it was all. We start getting some sort of misrepresentation in the NDT reports —

> A preference of these stakeholders is to see the Browse Basin gas processed in Darwin or in the Pilbara.

Again, I do not remember anybody seeking to develop in Darwin. That came about because of the Premier's decision to go to North Head as opposed to James Price Point.

The draft of the Environmental Protection Authority's report into the area north of James Price Point, north of Flat Rocks, is the next really weird process. As we have already discussed, the Premier wanted to go to North Head, which is to the north of Beagle Bay. The first report from the EPA, which is a preliminary draft that was never released, proposed that the Kimberley liquefied natural gas precinct be established between James Price Point and Flat Rocks—that is, to the north of James Price Point. A number of statements are made in that document, and I quote —

> The James Price to Flat Rocks area 60km north of Broome, is devoid of any permanent human habitation. The nearest settlement is a mining lease that is periodically occupied, about 14km from the centre of the site. Willie Creek Pearl Farm is some 35km to the south. Informal camping and recreational fishing are popular between James Price Point and Flat Rocks, as they are along much of the Dampier Peninsula. Commercial fishers also use the area.
>
> This area has not been recommended for conservation and the terrestrial environment is relatively simple, widely represented in the area and does not support biologically diverse vine thickets. The impact of a gas processing precinct on the terrestrial environment here has been rated as "low" (NDT, September 2008).

I had something to do with the NDT. Then the choice of location was changed to between James Price Point and Quondong to the south. We then go to the final document released, "Kimberley LNG Precinct" of December 2008, which is bulletin 1306. In it the EPA notes that report prepared by WorleyParsons in 2008—the NDP report. The EPA document states —

> The northern zone is just south of Flat Rocks, the central zone straddles James Price Point proper and the southern zone is located north from Quondong Point. The EPA has considered all three possibilities in its analysis of the James Price Point option.
>
> …
>
> This area has not been formally recommended for conservation and the terrestrial environment is relatively simple, widely represented in the area and does not support biologically diverse vine thickets.

It did, because the decision about that area had been changed. The EPA did not go to the area covered in the original report; the words from the original report about the area of James Price Point to Flat Rock were inserted into the final report. That area has been recommended for a national park and contains environmentally sensitive vine thickets. It has dinosaur track ways and the department was already well aware of that because of its own reports. I refer to a report entitled "Application for exploration Licence 04/530 — Quondong Point, North of Broome", which is EPA report 519 published in 1991, in which the EPA determined that nobody should go to that area because —

> Sub-coastal vine thickets and closed vine forests occur in isolated patches immediately behind the coastal dune systems. The Department of Conservation and Land Management indicates that the conservation values of these ecosystems is very high because of their rarity and affinity with rainforest vegetation types.
>
> The Western Australian Museum recently reported that there are fossils in a white sandstone rock type at Quondong Point —

They are the dinosaur track ways. To continue —

> which are of great scientific importance. Dinosaur footprints belonging to at least three different kinds of dinosaurs are preserved as well as some of the best Cretaceous plant fossils recorded in the State.

Why is it that in developing a proposal, whoever was within the EPA or the department, literally did a cut-and-paste out of a document relating to another area and put it into a document that was presented to the government as an all clear, when the EPA's own reports had identified that the area was of high conservation value and had recommended opposing both the Terex development in the area and Martin Ynema's proposal for another mine. It is also important to note that in the original draft document, comment is made about Mena Sarubin's block. The original report states —

> The nearest settlement is a mining lease that is periodically occupied, about 14km from the centre of the site.

That does not get a mention in the second rewrite of that report, because that mining tenement is now right on the edge of that proposed area. The EPA really made some fundamental mistakes in dealing with that.

Hon Peter Collier: What are those mistakes? I do not understand what the mistakes are; I know there is innuendo.

Hon ROBIN CHAPPLE: North of James Price Point there are no vine thickets or dinosaur track ways, but south of James Price Point, there are vine thickets and dinosaur track ways. The report that was first done referred to the area in the north and the EPA copied from the report the text that states there were no vine thickets out of that report and inserted it into the report that referred to the area in the south, when in fact there are vine thickets in that area. It was a complete and utter fabrication. That was identified in the court case, which I will come to shortly. When the Barnett government came to power in 2008, the Premier quickly said "Let's go to North Head", which is the other side of Beagle Bay. That is an area that the Northern Development Taskforce had looked at—we had looked at many areas—and that was on the bottom of our list of proposed areas. It is interesting to note that that decision forced Inpex to determine not to go to that area, and I will try to find that article. The article, with the headline "Japanese reject Barnett gas site over whales", states —

> The Japanese company Colin Barnett wants to lure back to WA to build a $25 billion gas plant in the Kimberley does not like his preferred site for the State's first LNG precinct because it is a whale resting area.

That was North Head.

> Documents obtained by *The West Australian* under Freedom of Information laws reveal that in July Inpex wrote to Duncan Ord, chairman of the State Government's northern development task force, warning that a number of the shortlisted sites, including North Head, were not suitable for several reasons, including the threat they posed to whales.

Eventually there was a change of heart and the development was brought back down to James Price Point, which I have pointed out was fundamentally compromised by the inappropriate information provided in EPA bulletin 1306.

Woodside's chosen site, which would require cutting through native vegetation and dredging parts of the seabed, attracted serious opposition from BHP, BP, Chevron and Shell, which had favoured the already industrial sites of the Pilbara. I will quickly go to that document. That arose from "Australian Ups Pressure on Big LNG Project Partners", Embassy Canberra, Australia, Friday, 11 December 2009, and it is shown on WikiLeaks. That document emanated from the embassy to members of the American government, and related to what was going on with the joint venture partners. It reads —

> BHP Billiton Vice President for Government Relations Bernie Delaney previously told us —

That is, the embassy —

> that his firm is strongly opposed to the changes in retention leases, which are likely to push companies such as Chevron and BHP to use existing Woodside infrastructure in the Northwest Shelf, and to develop the new James Price Point complex. Delaney said that BHP and several other partners in the Northwest Shelf venture (which is operated by Woodside) are very frustrated with Woodside's operating style and would much prefer to build their own processing facilities. This leaves Woodside sitting on very expensive processing assets without a long term supply of gas. Delaney believes that the Government policy is driven in part by a desire to minimize the number of complicated environmental approvals that would slow development in the Northwest. He also noted that the retention leases for the Browse project contain caveats that give the partners greater flexibility, such as requiring that they be in a position to make a final investment decision within three years rather than demanding such a decision in 120 days.

Quite clearly, the joint venture partners, who eventually retired from that development, were very concerned at that time. That was reported on PerthNow, and was available in the Western Australian media on 1 September 2011. The media used the same quotes I have, but when they made the newspaper they again raised concern. During that period I had had a number of meetings with those corporations that were partners in that joint development, and although not articulating it externally, they were quite clearly frustrated with the process, and indeed were not supportive of the JVP development at that time. Chevron and BP, as we know, later withdrew from that development.

I turn now to some of the matters around conflict of interest. I will go to the decision of Chief Justice Wayne Martin in the Supreme Court of Western Australia in The Wilderness Society of WA (Inc) v Minister for Environment [2013] WASC 307. The case was heard on 4 June 2013, and judgement was delivered on 19 August. Four Environmental Protection Authority board members were determined to have a conflict of interest, though Elizabeth Carr joined only in late 2011. I will read some of the points about conflict —

> A fourth member, Ms Elizabeth Carr, who will join the EPA board from October 4, was Executive Director (Browse) for the DSD prior to her resignation in February 2011.

The Chief Justice identified that a number of others had conflicts at all times. It is important to note that there seemed to be some view or advice that there was no conflict. Section 12(1) of the Environmental Protection Act 1986, "Disclosure of interests by Authority members", states —

> An Authority member who has a direct or indirect pecuniary interest in a matter that is before a meeting of the Authority shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest to Authority members who are at that meeting, and that disclosure shall be recorded in the minutes of the proceedings of that meeting.

Section 12(3) reads —

> If an Authority member has, in the opinion of the person presiding at a meeting of the Authority, a direct or indirect pecuniary interest in a matter before that meeting, the person so presiding may call on the Authority member to disclose the nature of that interest and, in default of any such disclosure, may determine that the Authority member has that interest.

Clearly, that was not followed. There were numerous meetings identified in the Supreme Court hearing when declarations of interest were not made by members when the Browse proposal was discussed and/or decisions about the proposal were made. When the declarations were made to the chairman, it was generally decided that no actual or potential conflict of interest existed. His reasoning was that the proponent was the Minister for State Development, not Woodside. Chief Justice Martin found that that action did not accord with the EP act.

It is also important to note that Chief Justice Martin also dealt with the matters of quorum. The EP act states that three authority members constitute a quorum, and section 11(2)(e) states —

> a question shall not be decided unless at least 3 Authority members vote thereon.

There are several examples, on 2 March 2012 and 14 March 2012, of meetings being held with only the chairman in attendance. Therefore, a quorum was not reached. Martin CJ's decision reads —

> One or more of Dr Whitaker, Dr Lukatelich or Mr Glennon was present at all of the meetings of the EPA prior to 1 March 2012 which considered the Browse LNG Precinct Proposal other than a meeting held on 15 May 2008. If the presence of Dr Whitaker, Dr Lukatelich or Mr Glennon at the meetings of the EPA which considered the Browse LNG Precinct Proposal is excluded from consideration, there were insufficient other members present to constitute a quorum (of three) at the meetings of 10 July 2008, 21 August 2008, 12 November 2009, and at every meeting thereafter …

The EPA's authority was supposedly delegated to the chairman by the EPA, but in the court case both the Minister for Environment and Woodside accepted that the delegation was not effective. A second delegation of power was undertaken by the minister in July 2012 instead. I will quickly turn to the summary of Martin CJ —

> (a) the decision of the Environmental Protection Authority (EPA) by its delegate, Dr Paul Vogel, who is the Chairman of the EPA, made on 16 July 2012, to submit a report to the Minister for Environment (the Minister) purporting to provide the EPA's assessment of the Browse LNG Precinct Proposal, together with the EPA's recommendations with respect to implementation of that Proposal;

Martin CJ found that that really could not have occurred, and that was one of the reasons that proposal lapsed.

Hon Peter Collier: So the system worked then, didn't it?

Hon ROBIN CHAPPLE: Eventually, but only because Martin CJ got involved.

Hon Peter Collier: Yes.

Hon ROBIN CHAPPLE: Once it gets to the court, it works. But it had to go to the court for it to work.

I now turn to other conflicts of interest. AECOM Australia Pty Ltd was paid $4.5 million to complete a strategic assessment for James Price Point. It was also paid $333 190 for an environmental review into access roads, and over $40 000 for surveys of threatened bilby species. It was a good survey. It found some old diggings and that transient bilbies had moved in and out of the area, but no live nests were found. A few weeks later, locals set up cameras in the area and a plethora of bilbies were found. That finding was subsequently verified and the area was identified as a major nesting site for bilbies. It is unnerving that, according to Main Roads, AECOM had concluded that the bilby burrows were not active at the time of the survey but may have been used in the previous six months. The local community found and filmed colonies in the area. In mid-2012 an announcement was made that AECOM would be awarded a contract to construct a road in an area in which it had said there were no bilbies. That starts getting too close for me. A company declares that there are no bilbies in an area when they are found to be there and then tenders for the road in that same area. That matter appeared in the *Broome Advertiser* on 7 June 2012.

I remind members that the Premier's chief of staff, Brian Pontifex, who got a significant pay rise, was a former Woodside executive and chief of staff to the former federal justice minister Chris Ellison. People with an inexorable linkage to the development keep cropping up all over the place. Where did the idea for compulsory acquisition come from? There has been scuttlebutt around—I say "scuttlebutt" because I actually do not know.

Hon Michael Mischin: So it is not going to stop you from repeating it.

Hon ROBIN CHAPPLE: I assure the Attorney General that the scuttlebutt comes from informed sources. At that time the Kimberley Land Council was really concerned about compulsory acquisition. It had earlier told the Premier that it was having trouble because too many diverse groups were making decisions, opposing or arguing among themselves, and it did not think that it could come up with an agreement for the Premier within the time frame. It was suggested to me that members of the KLC and the Premier determined that one of the ways to fast-track this proposal was to opt for compulsory acquisition. As I say, it is scuttlebutt—I cannot prove it—but, clearly, compulsory acquisition then took place. The Premier originally stated that only 2 500 hectares of land would be compulsorily acquired. Subsequently, he changed the number to 7 500 hectares and 2 500 hectares of seabed. That information was announced by Erin Parke on the ABC. After the compulsory acquisition, details of which appeared at page 90 of *The West Australian* on 15 April 2009, the compulsory acquisition was challenged by Phillip Roe and Neil McKenzie. Chief Justice Martin ruled in 2011 that the compulsory acquisition process was invalid because the three notices of intention to acquisition did not include descriptions of the land. That was a fundamental mistake. It was only to be botched a second time when an attempt was made to fix the first problem.

A second compulsory acquisition was lodged in March 2012 and again was ruled invalid. Mr McGowan said at the time that the Premier's intervention, and his decision that he knew better than commercial proponents, Aboriginal people and the people of the Kimberley, had resulted in that outcome. Mr McGowan said that all of the blame lies with the Premier. As I have long said, those who botched this from the very beginning are those in the Department of State Development. The department has repeatedly been incompetent when deciding on major developments in this state, whether it be around Geraldton or other locations. I remember the proposals of Premier Geoff Gallop to guarantee eight projects for the Burrup, yet none of them eventuated. Minister Grylls has admitted that mistakes have been made by the department in compulsory acquisition. Unfortunately, the government had made so much investment in Broome on the back of a functioning gas processing facility north of the town that he was concerned that if that investment did not push ahead, it would not have any particular value. Every time we deal with these matters, we lose money. There are bad processes and there is no real structural integrity. When I worked for BHP, we would do a complete cost analysis, evaluate everything and hopefully come up with a well-defined project in which all the boxes were ticked. An absolute litany of mistakes seems to have been made here. That is why I believe an inquiry is needed, not necessarily to badger the government, but to look at the departments that have been behind the development of these proposals, their presentations to the government and the way the government has had to deal with the fallout of the failure of just about every inexorable part of these proposals. I believe those agencies that have provided incorrect or misleading information to ministers and the government need to be held to account in some way. I admit that I did not like the proposal, but what we are seeing is a level of abject incompetence through all departments. I have a lot more to say and I have only a minute left.

The compulsory acquisition process was a failure. I did want to deal with the Department of Indigenous Affairs. I am sure the minister was waiting for me to refer to that. Members should know that the department had all the reports on which the EPA had based its decisions that there should be no development in that area, yet it came to the estimates hearings and said that it had only just found out it had all the reports that recommended there should be no development. They had written a briefing note to the Department of State Development identifying the very same reports that DSD should have got, but then it found out that it had written this report and that it may never have been sent. The department had the information. When the minister' two officers went to James Price Point, they were handed the documents; they determined it was a site.

HON PETER COLLIER (North Metropolitan — Leader of the House) [3.29 pm]: I say at the outset that the government will not support this motion. To be honest, I am a little confused as to the argument that has been presented by Hon Robin Chapple. The motion tends to assume that something clandestine or corrupt has gone on in the process. The wording calls for an inquiry into all aspects of the Western Australian government's involvement in all decisions associated with the proposed Browse liquefied natural gas processing precinct at James Price Point. That is the insinuation. Obviously, I have my briefing notes. My more intimate understanding is obviously of native title with regard to the Department of Aboriginal Affairs and its involvement, particularly through the Aboriginal Cultural Material Committee—or the ACMC. But I have to say that I was not convinced by Hon Robin Chapple's argument because —

Hon Robin Chapple: I wouldn't have expected you to be.

Hon PETER COLLIER: I was waiting for a smoking gun; I was waiting for some sort of silver bullet to come out of that smoking gun and say, "Got you!" It never happened, because I could never find anything that was corrupt or clandestine. There is a lot of talk about botched decisions, informed sources and WikiLeaks —

Hon Sally Talbot: We've lost a multibillion-dollar project. I would have thought that gun was smoking.

Hon PETER COLLIER: I am quite willing to talk about that, but the member missed my point. My point is that I was waiting for a document that proved there was some form of corruption or something that was clandestine. No, it did not happen.

Hon Robin Chapple: And it isn't there.

Hon PETER COLLIER: No; fair cop. All I am saying is that there was a lot of talk about —

Hon Sally Talbot: Just a multibillion-dollar project lost to the state, and you're confused about why we need an inquiry.

Hon PETER COLLIER: The framework is there now. Let us just get some perspective on this whole process first of all. Yes, it is disappointing. The Premier has expressed his public, dare I say, almost humiliation in this whole process. To him, it was a very personal project. I have been to Broome on a number of occasions. I have met with the —

Hon Ljiljanna Ravlich: Well, you're no help to anyone. What did you go up there for?

Hon PETER COLLIER: That is the usual immature interjection from Hon Ljiljanna Ravlich.

Hon Ljiljanna Ravlich: It was a fair question.

Hon PETER COLLIER: I met with the Goolarabooloo–Jabirr Jabirr people.

Hon Ljiljanna Ravlich: Everything you touch just fails.

Hon PETER COLLIER: I am not even listening to the member; she is not worth it.

Hon Ljiljanna Ravlich: Well, it has certainly worked you up, hasn't it?

Hon PETER COLLIER: I do not know how you guys can put up with her.

I met with the Jabirr Jabirr people, and they were really excited about this project. I had lunch with them the first time. I enjoyed it so much that I said I would go back, and it was terrific. There was a genuine excitement on behalf of the traditional owners that they were going to get something from this on-site processing that would provide a lot more, not just economic benefit but social benefit, for their people. I say to the honourable member that that is quite sincere. I sat around the table with those people and they were genuinely looking forward to it. I understand the disparity and the divisions that existed but the majority, particularly from the Kimberley Land Council and the traditional owners, was certainly looking forward to this project.

I will give a bit of context to this. As we know, natural gas and the gas fields onshore and offshore throughout the north west of Western Australia have been an evolving process. Natural gas was discovered first in the Browse Basin in 1971, and it has evolved since that time. It is how we process that gas, particularly the offshore gas—whether we do it onshore or through floating LNG offshore—that has now become a continuation of that evolving process. One of the biggest issues, of course —

Hon Sally Talbot: Is this where the humiliation comes in?

Hon PETER COLLIER: One of the biggest issues is how we do it. Of course, the multinationals now find that it will be cheaper for them to process it offshore. If they do it offshore, they say that they do not have to worry about a whole raft of things, and it is cheaper for them. But, of course, for Western Australians it is very detrimental in a whole raft of areas—not just from a direct financial perspective, but also from an economic perspective.

Certainly, the previous Labor government was a bit ambivalent towards the whole notion of offshore processing.

Hon Simon O'Brien: That's putting it mildly.

Hon PETER COLLIER: It will be very interesting to see how the new government responds. We do want an onshore supply base in Western Australia. I think the people in the north west want a supply base in Western Australia for gas storage, processing and delivery, from not just an economic perspective but also a fuel-source perspective. In Western Australia, 60 per cent of our fuel source for energy is gas, as opposed to the situation on the east coast. So it is much cleaner—I am sure that even Hon Robin Chapple will acknowledge this—than the dirty coal from the east. Our vulnerability in terms of the availability of natural gas has never been more exposed than it has been over recent years. For us, we have the dual issue. We have the availability of gas and onshore processing of gas, and also the economic advantages.

I would like to go through the process itself. Yes, things probably could have been done better in some areas—I do not think a person needs a PhD to work that out—but essentially, as far as the government is concerned, we will continue to work towards that onshore processing hub. I will look at the actual process and take a little time to go through that process, and then perhaps make a few comments to conclude.

The Northern Development Taskforce was established by the previous government in 2007—that was the task force itself. That was to bring everyone together to work in partnership for a cohesion of force for a positive outcome; that was the Kimberley Land Council, the traditional owners, industry and the West Kimberley communities. That task force was created to provide a suitable location for, and to coordinate the establishment of, an LNG processing precinct. As I said, that was established and that is what we inherited in government. The task force sought to identify technically feasible sites, with the least environmental and Aboriginal heritage constraints, that would offer positive social and economic benefits for Western Australia and the Kimberley as a whole.

In 2008 the task force identified four potential sites, which were assessed by the Environmental Protection Authority. The EPA's consideration of these sites ultimately informed the selection of James Price Point for the location of the precinct. Woodside Energy, as operator of the Browse joint venture, became the foundation proponent for the government's proposed Browse liquefied natural gas—or LNG—precinct in October 2009. It subsequently worked closely with the state to obtain the necessary approvals and access. That is the process that Hon Robin Chapple took us through. As I said, yes, there were issues with the actual approvals processes and the communication, but essentially this identified the fact, and we remain committed to the fact, that we need an onshore processing plant, and the foundations are there.

In 2008, the state government, the Kimberley Land Council on behalf of the Goolarabooloo–Jabirr Jabirr native title claim group, and Woodside commenced negotiations to obtain native title and heritage consents for establishing the precinct near James Price Point. That brings us to the process itself. I acknowledge the honourable member's comments at the end of his speech that he does not agree with the location itself anyway, but of course it is the process. But I guess the honourable member would not like any location for an on-site processing plant —

Hon Robin Chapple: Yes, I would.

Hon PETER COLLIER: He would. Where?

Hon Robin Chapple: The NDT came up with a number of recommendations from a group that —

Hon PETER COLLIER: Where would the Greens accept —

Hon Robin Chapple: Gourdon Bay was one.

Hon PETER COLLIER: The member would accept that, would he not?

Hon Robin Chapple: That was in the NDT report, which we all signed off on.

Hon PETER COLLIER: Would the member accept that?

Hon Robin Chapple: Yes.

Hon Mark Lewis interjected.

Hon Robin Chapple: Yes.

Hon PETER COLLIER: After three years of negotiations, the state government, the Goolarabooloo–Jabirr Jabirr and Woodside finalised three native title agreements that secured land and access for the development, and set out the benefits for its members the traditional owners. These agreements were strongly supported by the majority of the traditional owners in a formal ballot process. The Browse LNG precinct agreements between the GJJ, Woodside—as the proposed foundation proponent—and the state government were executed in June 2011 and provided benefits of approximately $1.5 billion for the GJJ and the Kimberley traditional owners. The message that I received when I went to Broome and met with the traditional owners as a whole was one of genuine excitement and a belief that this process would be for the benefit of their people. They were genuinely excited about the education, health and housing benefits for their people. I would say that they are pretty disillusioned at the moment. Of course, these benefits were payable upon key milestones being met, including the execution of the agreements, the taking of the land, the securing of the foundation proponent and the expansion of the project. Under the Browse LNG Precinct Project Agreement, the state is currently liable for the payment of approximately $31 million for the taking of the land. The Browse land agreement provides that the native title party may seek closure of the precinct after 16 years if the project proponent has not been secured, and after that time the land may be returned in freehold to the native title party. If the land is returned freehold, the state can pursue resumption under normal processes at an estimated cost of between $7 million and $9 million on 2011 values.

The Federal Court of Australia granted leave to discontinue the GJJ native title claim on 12 September 2013, and the claim was discontinued on 17 September 2013. The claim was removed from the Register of Native Title Claims, and the Jabirr Jabirr people lodged a new claim over the area of the Browse LNG precinct on 23 September 2013. Until the state secures a foundation proponent, only those benefits accrued to date and benefits payable upon taking the land will be available to the GJJ and the other Kimberley traditional owners. The benefits arising from the Browse LNG precinct agreements will be held in trust by the state in an interest-bearing account until a determination of native title is made over the precinct areas.

That is the background on the process as far as native title is concerned. Intricately linked with that are the role of the Department of Aboriginal Affairs and the approvals processes that directly involve Aboriginal heritage claims. I will go through a few issues regarding the Department of Aboriginal Affairs, as I think it does an exceptional job and is streamlining the processes, particularly the application of section 18, which I believe—contrary to what the honourable member may feel—is forensic.

To give some background, I, as Minister for Aboriginal Affairs in January 2013 granted consent for Woodside to undertake the geotechnical activities associated with the development of the Browse LNG precinct following Woodside's submission of a section 18 notice, and its subsequent construction by the Aboriginal Cultural Material Committee. The ACMC advises me, as the minister, on matters relating to Aboriginal heritage. The ACMC comprises members with special knowledge, experience and responsibility to assist them in recognising and evaluating matters of Aboriginal cultural significance coming before the committee.

On 12 April 2013, Woodside announced that it would not proceed with the project to develop the Browse LNG precinct. Despite the recent Woodside determination that the development concept did not meet the company's commercial requirements, it is incumbent upon the minister, following advice received from the ACMC, to inform all section 18 applicants of the result of their application—the application had been submitted on behalf of the proponents. The ACMC does not take its role lightly. The committee is very conscious of the heritage issues associated with all areas of development—not just the hub we are talking about in this instance—and the necessity to ensure that Aboriginal heritage is retained. The committee determines whether a site exists and its significance is evaluated, and then recommendations are made to the minister of the day—in this instance to me—whether to grant or decline consent to the application to use the land, and whether conditions should apply to any consent that is granted.

Hon Robin Chapple: There is a backlog of 6 500 sites waiting to be assessed.

Hon PETER COLLIER: We have been through this and the member has asked a number of questions, but the streamlining of section 18 over the last 12 months has been phenomenal. I am sure that the honourable member would understand —

Hon Robin Chapple: I do, because I have seen the report, and what we are now doing is that, instead of determining sites—let us take Wheatstone for example. There were three applications there—one for 30 sites, one for 30 sites and one for 30 sites. One application was done two years ago, and all the sites were found to be sites. One was done a year ago, and only 15 were found to be sites. One was done six months ago, and was found to have no sites. We have actually changed the parameter of what a site is.

Hon PETER COLLIER: We are talking about a completely different area here and I am not going to have a debate with the member about the Wheatstone site. Suffice to say, as I have said, if the member asks—and I know he will not like to hear this—anyone in industry, even Aboriginal people, there has been a rapid acceleration of the determination of whether or not sites are valid.

Hon Robin Chapple: Absolutely, because they are not sites any longer.

Hon PETER COLLIER: No. Yes they are. It is the member's interpretation of that —

Hon Robin Chapple: You talk to industry, and they are really concerned.

Hon PETER COLLIER: Following the consideration of a full range of submissions related to the section 18 application, the ACMC resolved to recommend to the minister—to me—that consent be granted to Woodside Energy Ltd to use the land for the purposes of the construction, operation and maintenance of the Browse liquefied natural gas development and associated infrastructure. As I understand from the comments of the honourable member, he did not have too many issues with the section 18 application. Is that correct?

Hon Robin Chapple: I haven't got there yet.

Hon PETER COLLIER: He did not mention any; I assume that there would have been some.

Hon Robin Chapple: I have the correspondence here, but we never got there. I have got about another hour to do all that.

Hon PETER COLLIER: If that was such a significant issue, I would have thought it might have been raised in the time that the member had.

On 10 July 2013, as minister, I granted consent for construction activities associated with the development of the Browse LNG precinct to be conducted by Woodside. The ACMC recommendations included that consent be provided with conditions aimed to help avoid impact on, or the salvage of heritage from, these sites where possible. That is always the case. It should be noted—I emphasise this and I have mentioned it in previous comments—that the traditional owners, through the Kimberley Land Council, previously agreed to a heritage protection agreement and continue to provide heritage advice via a representative group to the state government and Woodside.

With regard to the environmental issues that the honourable member mentioned, environmental assessment was conducted under the strategic assessment agreement between the state and commonwealth governments. Detailed environmental site studies and analysis of the proposal commenced in 2009, with the draft strategic assessment report published in December 2010. Responses to the many thousands of submissions received were completed in 2011. This information, together with updated and additional studies, was submitted to state and commonwealth environmental regulators. The community engagement process undertaken followed requirements specified under relevant legislation or guidelines, and documentation was made available on the department's website and in hard copy and disk format. On 16 July 2012 the state's Environmental Protection Authority recommended that the proposal proceed with strict conditions. On 19 November 2012, following a public appeals period, and consideration of appeals by an independent appeals committee, the then Minister for Environment, Hon Bill Marmion, MLA, provided conditional environmental approval for the project. As I understand it, the issues that the honourable member had about that process were about conflict of interest.

Hon Robin Chapple: And the material contained within the EPA report that did not refer to the area that we are dealing with.

Hon PETER COLLIER: Possibly.

Hon Robin Chapple: Please—I have tabled the documents—go and have read of them.

Hon PETER COLLIER: The main issue the member raised was a conflict of interest. I think all the members of the Environmental Protection Authority excused themselves from the decision-making process.

Hon Robin Chapple: Eventually. Justice Martin found it to be invalid because they hadn't vacated their seats when they were supposed to.

Hon PETER COLLIER: Yes, fair cop. I acknowledge that that is one area that could have been improved.

On 12 April 2013, Woodside announced it would not pursue the proposed development concept for onshore processing near James Price Point and would explore alternative options. This is something the honourable member raised. Sometimes when large multinational companies make decisions, they make them exclusively based on commercial grounds. When they do that, people cannot then point the finger at the processes within government because the hub did not go ahead. Those companies make those decisions on commercial grounds and that is unfortunate; there is nothing we can do about it.

Hon Sally Talbot: The government was the proponent.

Hon PETER COLLIER: I am aware of that, but the joint venture operators had a little bit to do with it. As I said, as a government, we will continue to pursue the hub. But, as I said, the procedures and approvals processes were followed. We worked with the traditional owners.

Hon Robin Chapple: They have all been found to be invalid.

Hon PETER COLLIER: As was mentioned, Justice Wayne Martin in the Supreme Court ruled that the EPA's decision to submit the assessment report of the Browse LNG precinct proposal to the environment minister was invalid, rendering the EPA approvals for the precinct invalid. We are currently reviewing that situation. As I said, the process commenced previously. It is possible that it will have an impact on the commonwealth environmental approvals process. As I said, in early September this year Woodside notified the parties to the Browse LNG precinct project agreement that it intended to withdraw and terminate its commitments under the agreement.

The motion calls for an inquiry, but I remain unconvinced that an inquiry will achieve anything whatsoever other than the fact that mistakes were made, and that has been acknowledged. As to whether anything clandestine occurred, I do not think there was a smoking gun. As I said, we heard a lot from WikiLeaks et cetera but little else. As a state government, we have published all reports on the process, which, as I said, was not of a commercially confidential nature, relating to its decision-making processes and the outcomes of agreements entered into. This has included, but is not exclusive to, the final site evaluation report and the EPA report on the

Browse LNG precinct; the strategic assessment report, which provided an assessment of the potential environmental, heritage and social impacts of operating an LNG facility near James Price Point; the Browse LNG precinct regional benefits agreement, which detailed the regional benefits package; the Browse LNG project agreement; and the Browse Land Agreement and associated act. From day one, there has been an enormous amount of public, media and parliamentary scrutiny throughout this process, including by the honourable member. There has been transparency in the process of developing these reports and agreements, including a high level of community consultation. There has also been scrutiny of government decision-making processes through numerous freedom of information requests and as a result of legal actions.

As I said, as a government, we remain committed to the onshore processing of gas in the Kimberley region and to the delivery of benefits to the Kimberley traditional owners. We will continue to work to attract a foundation proponent for the precinct. The government will acquire the land near James Price Point to secure a project-ready precinct. This will provide greater security for the state, for the traditional owners and for any future proponent in reaching a final investment decision. Upon taking the land, the state government will provide benefits of $31 million to the Goolarabooloo–Jabirr Jabirr people, and it will honour all its commitments under the agreements and deliver all benefits payable under those agreements.

To conclude, as I said, yes, I understand the Premier and the government have acknowledged that things could have been done better in this process. We do not recoil from that. The simple fact of the matter is that the intent of the project to do onshore processing was sound and would have ensured we had security of supply of natural gas for Western Australians and Australians, with the associated financial benefits that would also have flowed to the traditional owners and the Aboriginal people in the region and throughout the north west of the state. As I said, when I met with the GJJ on a couple of occasions, I was very conscious of the divide that existed through the KLC, in particular. There was diversity of opinion but the majority of TOs were very supportive of the project, mindful of the significant financial, social and economic benefits it would provide to their people. I have spoken to several of them since and they are very disappointed that that project did not proceed in its intended form.

As I said, the state government remains committed to onshore processing. We do not think it is necessary to have an inquiry into this project. There has been full disclosure and transparency and for that reason the government will not support the motion.

HON SALLY TALBOT (South West) [3.56 pm]: I am speaking in support of the motion and indicate that Labor will support the motion moved by Hon Robin Chapple that an inquiry be established to look 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. I preface my remarks by saying that, having listened very carefully to the points made by Hon Robin Chapple in his opening remarks, I suspect that we probably have quite different motives for supporting the motion. I was particularly surprised and distressed to hear the tone of Hon Peter Collier's remarks in his response to Hon Robin Chapple. Hon Robin Chapple went through a litany of very serious issues ranging from documents that appear to contradict government ministers' public statements, to court findings about the invalidity of the processes adopted by this government. Hon Peter Collier is not the minister in this area but is the Minister for Aboriginal Affairs and said, himself, that he spoke with some authority in that area, and that, of course, is a significant part of the problem that has arisen with this project. I know he is not the Minister for State Development or for Mines and Petroleum, but he started by saying he was confused about the nature of the motion.

Hon Peter Collier: What?

Hon SALLY TALBOT: I wrote it down, Hon Peter Collier. He said that he was confused about the call for an inquiry. He made the point a number of times during his speech that "we could have done better". He talked about the fact that there was a degree of humiliation involved for the government.

Hon Peter Collier: But we don't need an inquiry.

Hon SALLY TALBOT: Frankly, what we heard from Hon Peter Collier had a little throwback to his days as a schoolteacher when he would have sat there a couple of times a year with a stack of school reports to write, trying to remember who on earth little Jimmy was whom he had to write something about. His standard comments, like most teachers make on most school reports, would have been "could have done better".

Hon Peter Collier: That's so patronising.

Hon SALLY TALBOT: I am sorry, minister, but it just does not cut it for a senior government minister to stand up and say, "Yes, we could have done better."

Hon Peter Collier: You are being unnecessarily patronising.

Hon Simon O'Brien: We can never apply that to you because you can't do any better, can you?

Hon SALLY TALBOT: What has the government lost due to the incompetent way it handled this project? Since 6 September 2008, the day the government was elected, until today, what has the government actually lost? It has lost billions of dollars in revenue to the state. It has lost thousands and thousands of jobs. As the minister well knows, the calculation comes to something in the region of 32 000 jobs. If the James Price Point project had gone ahead, 32 000 jobs would have been generated, either directly or indirectly. All the people who could have accessed those jobs live in the electorates of members of this place. I ask all government members to talk to their constituents and explain why they botched this process so badly and lost 32 000 jobs. Where does that figure come from? Is that something I dreamt up? No; that figure is taken from evidence given to an inquiry by this Parliament. The Economics and Industry Standing Committee in the other place held a public hearing at which Woodside was called to give evidence about the impact of floating liquefied natural gas processing on the WA economy. We are talking the government's language here about economic development in this state. When Woodside walked into that hearing, it was not able to point to a single opportunity that would be presented to Western Australian workers by processing the Browse Basin gas offshore. It would not result in one job for WA manufacturers, construction workers or fabricators.

Government figures on the employment that would have been generated directly and indirectly from onshore processing show that 32 000 jobs are gone and finished. This is the biggest industrial project that this state has ever seen and the government has blown 32 000 jobs, yet Hon Peter Collier says that he is confused about the call for an inquiry and that he does not see what good an inquiry would do. I put it to government members that the first thing an inquiry would do is look at what went wrong with the process. Government members concede that something has gone badly wrong with a project that could have generated 32 000 jobs, which are now lost to the Western Australian economy. Of course, these are jobs in not only industry and processing. I have spoken about fabricators, manufacturers and construction workers but, of course, wherever we put money into the Western Australian economy, we generate jobs right through the sector. Government members need that figure of 32 000 jobs indelibly printed on their consciences and they need to explain to their constituents why those jobs have gone. That is the first thing that I say to Hon Peter Collier in an attempt to alleviate some of his confusion about why we need an inquiry.

The second point, which is not disassociated from the first, is that because of the way in which government ministers with direct input into the processes connected with the development of James Price Point handled themselves from September 2008 to the end of 2012 and the decisions they made, the Western Australian community has no confidence left in the environmental assessment system. How much of a problem does the government think that is? Does it think it is not a problem? Is that what Hon Peter Collier was arguing? I am not sure whether it was. I did not hear Hon Peter Collier stand up and say that we do not have a problem. I heard him stand up and say that there is a degree of humiliation over this for the government, it could have done things better and things have gone badly wrong with this.

Hon Peter Collier: I said we are committed to onshore processing.

Hon SALLY TALBOT: What will the government do about that shattered confidence?

Hon Peter Katsambanis: You cannot put a gun to his head.

Hon SALLY TALBOT: I have already made the point, Hon Peter Katsambanis—I am not sure whether he even lived in the state at the time!—that the proponent for James Price Point was the state government.

Several members interjected.

The DEPUTY PRESIDENT (Hon Adele Farina): Order, members! Hon Sally Talbot has the call. I know it is getting close to afternoon tea time, but hold on a bit longer.

Hon SALLY TALBOT: I know that government members' blood sugar levels are dropping to their boots, but those cakes are waiting outside. I invite any honourable members who are finding it hard to concentrate to just go out and have their cake now. We will join them in about 10 minutes. Listen to government members hiding behind Woodside when it suits them to do that. There they are, all marching along in step, behind Woodside, when it suits them. But Woodside was not the proponent for James Price Point; it was this government. Government ministers made a series of appalling decisions that have left the Western Australian community with no confidence in the environmental assessment system. What does that mean for Western Australia? Is this a serious problem? It is not necessarily a serious problem for a state government if it does not have any plans to develop our economy and if the economy is not heavily reliant on resource development. Is that the case for Western Australia? Clearly, of course, it is not. In Western Australia we will grow our economy only to the extent that we can restore that confidence in the environmental assessment system. If members think I am making this up, let me say a few things to remind members of some of the incidents over the past couple of years that have shattered that confidence. I will take the whole issue of James Price Point first because I have 10 minutes left before we break. I might be able to get through this and I can start again when we resume next week. With the James Price Point project, one member of the Environmental Protection Authority board

excluded herself right from the beginning because of a clear conflict of interest because she had managed the Browse project development when she worked for the public sector. It was entirely right and proper that she did that. It is another question entirely about whether that person should have been appointed to the Environmental Protection Authority at that time. That is a subject for another debate so I will not distract with that question at the moment. Suffice it to say that it is worth going back to the act and reading the sections that specify the qualifications that members of the EPA are supposed to have. Then there is at least a question to be debated about whether that person was appropriately appointed to the EPA. Let us leave that aside for one moment. That person obviously explained the conflict of interest when she was first appointed and stepped aside from all negotiations to do with James Price Point. The problem is that three other members of the five-person EPA board also declared conflicts of interest.

Over a couple of years, other members of this chamber and I spent many, many hours during question time slowly extracting this information from the government. It was much, much more difficult than extracting teeth! Let me remind honourable members of this: the act provides that EPA minutes have to be available for public scrutiny within a matter of months of those meetings taking place. We have to go down to the EPA building, go through the reception and be shown into a library area, but the act provides that those minutes have to be available. I can tell members that those minutes were not available. When other members of this chamber and I went to look at those minutes, the government decided they would not be made available to us. In direct contravention of the act we were not able to see those minutes. We had to come back and use the mechanisms of Parliament, question time and freedom of information requests and other means at our disposal to get that information. Over many, many months we pieced together the fact that meeting after meeting after meeting had had conflict of interest statements tabled at the beginning of those meetings. Indeed, members of the EPA had stepped out of discussing particular agenda items and were brought back in when that agenda item was finished if that agenda item was clearly to do with Browse and onshore processing. Yet, we could not understand why suddenly, at the beginning of 2012, the chair of the EPA made the decision that people would be excluded. We could find nothing at that moment that triggered that exclusion. If it had not been required in July, August, September, October, November or December 2011, why was it suddenly required in February 2012? We could not work out what was going on, so we dug further and we kept digging. We eventually found that there had been a change to the regulations at some point over that period, with the quorum required for decisions made by the EPA changed. From that time on, a single member of the EPA was able to make that decision. Why did the alarm bells not start ringing for the government at that stage? I have no explanation for that. Nothing that I can contrive by way of a narrative can explain what was going through collective heads of the government at that time. When the minister's advisers tell him, "Minister, we have an issue. Do you reckon it would be okay if we just changed the regs and changed the quorum requirements for the EPA so that one person can make a ruling on this project?" Perhaps the first thing he would ask is what the project is. If the answer was a $40 billion oil and gas development off the coast of the Kimberley, would a person not say, "Hang on, guys, let's just rewind this and go back to the beginning. What are you asking me to do?" Surely they would. My own point of view would be that even if the issue was an expansion of a chook shed at the back of Gidgegannup, they would ask more questions than the government clearly did. But with a $40 billion industrial project, the biggest industrial project ever to come to this state, a project that was potentially going to generate thousands and thousands of jobs throughout the state, the minister just says, "Sure; cool; go and do it. That's fine; no probs."

The minister was ultimately not able to explain that decision other than by falling back on the bureaucratic language of "changing the regulations". What is the effect of that? Government members should have either talked to their constituents informally about what they felt about the process of environmental assessment in Western Australia or told the Premier that research needed to be done on this issue because they thought there might be a problem. My understanding of this community is that there are waves of confusion and resentment, and a sheer loss of any sort of confidence in the process in Western Australia because of decisions made by this government. I have been very careful up to this moment on this matter, and I will not change the care with which I approach it, because I continue to believe that this is not about competence of individuals involved in the EPA or in the public sector at any stage of the environmental assessment process. I have always made it very clear that my criticism is directed only at government ministers—government ministers who looked at a solution that had been presented to them and said, "Yes, sure; no problem. We'll go with that one. It seems to be the easiest way and I'm sure no-one will notice." Did the government seriously think that no-one would notice? Did the government really think that it could allow the decision to be made by one sole player, with four members of the EPA being dealt out at a very, very late stage because of conflicts of interests, even though they had declared them months, and in some cases years, earlier? Did the government really think that no-one would notice? Of course, that would have been an absolute nonsense. If the government did think that, it was living in a piece of cotton wool. Not only was it noticed, but it was tested by the courts and found to be a contravention of proper process. The whole environmental assessment of this $40 billion project was found to be invalid.

Debate interrupted, pursuant to standing orders.

[Continued on page 4906.]

Sitting suspended from 4.15 to 4.30 pm