

**LEGISLATIVE COUNCIL****Question on notice****Tuesday, 15 October 2013**

352. Hon Robin Chappie to the Minister for Aboriginal Affairs.

With regard to the Stolen Wages Reparation Scheme Western Australia, I ask:

- (a) is the Minister aware of the claim of Mr Norman Echo from the Warmun Community in the Kimberley, whose application to the Stolen Wages Reparation Scheme Western Australia was refused because "Bedford Downs Station, Springvale Station and Ruby Plains Station are not institutions or facilities within the scope of the Reparation Scheme";
- (b) is the Minister also aware that Mr Echo worked on these stations for many years from the age of fifteen or sixteen and was not paid by any of them;
- (c) is the Minister further aware that Mr Echo applied for a review of the decision and that this was refused;
- (d) is the Minister aware that many Aboriginal people consider the Stolen Wages Reparation Scheme Western Australia to be unfair as they contend that non-payment of wages occurred as a direct consequence of State Government policy, regardless of where they worked, and that therefore the State Government should apologise and make amends to all Aboriginal people who were affected;
- (e) will the Minister establish a committee of inquiry to examine all aspects of the scheme; and
- (f) if no to (e), why not?

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Answer

- (a) Yes.
- (b) I am aware of the statements made by Mr Echo in his application to the Stolen Wages Reparation Scheme.
- (c) Yes.
- (d) Yes.
- (e) No.
- (f) The State Government's response to the issue of stolen wages was largely based on advice from the Stolen Wages Taskforce, which found that station workers' incomes were not controlled directly by Government and consequently, fall outside the scope of the Scheme.



Minister for Aboriginal Affairs

**LEGISLATIVE COUNCIL**  
**Question on notice**

19 NOV 2013

Tuesday, 15 October 2013

348. Hon Robin Chappie to the Minister for Mental Health representing the Minister for Environment.

I refer to my questions (a) to (f) in question on notice No. 107 from 12 June 2013, and the recent ruling by the Honourable Chief Justice Wayne Martin, of the Supreme Court of Western Australia, that the Environmental Protection Authority's (EPA) assessment of the Browse LNG Precinct Proposal is invalid, and I ask:

- (a) will the Minister please table all declarations of interest made by EPA members for the period requested in question on notice No. 107; and
- (b) given the seriousness of the ruling by Chief Justice Martin, if no to (a), why not?

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**Answer**

The Minister for Environment has provided the following response.

- (a) No.
- (b) There is no relationship between the ruling by the Honourable Chief Justice Wayne Martin regarding the EPA's assessment of the Browse LNG Precinct strategic proposal and declarations of interest made by EPA members for other projects.



**LEGISLATIVE COUNCIL**  
**Question on notice**

19 NOV 2013

Wednesday, 23 October 2013

386. Hon Robin Chappie to the Minister for Mental Health representing the Minister for Environment.

With regard to the 8 April 2013 decision by the Chairman of the Environmental Protection Authority (EPA) that the Shire of Broome Local Planning Scheme No. 6 not be assessed, the determination of Chief Justice Wayne Martin in *The Wilderness Society (WA) Inc. v Minister for the Environment* [2013] WASC 307, and the *Government Gazette* No. 29 / 28-Feb-2012 - EV402 in relation to *Environmental Protection Act 1986* Delegation No. 26; and

given that, on 31 July 2008, the Chairman formally determined that the EPA would provide advice as to the selection of the site for the Browse Liquefied Natural Gas (LNG) Precinct; and

given that, on 16 July 2012, the Chairman, acting alone after determining that EPA members Dr Whitaker, Dr Lukatelich and Mr Glennon were conflicted from participating further in the environmental assessment of the Browse LNG Precinct, issued Report 1444 recommending that the Browse LNG Precinct could be implemented; and

given that the Chairman had relied on a process of assessment undertaken by the EPA with the benefit of contributions by Dr Whitaker, Dr Lukatelich and Mr Glennon in releasing the second report published on 16 July 2012; and

given that, on 17 December 2012, the Chairman, together with the Deputy Chairman, issued a notice declaring Woodside Energy Limited's proposal to construct and operate an LNG processing and export facility as part of the Browse LNG Hub to be a derived proposal; and

given that, on 18 December 2012, an application for judicial review of the foregoing decisions was lodged in the Supreme Court of Western Australia; and

given that, by 8 April 2013, it was clear that the grounds upon which judicial review of the decisions were sought included conflict of interest on the part of Dr Whitaker, Dr Lukatelich and Mr Glennon, and perceived bias of the Chairman as a result of his long collaboration with the conflicted members during the environmental assessment of the Browse LNG Hub; and

given that the Chairman knew or should have known that conflicts and the appearance of bias on the part of EPA members, including the Chairman, were live issues in the then-pending Supreme Court proceeding; and

given that the Shire of Broome Local Planning Scheme No. 6 incorporates planning provisions and strategies throughout that are premised on development of the Browse LNG Precinct spurring future residential, commercial, industrial and other development, I ask:

(a) can the Minister please explain why the Chairman did not declare a conflict and instead proceeded with his 8 April 2013 Shire of Broome Local Planning Scheme No. 6 decision;

(b) can the Minister please explain why the Chairman did not stand aside from the 8 April 2013 Shire of Broome Local Planning Scheme No. 6 decision; and

(c) in what capacity and using what decision-making process did the Chairman decide that the Shire of Broome Local Planning Scheme No. 6 not be assessed?

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## Answer

The Minister for Environment has provided the following response.

- (a) I am advised by the Chairman that he did not consider that he had a conflict of interest in making a decision under s.48A of the *Environmental Protection Act 1986* (EP Act) (WA) in respect of the Shire of Broome Local Planning Scheme No. 6.
- (b) See the answer to (a).
- (c) The Chairman made his decision under s.48A of the EP Act, in the exercise of delegated authority (Delegation No. 9 of 1998, gazetted on 18 August 1998), following review of the potential environmental impacts and recommendations of the Office of the Environmental Protection Authority in accordance with normal processes.

A handwritten signature consisting of the letters 'A' and 'J' in a cursive, stylized font.