

LEGISLATIVE COUNCIL**QUESTION without notice****of which some notice was given****Tuesday, 26 June 2012**

Hon Robin Chapple to the Minister for Mental Health representing the Minister for the Environment.


With reference to an article in The West Australian yesterday stating that four out of five Board Members of the Environmental Protection Authority were excluded from voting on the proposed gas hub at James Price Point project because of potential conflicts of interest and question without notice asked of the Minister for Mental Health representing the Minister for the Environment yesterday I ask:

- 1) When did Elizabeth Carr first declare a conflict of interest in the Browse development?
- 2) When did Dennis Glennon first declare a conflict of interest in the Browse development?
- 3) When did Chris Whitaker first declare a conflict of interest in the Browse development?
- 4) When did Dr Rod Lykatelich first declare a conflict of interest in the Browse development?
- 5) Were these conflicts of interest tendered, minuted or recorded in any way?
- 6) If no to 5.) why not?
- 7) If yes to 5.) will the Minister table those tendered, minuted or recorded declarations?

I thank the Hon. Member for some notice of this question.

The Minister for Environment has provided the following response:

The Office of the Environmental Protection Authority has advised:

- 1) 26 October 2011
 - 2) 26 October 2011
 - 3) 1 October 2009
 - 4) 26 November 2009
 - 5) The interests were tendered, minuted and recorded in accordance with the Environmental Protection Authority's Meeting Procedures.
 - 6) Not applicable.
 - 7) I seek leave to table the attached documents.
- 

Environmental Protection Authority (EPA) Member –

Disclosure of Interests

(Please complete and pass to EPA Chairman prior to the commencement of the meeting in relation to EPA agenda item 3 at this meeting)

EPA Meeting No: 970

Meeting date: 26/11/09.

In relation to matters discussed at this meeting, I wish to disclose a potential conflict of interest in relation to Agenda Item S.1 arising from

being an employee of BP Australia which is a partner of JV Browse who is a potential proponent for the Kimberley LNG plant as a LNG producer.

S.4 being an employee of BP Australia who is an adjoining landowner to the proposed James Point Stage II Port Development.

Signed Rg Lukateli
Dated 26/11/09.

EPA Decision

Having duly considered the above, the EPA determined that

a potential/actual conflict of interest exists and will abstain from all discussions/decisions of Agenda Item

no potential or actual conflict of interest exists and Dr. LUKATELICH will participate fully in this EPA meeting.

Signed [Signature]
EPA Chairman
Dated 26.11.09

as the state is the proponent.

AGENDA FOR EPA MEETING No. 970
0830 HOURS, THURSDAY, 26 NOVEMBER 2009

Paul Vogel
Chris Whitaker
Joan Payne
Denis Glennon
Rod Lukatelich

8.30 – 8.45 **Closed Session**

8.45 – 8.50 **1. Open Meeting**

2. Acceptance of Agenda

3. Disclosure of Interests

8.50 – 9.20 **4. Confirmation of Minutes**

4.1 EPA Meeting No. 969, Thursday, 12 November 2009

4.2 Business Arising from the Minutes

4.3 Actions Arising

4.4 Correspondence

**5. Priority (For Decision)
and
Strategic Items (For Discussion/Guidance)**

9.20 – 10.05 **5.1 Kimberley LNG Precinct
(For Discussion)**

- Presentation and discussion on SEA process

EPA
Colin Murray
Warren Tacey
Hans Jacob

10.05 – 10.20 **5.2 Model Compliance Reporting Condition
(For Decision/Information)**

- Compliance reporting condition submitted
- EPA endorsement sought
- Guideline for Proponents Preparing a Compliance Assessment Plan submitted for information

EPA
Colin Murray
Melinda Mcleod

DEC
Ian Munro
Genevieve Hull

10.20 – 10.30 *Break*

10.30 – 11.25 **5.3 Roy Hill 1 Iron Ore Mining Project, Stage 2 – Possible ARI
(For Discussion)**

- Staff update 5 minutes
- Proponent presentation 10 minutes
- Discussion with proponent 10 minutes
- Draft report provided
- Delegation to Chairman sought

EPA
Colin Murray
Ray Claudius
Peter Tapsell
Helen Butterworth

Hancock Prospecting Pty Ltd
Richard Wright
Peter Murphy
Ailan Tran

3.50 – 4.45

5.9 Koolyanobbing Iron Ore Project – Mt Jackson J1 Deposit – PER

(For Guidance)

- Staff update 5 minutes
- Proponent presentation 15 minutes
- Discussion with proponent 10 minutes
- Strategy for assessment sought

EPA
Colin Murray
Ray Claudius
Peter Walkington
Helen Dagnall

DEC
Daniel Coffey
Sandra Thomas

Cliffs Asia Pacific Iron Ore P/L
Paul West

Globe Environments
Stuart Hawkins

Western Botanical
Geoff Cockerton

6. Reports, Updates and Site Visits (For Information)

4.45 – 5.00

6.1 EIA Review

Paul Vogel/Michelle Andrews

5.00 – 5.15

6.2 National and State Policy (includes climate change)

Stuart Cowie

7. Other Business

7.1

8. Next Meeting

Thursday, 21 January 2010, No. 971

9. Close

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|--------------------|---|-------------------------|
| 5.15 – 5.30 | Closed Session (to be held in Chairman's office) – • Meeting Evaluation (Chris Whitaker) | EPA Members only |
|--------------------|---|-------------------------|

ENVIRONMENTAL PROTECTION AUTHORITY

**MINUTES OF EPA MEETING NO. 966
1 October 2009**

MEMBERS PRESENT: Dr Paul Vogel Chairman
Mr Denis Glennon Member
Dr Andrea Hinwood Deputy Chair
Ms Joan Payne Member
Dr Chris Whitaker Member



Environmental Protection Authority (EPA) Member –

Disclosure of Interests

(Please complete and pass to EPA Chairman prior to the commencement of the meeting in relation to EPA agenda item 3 at this meeting)

EPA Meeting No: 966

Meeting date: 1.10.09

In relation to matters discussed at this meeting, I wish to disclose a potential conflict of interest in relation to Agenda Item 5.6 arising from

I own Woodside shares directly & in my superannuation fund.
My wife owns Woodside shares directly.

Signed [Signature]
Dated 29.9.09

EPA Decision

Having duly considered the above, the EPA determined that

a potential/actual conflict of interest exists and
will abstain from all discussions/decisions of Agenda Item

no potential or actual conflict of interest exists and
will participate fully in this EPA meeting. [Signature]

Signed [Signature]
EPA Chairman

Dated 1.10.09

AGENDA FOR EPA MEETING No. 966
0900 HOURS, THURSDAY, 1 OCTOBER 2009

Paul Vogel
Andrea Hinwood
Joan Payne
Denis Glennon
Chris Whitaker

- 9.00 – 9.15 **Closed Session**
- 9.15 – 9.20 **1. Open Meeting**
- 2. Acceptance of Agenda**
- 3. Disclosure of Interests**
- 9.20 – 9.50 **4. Confirmation of Minutes**
- 4.1 EPA Meeting No. 965, Thursday, 17 September 2009
- 4.2 Business Arising from the Minutes
- 4.3 Actions Arising
- 4.4 Correspondence
- 5. Priority (For Decision)
 and
 Strategic Items (For Discussion/Guidance)**
- 9.50 – 10.05 **5.1 Draft EPA Environmental Assessment Guideline – Defining
 a Proposal
 (For Decision)**
- Draft EPA Environmental Assessment Guideline
 provided
- Delegation to Chairman sought
- EPA
 Colin Murray
 Melinda Macleod
- 10.05 – 10.35 **5.2 Jack Hills Stage 2 Iron Ore Mine (PER)
 (For Decision)**
- Staff update 5 minutes
- Proponent presentation 10 minutes
- Draft scoping document provided
- Delegation to Chairman sought
- EPA
 Colin Murray
 Ray Claudius
 Tim Gentle
 Doug Betts
- Crosslands Resources
 Stuart Hall
 Dr Lara Jefferson
- GHD
 Anna Napier
- 10.35 – 10.40 *Break*
- 10.40 – 11.10 **5.3 Risk Based Assessment Trials - Scoping
 (For Discussion)**
- Feedback from Workshop (oral presentation by Deputy
 Chair)
- EPA
 Andrea Hinwood
 Colin Murray
 Ray Claudius
 Peter Walkington
 Michelle Andrews
 Ruwani Gilmour

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|-------------|---|--|
| 4.00 – 4.30 | Closed Session – <ul style="list-style-type: none">• Strategic discussion on appeals and offsets with Tony van Merwyk | EPA Members only Michelle Andrews |
| 4.30 – 4.50 | <ul style="list-style-type: none">• Meeting Evaluation | |

ENVIRONMENTAL PROTECTION AUTHORITY

**MINUTES OF EPA MEETING NO. 1016
26 October 2011**

MEMBERS PRESENT: Dr Paul Vogel Chairman
 Dr Chris Whitaker Deputy Chairman
 Mr Denis Glennon Member
 Dr Rod Lukatelich Member
 Ms Elizabeth Carr Member

ENVIRONMENTAL PROTECTION AUTHORITY

Environmental Protection Act 1986. In accordance with procedure, the Chairman determined that no potential or actual conflict of interest existed and that Dr Whitaker, Dr Lukatelich and Mr Glennon should participate fully in the Item.

Environmental Protection Authority (EPA) Member -

Disclosure of Interests

(Please complete and pass to EPA Chairman prior to the commencement of the meeting in relation to EPA agenda item 3 at this meeting)

EPA Meeting No: 1016

Meeting date: 26 Oct 2011

In relation to matters discussed at this meeting, I wish to disclose a potential conflict of interest in relation to Agenda Item 5.1 arising from

Glennon Superation Fund hold shares in Woodside
- not the proposed but legacy first derived proposal

Signed [Signature]
Dated 24 Oct 2011

EPA Decision

Having duly considered the above, the EPA determined that

a potential/actual conflict of interest exists and
will abstain from all discussions/decisions of Agenda Item

no potential or actual conflict of interest exists and Mr Glennon
will participate fully in this EPA meeting.

Signed [Signature]
EPA Chairman
Dated 26.10.11.

AGENDA FOR EPA MEETING No. 1016
0900 HOURS, WEDNESDAY, 26 OCTOBER 2011

| | | | |
|--|-----------|---|---|
| Paul Vogel Chris Whitaker Denis Glennon Rod Lukateliich Elizabeth Carr | | | |
| 9.00 – 9.15 | | Closed Session | |
| 9.15 – 9.20 | 1. | Open Meeting | |
| | 2. | Acceptance of Agenda | |
| | 3. | Disclosure of Potential Conflicts of Interest | |
| 9.20 – 9.50 | 4. | Confirmation of Minutes 4.1 EPA Meeting No. 1015, 13 October 2011 4.2 Business Arising from the Minutes 4.3 Actions Arising 4.4 Correspondence | |
| | 5. | Priority (For Decision) and Strategic Items (For Discussion/Guidance) | |
| 9.50 – 11.05 | | 5.1 Browse Liquefied Natural Gas Precinct (For Discussion/Decision) • Assessment strategy sought | <u>OEPA</u> Anthony Sutton Warren Tacey Kathryn Schell <u>Others</u> TBC |
| 11.05 – 11.15 | | <i>Break</i> | |
| 11.15 – 11.30 | | 5.2 Busselton Regional Aerodrome – section 46(1) Inquiry into Implementation Conditions (Cold Chisel Concert) (For Approval) • Draft condition and report provided • Delegation to Chairman sought | <u>OEPA</u> Anthony Sutton Anthony Sheehan |
| 11.30 – 11.45 | | 5.3 Compliance Branch Quarterly Reporting (For Information) • Update by Ian Munro | <u>OEPA</u> Anthony Sutton Ian Munro Claire Adams |
| 11.45 – 12.00 | | 5.4 Update on Model Conditions Project (For Information) • Update by Ian Munro | <u>OEPA</u> Anthony Sutton Ian Munro Claire Adams |
| 12.00 – 12.15 | | 5.6 Code of Conduct – EPA Members | <u>OEPA</u> |

| | | | |
|--------------|-----------|---|---|
| | | <p>(For Decision)</p> <ul style="list-style-type: none"> • Consider amendment regarding disclosure of interests | Steve Beilby Alanna Fandry |
| 12.15 – 1.00 | | <i>Lunch</i> | |
| 1.00 – 1.15 | | <p>5.7 SEAK Update</p> <p>(For Information)</p> <ul style="list-style-type: none"> • Briefing on SEAK report recommendations and directions | OEPA Darren Foster Naomi Arrowsmith Rod Nowrojee |
| 1.15 – 1.30 | | <p>5.8 Victorian Parliament Inquiry into the Environment Effects Statement Process in Victoria</p> <p>(For Information)</p> <ul style="list-style-type: none"> • Briefing by Naomi Arrowsmith | OEPA Darren Foster Naomi Arrowsmith |
| | 6. | Reports, Updates and Site Visits (For Information) | |
| 1.30 – 2.00 | | <p>6.1 General Managers Report</p> <ul style="list-style-type: none"> • Monthly report September • Quarterly report on Corporate Plan Actions • Quarterly Budget Report | Kim Taylor Anthony Sutton Darren Foster |
| 2.00 – 2.15 | | <p>6.2 EPA Strategic Discussion</p> <p>6.3 Proposed Site Visits Report</p> <p>6.4 Proposed Stakeholder Discussions Report</p> | Paul Vogel Alanna Fandry Alanna Fandry |
| | 7. | Other Business | |
| | | 7.1 | |
| | 8. | Next Meeting Thursday, 10 November 2011 (No. 1017) | |
| | 9. | Close | |

| | | |
|------------|---|--|
| 20 minutes | <p>Closed Session (to be held in Chairman's office) –</p> <ul style="list-style-type: none"> • Meeting Evaluation – Rod Lukatelich | <p>EPA Members and General Manager OEPA</p> |
|------------|---|--|

Environmental Protection Authority (EPA) Member

Disclosure of Interests

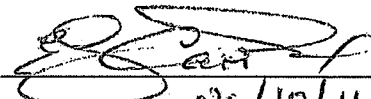
(Please complete and pass to EPA Chairman prior to the commencement of the meeting in relation to EPA agenda item 3 at this meeting)

EPA Meeting No: ~~100~~ 1016
ES

Meeting date: 26/10/11

In relation to matters discussed at this meeting, I wish to disclose a potential conflict of interest in relation to Agenda Item 5.1 arising from PRIOR EMPLOYMENT (JULY 2009 - February 2011) WITH THE DSD AS EXECUTIVE DIRECTOR - BROWSE

Signed
Dated


26/10/11

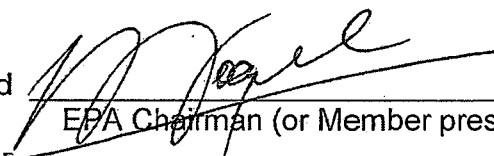
EPA Chairman's Decision

Having duly considered the above, the EPA Chairman, or Member presiding at the meeting, determined that

a perceived/potential/actual conflict of interest exists and *Ms Law*
will abstain from all discussions/decisions of Agenda Item *5.1*

no perceived, potential or actual conflict of interest exists and
will participate fully in Agenda Item of this EPA meeting.

Signed


EPA Chairman (or Member presiding)

Dated

26. 10. 11

AGENDA FOR EPA MEETING No. 1016
0900 HOURS, WEDNESDAY, 26 OCTOBER 2011

| | | | |
|---|-----------|---|---|
| Paul Vogel Chris Whitaker Denis Glennon Rod Lukatelich Elizabeth Carr | | | |
| 9.00 – 9.15 | | Closed Session | |
| 9.15 – 9.20 | 1. | Open Meeting | |
| | 2. | Acceptance of Agenda | |
| | 3. | Disclosure of Potential Conflicts of Interest | |
| 9.20 – 9.50 | 4. | Confirmation of Minutes 4.1 EPA Meeting No. 1015, 13 October 2011 4.2 Business Arising from the Minutes 4.3 Actions Arising 4.4 Correspondence | |
| | 5. | Priority (For Decision) and Strategic Items (For Discussion/Guidance) | |
| 9.50 – 11.05 | | 5.1 Browse Liquefied Natural Gas Precinct (For Discussion/Decision) • Assessment strategy sought | <u>OEPA</u> Anthony Sutton Warren Tacey Kathryn Schell <u>Others</u> TBC |
| 11.05 – 11.15 | | <i>Break</i> | |
| 11.15 – 11.30 | | 5.2 Busselton Regional Aerodrome – section 46(1) Inquiry into Implementation Conditions (Cold Chisel Concert) (For Approval) • Draft condition and report provided • Delegation to Chairman sought | <u>OEPA</u> Anthony Sutton Anthony Sheehan |
| 11.30 – 11.45 | | 5.3 Compliance Branch Quarterly Reporting (For Information) • Update by Ian Munro | <u>OEPA</u> Anthony Sutton Ian Munro Claire Adams |
| 11.45 – 12.00 | | 5.4 Update on Model Conditions Project (For Information) • Update by Ian Munro | <u>OEPA</u> Anthony Sutton Ian Munro Claire Adams |
| 12.00 – 12.15 | | 5.6 Code of Conduct – EPA Members | <u>OEPA</u> |

| | | | |
|--------------|-----------|--|---|
| | | <p>(For Decision)</p> <ul style="list-style-type: none"> Consider amendment regarding disclosure of interests | Steve Beilby Alanna Fandry |
| 12.15 – 1.00 | | <i>Lunch</i> | |
| 1.00 – 1.15 | | <p>5.7 SEAK Update (For Information)</p> <ul style="list-style-type: none"> Briefing on SEAK report recommendations and directions | OEPA Darren Foster Naomi Arrowsmith Rod Nowrojee |
| 1.15 – 1.30 | | <p>5.8 Victorian Parliament Inquiry into the Environment Effects Statement Process in Victoria (For Information)</p> <ul style="list-style-type: none"> Briefing by Naomi Arrowsmith | OEPA Darren Foster Naomi Arrowsmith |
| | 6. | Reports, Updates and Site Visits (For Information) | |
| 1.30 – 2.00 | | <p>6.1 General Managers Report</p> <ul style="list-style-type: none"> Monthly report September Quarterly report on Corporate Plan Actions Quarterly Budget Report | Kim Taylor Anthony Sutton Darren Foster |
| 2.00 – 2.15 | | <p>6.2 EPA Strategic Discussion</p> <p>6.3 Proposed Site Visits Report</p> <p>6.4 Proposed Stakeholder Discussions Report</p> | Paul Vogel Alanna Fandry Alanna Fandry |
| | 7. | Other Business | |
| | | 7.1 | |
| | 8. | Next Meeting Thursday, 10 November 2011 (No. 1017) | |
| | 9. | Close | |

| | | |
|------------|---|---|
| 20 minutes | <p>Closed Session (to be held in Chairman's office) –</p> <ul style="list-style-type: none"> Meeting Evaluation – Rod Lukatelich | EPA Members and General Manager OEPA |
|------------|---|---|