

LEGISLATIVE COUNCIL

Question On Notice

Wednesday, 11 April 2018

1108. Hon Robin Chappie to the Minister for Regional Development representing the Minister for State Development, Jobs and Trade

I refer to the *Railway and Port (The Pilbara Infrastructure Pty Ltd) Agreement Amendment Bill 2018* (the bill), and I ask:

- (a) when did the State start negotiating the Bill with Fortescue Metals Group (FMG);
- (b) why is the parliamentary process being expedited to ratify this Bill;
- (c) has FMG applied pressure on the Premier, Ministers or immediate staff to have this Bill expedited through the Parliament;
- (d) is the Premier aware that Wintawari Guruma Aboriginal Corporation has applied to the Supreme Court for a judicial review of the Minister for Aboriginal Affairs decision to grant FMG section 18 consent to construct part of the Eliwana railway;
- (e) is the Premier aware that the grounds for the judicial review are based on the Minister's haste to make the decision before considering the information from the native title holders of this highly significant area;
- (f) did the Premier or anyone in his office apply pressure to the Minister for Aboriginal Affairs to grant section 18 consent to FMG to give the company the regulatory certainty it was seeking;
- (g) is the Premier's deputy Chief of Staff related in any way to FMG's new CEO;
- (h) if yes to (g), how;
- (i) is the Premier concerned about the real or perceived conflicts of interest that arise when the Government is perceived to expedite regulatory processes; and
- (j) is the Premier satisfied that his Government's support for the Eliwana railway project will not unduly influence the environmental approvals process that is about to begin?

Answer

- (a) The need for a variation to the State Agreement was identified in September 2017 and negotiations formally commenced in early December 2017.
- (b) The Parliamentary process has followed its normal course.
- (c) It is unclear what the member means by the term 'pressure'. Negotiations were handled at the departmental level.
- (d-e) Yes, the Premier is aware there is an application to review, but is not aware of the detail of it.
- (f) As with clause (c), it is unclear what the member means by the term 'pressure'

(g-i) As is on the public record, the Premier's Deputy Chief of Staff is the sister of Elizabeth Gaines, the CEO of FMG. Accordingly, she has lodged her Conflict of Interest – Relationship form with the Department of Premier and Cabinet.

To avoid either a real or perceived conflict of interest, the Premier's Deputy Chief of Staff, in accordance with her form lodged with the Department of Premier and Cabinet, excuses herself from any meeting in which a decision is taken or considered that impacts the operations of FMG. In addition to this, she provides no advice on matters which impact on their operations.

(j) Yes.

A handwritten signature in black ink, consisting of a stylized, cursive 'M' followed by a period.