

**Question On Notice No. 6098** asked in the **Legislative Council** on **1 April 2008** by **Hon Giz Watson**

Question Directed to the: **Parliamentary Secretary representing the Minister for State Development**

Minister responding: **Hon E.S. Ripper**

Parliament: 37 Session: 1

**Question**

In August 2005, the Department of Industry and Resources (DOIR) released the report, 'Developing the West Kimberley's Resources' (the 'Study'). Mr Bevan Stott, Indigenous Development Consultant, was part of the consultant team that undertook the Study, and I ask -

- (1) Did the objectives of the Study include the encouragement of a coordinated approach by industry, Local, State and Australian Governments to facilitate the cost efficient and effective development of gas and mineral processing activities, and promote regional employment opportunities in the West Kimberley region?
- (2) Is the Minister aware that Mr Bevan Stott was engaged by the Wunambal Gaambera Aboriginal Corporation before, during, and after his participation on the consultant team?
- (3) Is the Minister aware that Mr Bevan Stott is now called upon by members of the Wunambal Gaambera Aboriginal Corporation to advise, inter alia, as to whether those same members should enter into long-term financial arrangements with organizations that previously sat on the Government-Industry Management Committee that oversaw the Study?
- (4) Is the Minister aware that Mr Bevan Stott holds what might reasonably be considered to be a fiduciary relationship with the Wunambal Gaambera Aboriginal Corporation and its members and that they are particularly reliant upon the advice of Mr Stott and he exercises a position of extreme trust?
- (5) If yes to (4), is the Minister required to take note of this information?
- (6) If no to (4), will the Minister avail himself of this information?
- (7) Will the Minister confirm that he is aware that Mr Bevan Stott, in the course of his work with the Wunambal Gaambera Aboriginal Corporation, is called upon to regularly organize meetings on behalf of the same, the Kimberley Land Council, Government and with mining and gas proponents?
- (8) If no to (7), will the Minister avail himself of this information?
- (9) Will the Minister confirm that he is aware that Bevan Stott, by virtue of his position, can control which Wunambal Gaambera Aboriginal Corporation members are in attendance at particular meetings on the basis that it is he that, -
  - (a) provides notice of the same;
  - (b) controls timing as to notice of the same; and
  - (c) makes travel arrangements for many of the members to attend the same?
- (10) If no to (7), will the Minister avail himself of this information?

(11) Will the Minister confirm that he is aware that the Executive Director of the KLC has made it clear that the Kimberley Aboriginal people cannot afford to ignore the vast financial inducements that stand to be made from the mining and oil companies seeking to exploit the Kimberley's resources by stating, 'These are multi-billion dollar projects and traditional owners should expect no less than a multi-billion dollar deal,' when interviewed on the ABC's 7.30 Report?

(12) If no to (11), will the Minister avail himself of this information?

(13) Does the Minister consider it appropriate for the Executive Director of the KLC, as head of the Native Title Representative Body, to proffer this view when his duty is to represent the wishes of all Native Title claimants in an open process in line with the Premier's statement in the Legislative Assembly, on 21 November 2006?

(14) Bevan Stott is a former senior employee of the KLC. Does the Minister consider that Bevan Stott might reasonably be considered to hold a serious conflict of interest in the discharge of his duties on behalf of the Wunambal Gaambera Aboriginal Corporation by virtue of, -

(a) his former long-term employment relationship with the KLC and continuing friendships with senior members of that organisation; and

(b) his having previously been paid by the Government, and overseen by industry to advise both the Government and industry on the development of the West Kimberley's mineral and energy resources?

(15) If no to (14), will the Minister confirm that a serious perception of conflict might reasonably be seen to exist?

(16) If no to (15), why not?

(17) Will the Minister confirm that Bevan Stott has at all times discharged his fiduciary duty, and continues to discharge that fiduciary duty to act in relation to the Wunambal Gaambera Aboriginal Corporation and its members by, -

(a) continuing to advise those members on whether they should enter into major long-term mining and energy arrangements with companies that previously sat on the Government-Industry Management Committee that oversaw the Study;

(b) continuing to participate in the arrangement of meetings involving the KLC and/or proponents and/or Government and the Wunambal Gaambera Aboriginal Corporation and its members; and

(c) continuing to participate in meetings involving the KLC and/or proponents and/or Government and the Wunambal Gaambera Aboriginal Corporation and its members?

(18) If no to (17), why not?

(19) Has the Government or its Agencies contracted with Mr Stott for the provision of any consultancy services (other than the Study) by Mr Stott since 1 August, 2004?

(20) If yes to (19), please state the, -

(a) the names of all contracting parties, as broken out by consulting engagement in which Mr Stott has been engaged by Government or its Agencies since that time;

(b) the Australian dollar value of the consulting services provided by Mr Stott, as broken out by consulting engagement in which Mr Stott has been engaged by Government or its Agencies since that time;

(c) the services which formed the subject of Mr Stott's consulting engagement, as broken out by consulting engagement in which Mr Stott has been engaged by Government or its Agencies since that time;

(d) details of the entire consulting engagement that Mr Stott's services formed a part of, as broken out by consulting engagement in which Mr Stott has been engaged by Government or its Agencies since that time, if, in the case that Mr Stott's services formed a subset of a broader consulting engagement;

(e) the term of Mr Stott's consulting engagement, as broken out by consulting engagement in which Mr Stott has been engaged by Government or its Agencies since that time;

(f) reports produced as a result (whether in whole or in part) of Mr Stott's involvement in the said consulting engagement, as broken out by consulting engagement in which Mr Stott has been engaged by Government or its Agencies since that time; and

(g) any other information that might be relevant, as broken out by consulting engagement in which Mr Stott has been engaged by Government or its Agencies since that time?

(21) Has the KLC or its associated parties contracted with Mr Stott for the provision of any consultancy services by Mr Stott since 1 August 2004?

(22) If yes to (21), please state the -

(a) the names of all contracting parties, as broken out by consulting engagement in which Mr Stott has been engaged by the KLC since that time;

(b) the Australian dollar value of the consulting services provided by Mr Stott, as broken out by consulting engagement in which Mr Stott has been engaged by the KLC since that time;

(c) the services which formed the subject of Mr Stott's consulting engagement, as broken out by consulting engagement in which Mr Stott has been engaged by the KLC since that time;

(d) details of the entire consulting engagement that Mr Stott's services formed a part of, as broken out by consulting engagement in which Mr Stott has been engaged by the KLC since that time, if, in the case that Mr Stott's services formed a subset of a broader consulting engagement;

(e) the term of Mr Stott's consulting engagement, as broken out by consulting engagement in which Mr Stott has been engaged by the KLC since that time;

(f) reports produced as a result (whether in whole or in part) of Mr Stott's involvement in the said consulting engagement, as broken out by consulting engagement in which Mr Stott has been engaged by the KLC since that time; and

(g) any other information that might be relevant, as broken out by consulting engagement in which Mr Stott has been engaged by the KLC since that time?

(23) Will the Minister confirm that Mr Stott holds a Wunambal Gaambera Aboriginal Corporation corporate credit card, notwithstanding that he is engaged as a consultant for the same and is not a Wunambal Gaambera Aboriginal Corporation employee?

(24) If no to (23), will the Minister avail himself of this information?

(25) Will the Minister please state what formal academic and professional qualifications Mr Stott holds?

(26) If no to (25), why not?

(27) Will the Minister confirm that Mr Stott has been in receipt of a consulting day rate greater than or equal to A\$ 1 500 per day plus out-of-pocket expenses for work taken in relation to Wunambal Gaambera Aboriginal Corporation?

(28) If no to (27), will the Minister avail himself of this information?

**Answered on 6 May 2008**

(1) Yes

(2) - (10) No

(11) I am aware of the Kimberley Land Council's recognition of the economic opportunity that the Browse gas development provides for indigenous participation, but am not aware of the gas industry offering any inducements to the Kimberley Land Council (KLC) or any other party.

(12) N/A

(13) It is not appropriate for me to comment on this matter.

(14) It is not appropriate for me to comment on this matter.

(15) - (16) N/A

(17) It is not appropriate for me to comment on this matter.

(18) N/A

(19) No

(20) N/A

(21) This question should be directed to the KLC.

(22) N/A

(23) I have no knowledge of Mr Stott's arrangements with the Wunambal Gaambera Aboriginal Corporation.

(24) - (25) No

(26) The Government or its agencies have not directly contracted his consultancy services.

(27) Information is not known.

(28) It is part of my role to answer parliamentary questions in the public interest. However I am reluctant to be drawn into what could be a private dispute.