

Question Without Notice No. 455 asked in the **Legislative Council** on **14 May 2008** by **Hon Giz Watson**

Question Directed to the: **Minister for Local Government** representing the **Minister for Indigenous Affairs**

Minister responding: **Hon M.H. Roberts**

Parliament: 37 Session: 1

Question

I refer to the development of the Apache Energy Devil Creek development project and answer to question without notice 415.

- (1) What was the content of the letter dated 18 April 2008 sent to Mr Ripley of Apache Energy and copied to Ian Allison of the Department for Planning and Infrastructure and Mr Ian Gordon Lam, manager of pastoral management?
- (2) Did that letter advise that following the consideration and recommendation of the Aboriginal Cultural Material Committee that the minister declined consent to use the land in question due to lack of consultation with native title groups?
- (3) Given the answer to question 415, why did the minister advise that the matter was still currently under deliberation when she had already given her response in writing to the proponent and others?
- (4) Has the minister misled Parliament; and, if so, why?

Hon LJILJANNA RAVLICH replied:

I thank the member for some notice of the question.

- (1)-(2) The letter to Apache Northwest Pty Ltd dated 18 April 2008 declined consent for the purpose of the construction and future operation of the Devil Creek gas plant and associated infrastructure due to insufficient consultation with two native title groups.
- (3) On 23 April 2008 the minister wrote to Apache notifying that she had received advice from the Department of Indigenous Affairs that the Environmental Protection Authority had not completed an environmental impact assessment under the provisions of the Environmental Protection Act 1986. As a result, at the time the decision was made to decline consent, the minister was not authorised by law to make such a decision and that decision is therefore invalid. The minister then advised Apache that its section 18 application remained undecided and is therefore current.
- (4) No.