

**House:** Legislative Assembly- QUESTIONS WITHOUT NOTICE  
**Date:** Thursday, 19 June 2008  
**Member:** Barron-Sullivan, Mr Dan; Roberts, Mrs Michelle  
**Subject:** APACHE ENERGY - DEVIL CREEK APPLICATION  
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APACHE ENERGY — DEVIL CREEK APPLICATION

**342. Mr D.F. BARRON-SULLIVAN to the Minister for Indigenous Affairs:**

The Deputy Premier, with his comment about lobbyists, may have an interest in this question. I refer to the situation regarding Apache Energy and the fact that Western Australia does not have sufficiently diverse gas processing infrastructure to reduce the impact of events such as the one at Varanus Island, and to the application last December by Apache Energy for consent to use land at Devil Creek, adjacent to the Dampier-Bunbury natural gas pipeline, for a gas plant, which the minister stopped in its tracks by issuing a section 18 notice under the Aboriginal Heritage Act 1972.

**Mrs M.H. Roberts:** I don't issue the notices; they apply for them.

**Mr D.F. BARRON-SULLIVAN:** I have the minister's letter of rejection to Apache Energy.

(1) Is it correct that the minister rejected this major proposal in a letter to Apache dated 18 April, citing a "lack of consultation with the Ngarluma group"?

(2) Did a former Labor Premier, a registered lobbyist, lobby the minister personally or indirectly—I emphasise the word "personally"—to stop this proposal, and did she know that he had personal ties with that group?

**Mrs M.H. Roberts:** The Ngarluma group?

**Mr D.F. BARRON-SULLIVAN:** Yes.

**Mrs M.H. Roberts:** I think everybody does.

**Mr D.F. BARRON-SULLIVAN:** I am dying to hear the minister's answer.

(3) Is it correct that the Ngarluma group are traditional owners at Maitland, some 30 kilometres from the site, and that the local traditional owners at Devil Creek had been consulted and supported Apache's application?

(4) Was it only after intervention by the Department of the Premier and Cabinet, which understood the enormous political ramifications of the minister's actions in the midst of the gas crisis, that she eventually gave Apache verbal consent last week after causing months of unnecessary delay?

**Mrs M.H. ROBERTS replied:**

(1)-(4) No. I am not sure where the member gets his advice from but he has added one and one together and come up with about 67. There are a number of elements to his questions that are based on a range of suppositions that are incorrect. Firstly, he clearly does not understand the section 18 process. I will not issue section 18 notices to stop people doing things; companies apply for a section 18 approval and then that request is either approved or refused.

With respect to the member's fishing expedition about Peter Dowding, one thing I do know is that one of Peter Dowding's former wives was a Ngarluma woman, Jill Churnside. The Churnsides are well-known Ngarluma people. Peter Dowding had no input into any decision that I have made with respect to Apache Energy's application to use land at Devil Creek. That part of the question is not relevant.

The letter that the member is waving around is accurate and that advice was given. However, quite soon after that letter was written, it was drawn to my attention that the environmental approval process was underway. I was obliged to take that into account before I could make a decision. That letter was invalid. Independent of any advice from anyone, certainly not advice from the Department of the Premier and Cabinet, that advice came to me. I again wrote to Apache Energy advising of the process. One of the issues was that the consultation had been inadequate. That was the advice given to me by the Aboriginal Cultural Material Committee and the Department of Indigenous Affairs. That advice was given quite some time ago, but that section 18 refusal did not apply. It was invalid and the application was still live. Subsequent to that, there has been a separation of the accommodation part of the application. That was a broad ranging section 18 application. Part of it was for accommodation, part of it was for some infrastructure, and so forth. The application was separated. The application was forwarded to me with the accommodation part and associated matters. I did not deal with that last week; I dealt with it this morning. This morning I approved the section 18 notice. Apache would not have received that correspondence from me yet because I only just approved the application.