

# Captured State

**The influence of the gas lobby on WA**



This report was written on Noongar land and discusses issues affecting all Aboriginal nations of Western Australia. We acknowledge and pay our respects to the traditional custodians of the lands on which we live and work. We recognise that sovereignty was never ceded and pay our respects to Elders past, present and emerging on all Aboriginal nations across Western Australia:

- Amangu  
Arnga  
Bardi  
Badimaya  
Bailgu  
Baiyungu  
Ballardong  
Binigura  
Bunuba  
Buruna  
Djaru  
Duulngari  
Dyiwali  
Gija  
Gooniyandi  
Gugadja  
Ildawongga  
Inawongga  
Inggarda  
Jaburara  
Jabirr Jabirr  
Jadira  
Jawi  
Jukun  
Kalaako  
Kalamaia  
Kambure  
Kaneang  
Karajarri  
Karia  
Kartudjara  
Keiadjara  
Koara  
Koreng  
Kurajarra  
Kurrama  
Madoitja  
Maduwongga  
Maia  
Malgana  
Malgaru  
Malngin  
Mandara  
Mandi
- Mandjildjara  
Mandjindja  
Mangala  
Mantjintjarra  
Ngalia  
Mardudunera  
Martu  
Mineng  
Miriwung  
Mirning  
Miwa  
Murunitja  
Nakako  
Nanda  
Nangatadjarra  
Nangatara  
Ngaanyatjarra  
Ngaatjatjarra  
Ngadjunmaia  
Ngalia  
Ngarinjin  
Ngarla  
Ngarlawangga  
Ngarluma  
Ngolibardu  
Ngombal  
Ngurlu  
Ngurrara  
Niabali  
Nimanburu  
Ninanu  
Njakinjaki  
Njunga  
Nokaan  
Noongar  
Nyamal  
Nyangumarta  
Nyigina  
Nyulnyul  
Panyjima  
Pibelman  
Pindiini  
Pindjarup  
Pini
- Pintupi  
Pitjantjatjara  
Putidjara  
Spinifex  
Tedei  
Tenma  
Thalandji  
Tharrkari  
Tjalkadjara  
Tjeraridjal  
Tjurabalan  
Tjuroro  
Umiida  
Unggarranggu  
Unggumi  
Waljen  
Walmadjari  
Wardal  
Wariangga  
Warrwa  
Watjarri  
Wangai  
Wanman  
Wenamba  
Whadjuk  
Widi  
Wiilman  
Wilawila  
Wirdinya  
Wirngir  
Worrorra  
Wudjari  
Wunambal  
Wurla  
Yamatji  
Yawijibaya  
Yawuru  
Yeidji  
Yindjibarndi  
Yingkarta  
Yinikutira  
Yued

**350 Boorloo Perth** is a grassroots climate justice group in Western Australia.

350 Boorloo Perth is part of the 350.org movement, an international movement of ordinary people working to end the age of fossil fuels and build a world of community-led renewable energy for all. 350.org is building a future that's just and equitable, with communities and ecosystems thriving and protected from the impacts of climate change.

350.org Australia is building a people-powered movement for climate justice. Our mission is to build a grassroots movement to stand up to the fossil fuel industry, and support a just transition from coal, oil and gas to a renewable-energy future for all.



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## Our aims for this report

The fossil fuel lobby has captured democracies across the world and continues to push for further expansion despite the need for a transition to clean technology. The scale of the climate crisis we face is unprecedented. Action is needed now more than ever.

At 350.org we want communities to take back democracy from the hands of the big polluters and ensure our elected officials get on with the job of tackling the climate crisis.

As a major fossil fuel producer and exporter, this is as important in Western Australia as it is anywhere in the world. **We want you to take action, make your community's voice heard, and help us take back our democracy.** The fossil fuel lobbyists have had the ear of elected officials for too long - now is the time to demand the future we want.

### Taking back our democracy

Addressing the insidious influence of the fossil fuel lobby is no small task. However, if we want our government to take meaningful action on climate change, we need to diminish their power whilst building our own.

We can build our power by making our voices heard by those we elect to represent us. Politicians should be prioritising the voices of the community over the voices of the fossil fuel lobby.

You can use this report to raise your concerns about the fossil fuel lobby's influence with your MP. **If enough people raise their concerns with MPs across the state, we can make this an issue at election time.**

### How to use this report

- 1 Arrange a meeting with your local MP. This can be a daunting prospect, but remember that you have all the facts in front of you. Take a friend or go in a group, and get in touch with *350 Boorloo Perth* for support.
- 2 Use this report as a guide to talk through some of the main threats WA faces from the gas industry. Each section includes a colour-coded request for your MP. These are commitments that MPs can make to support a cleaner and more transparent democracy.
- 3 During your conversation, make a note of your MP's comments and commitments to each recommendation. You can use these notes to follow up and hold them to any commitments they make.
- 4 Celebrate! Get a photo with the MP, send it to us and tag us on social media. Get in touch and let us know how it went.
- 5 Talk to other people in your community and encourage them to do the same. Growing a movement of people to raise these concerns is the only way we will make this an issue that your MP cannot ignore.
- 6 Keep in touch and stay involved. Stay in touch with your MP - ask for updates about how they are addressing the issues you discussed. Stay involved with *350 Boorloo Perth* or start a community group. If there isn't a local climate action campaign near you already, then the movement needs you! Get in touch with us and we can support you.

**We need people in communities all over the state pushing for climate action and a cleaner democracy if we are to shift WA beyond fossil fuels.**

## Key findings + introduction

### 1 Political donations by oil and gas companies are often made within days of meetings with ministers

For the first time, the dates of political donations have been compared to the dates of meetings between gas lobbyists and four WA ministers, including the Premier.

### 2 Political donations correspond with political decisions

For the first time, political donations have been mapped on timelines to reveal peaks in donations that correspond to decisions affecting the donors.

### 3 Emissions and offset conditions on gas projects are weak, and not being met

The first visual representations of greenhouse gas emissions and offsets for five of WA's biggest emitting projects shows large differences between emissions created, offset requirements and actual offsets.

### 4 Woodside Petroleum is the most powerful political player from the gas industry in Western Australia

- Woodside Petroleum (Woodside) representatives frequently meet with government ministers more often than representatives from other fossil fuel companies.
- Woodside hosted Premier Mark McGowan at a board dinner in 2019.
- The National Offshore Petroleum Safety and Environmental Management Authority's current and previous two Chairs had previously worked for Woodside.

### 5 There is a revolving door between WA's fossil fuel industry, political offices, and the state bureaucracy.

The first representation of WA's revolving door between political staff, government positions, fossil fuel companies and lobbyists, demonstrates significant movement between the fossil fuel industry and WA politics and bureaucracy.

## INTRODUCTION

### Background and purpose of this report

The gas industry has grown into Western Australia's (WA's) largest emitter of greenhouse gases. Five LNG facilities in WA have been a key driver of rising carbon emissions nationally, while the overturned state-wide fracking ban could drive up further emissions.<sup>1</sup>

This is despite the next decade being critical for climate action, with the Intergovernmental Panel on Climate Change having warned of the need to drastically reduce emissions in order to avoid tipping over 1.5 or even 2 degrees of heating.<sup>2</sup>

Gas corporations continue to profit from their unabated pollution by maintaining influence over those who hold the power and responsibility to curb the industry's emissions. Elected officials have been reluctant to take steps to curb the fossil fuel industry's emissions, and show support for further expansion, despite the consequences this would have for the climate.

The purpose of this report is to highlight the ways in which the gas industry holds considerable influence over the WA Government. This influence is maintained in a number of ways, which are explored in depth in this report.

### Methodology

To define the key levers of influence of the fossil fuel industry, we have drawn on the following sources:

- **Access to ministers:** Information from documents released by Freedom of Information (FOI) requests have been analysed to find the extent of access that WA's gas industry has to ministers. The list of FOI released documents can be found in Appendix 1 of this report.
- **The revolving door between government and gas industry positions:** Publicly available information on company and government websites was used to find details of current board members, directors and executives of major fossil fuel companies and lobby groups. LinkedIn profiles were used for further research and cross referencing.
- **Political donations:** Data from Annual Donor Returns on the Australian Electoral Commission website was used to collate donation timelines.

# Part 1: Overview

Overview of the gas industry in WA

The gas industry in WA began with relatively small onshore facilities before offshore discoveries were made and WA's first major Liquified Natural Gas (LNG) project, the North West Shelf, was constructed in the 1970s and 80s.<sup>3</sup> State and Federal governments supported the development of the North West Shelf project despite its Karratha Gas Plant being positioned amongst the ancient Murujuga rock art.<sup>4</sup>

The North West Shelf marked the beginning of the gas industry's significant influence over WA politics. The Karratha Gas Plant took priority over 40,000-year-old rock art, as did the Pluto LNG plant 20 years later.

The influence of the gas industry grew as the sector expanded and technology allowed gas companies to build more facilities and reach more gas. Over time, this influence began to corrode democratic decision-making, leading to the watering down of emissions reduction legislation and environmental protection regulations.

### Climate footprint of WA gas:

When the North West Shelf was constructed, gas was seen as a 'transition fuel' to support the world to switch from coal-fired power to renewable energy sources, based on the assumed lower greenhouse emissions of burning gas.<sup>5</sup> It has now been established, however, that emissions caused by flaring, processing and leaks make gas potentially as large an emitter as coal.<sup>6</sup>

Energy experts now argue that renewable energy with storage is a cheaper and more reliable substitute for gas.<sup>7</sup>

Thirty-five years after production began at the North West Shelf, WA's gas facilities are fuelling the growth of Australia's carbon emissions nationally.<sup>8</sup>

The industry, its associations and supportive politicians continue to promote the discredited and dangerous myth that gas is a transition fuel.<sup>9</sup>

In FY 2018-19, the total emissions from WA's LNG facilities (excluding the scope 3 emissions from combustion) totalled 24.48 million tonnes, or 26.7% of the state's emissions.<sup>10</sup>

Gas consists typically of about 85% to 95% methane, along with minor amounts of ethane, propane and butane. Methane traps 86 times more heat over a 20-year period than carbon dioxide, resulting in far more damage being caused by smaller amounts in the atmosphere:

**'Compared to carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>) is a relatively short-lived but highly potent global warming gas, which remains in the atmosphere for only a decade but during that time has more than 100 times as much effect on global warming as carbon dioxide.'**

Findings from 'The New Gas Boom' report<sup>11</sup>

Monitoring and tracking of methane emissions in Australia is frequently underreported, so the full extent of the life cycle emissions of gas are unknown.<sup>12</sup>

### WA's gas emissions problem

Most of the LNG-related carbon emissions in WA are caused by two companies: Woodside and Chevron.

In the Clean Energy Regulator's top ten list of highest emitters, Woodside and Chevron are the only two companies not from the electricity sector.

Australia's 10 highest emitters 2018/19	
AGL Energy	42.7 million tonnes
EnergyAustralia	20.1 million tonnes
Stanwell Corporation	18.1 million tonnes
Origin Energy	18.0 million tonnes
CS Energy Ltd	15.4 million tonnes
<b>Chevron Australia</b>	<b>13.1 million tonnes</b>
OzGen Holdings	10.8 million tonnes
Pioneer Sail Holdings	10.8 million tonnes
<b>Woodside Petroleum</b>	<b>9.2 million tonnes</b>
NRG Victoria 1	7.9 million tonnes

**Table 1.** Australia's 10 highest emitters according to the Clean Energy Regulator<sup>13</sup>

# Part 1: Overview

Overview of the gas industry in WA

WA's gas industry is not limited to its major LNG projects. Onshore gas has been drilled throughout the state for many years. These onshore facilities are usually older than the much larger and more polluting LNG projects offshore. Given the age of onshore facilities, they have been subject to less substantial efforts by governments to impose conditions on their emissions.

This began to change in 2006 when Chevron's Gorgon facility was approved under the condition that it use Carbon Capture and Storage (CCS). Every gas project that vents reservoir carbon dioxide into the atmosphere since then has been approved with a condition of offsetting some quantity of those carbon emissions.<sup>14</sup> The gas lobby has consistently opposed stricter emissions reductions regulations from being introduced.

## IMPACTS ON LAND RIGHTS + SELF-DETERMINATION

WA's mining and resources industries have caused the destruction of many culturally significant sites.

### Murujuga rock art

The story of gas on the Burrup Peninsula is emblematic of the impacts of gas industry influence on Aboriginal heritage and culture.

Murujuga, the Burrup Peninsula, is the site of the world's oldest and largest outdoor rock art gallery, containing over a million petroglyphs (rock engravings) which constitute a continuous record of human cultural activity over perhaps as much as 50,000 years.<sup>15</sup>

In addition, Murujuga is also of immense importance to the local Aboriginal custodians.

The Karratha Gas Plant was the first gas plant established on the Burrup and WA's first major gas development. The North West Shelf gas facility began production in 1984, and is currently operated by Woodside on behalf of its joint venture partners Chevron, BHP, BP, Shell and Japan Australia LNG.

In the process of building the fossil fuel plant, an inadequate planning process was carried out to minimise impact on Aboriginal heritage. An estimated 5000 petroglyphs were destroyed under the footprint of the Karratha Gas Plant, and the current Woodside Visitor Centre was built on top of numerous rock art panels.<sup>17</sup>

### A 'gag clause' on Aboriginal opposition

In 2003, the WA Government negotiated the Burrup and Maitland Industrial Estates Agreement (BMIEA) with three Burrup Aboriginal native title claimant groups. Facing the threat of compulsory acquisition by the State without compensation, the groups agreed to renounce any native title rights and refrain from opposing future development within the BMIEA area of the Burrup earmarked by the State Government for industrial development:

**"...the Contracting Parties agree that the[y] ...will not, in their capacity as owners of the Burrup Non-Industrial Land, lodge or cause to be lodged any objection to development proposals intended to occur on land within the Industrial Estate."**

Burrup and Maitland industrial estates agreement, Clause 4.8.<sup>18</sup>

### Further destruction of Murujuga

Woodside discovered the Pluto and Xena gas fields in 2005 and began production at its Pluto LNG facility in 2012. The site was located in the heart of the ancient Burrup rock art precinct. Objections from Aboriginal custodians, the International Federation of Rock Art Organizations, National Trust (Australia), World Monument Fund and Friends of Australian Rock Art were ignored, as Woodside removed 941 rock art engravings to make way for its Pluto LNG plant.



Rock art on Murujuga (The Burrup Peninsula)  
Photo: Friends of Australian rock Art



# Part 1: Overview

Overview of the gas industry in WA

**"My people say that once a piece of rock art left by our ancestors is removed, our song line, our sacred site, is destroyed forever. Aboriginal people believe that the Burrup is a powerful and dangerous place, and that bad things will happen to both Aboriginal and non-Aboriginal people if it is disturbed."**

2007 Statement by Ngarluma custodian Robyne Churnside.<sup>20</sup>

## Acid rain destroying ancient art

Since the North West Shelf and Pluto LNG plants have begun production, Murujuga's spectacular rock art has begun to face yet another threat. Both facilities emit 8,900 tonnes of nitrogen dioxide and smaller amounts of sulphur dioxide, two of the major components of acid rain.<sup>21</sup> Research has revealed that acidity levels on the surface of some rocks adjacent to the Pluto gas plant are now 1000 times higher than before the gas industry was established on the Burrup in the 1980s.<sup>22</sup>

There is strong scientific evidence that acid rain is eating away at the rock art and is likely to destroy it within a generation.<sup>23</sup> Industry and the state government have ignored these scientific findings and continue to insist that industry and cultural heritage can co-exist.<sup>24</sup>

In 2018, the State Government committed to pursuing UNESCO World Heritage Listing for the Murujuga rock art with the support of the Murujuga Aboriginal Corporation.<sup>25</sup> But the State Government's continued promotion of projects such as Woodside's Burrup Hub could derail World Heritage listing at the last hurdle.<sup>26</sup>

## The failed Aboriginal Heritage Act

Juukan Gorge, Murujuga rock art and many other instances of destruction of sacred sites have been given state approval via WA's weak Aboriginal Heritage Act. This Act has allowed companies to apply for exemptions to the Act, which is meant to protect sites. Over 460 exemption applications were made in the last decade, only one was refused.<sup>27</sup>

### Ask your MP to demand a strong Aboriginal Heritage Act

The Aboriginal Heritage Act is up for debate in 2021. This presents an opportunity to make it stronger and make sure Juukan Gorge and the destruction at Murujuga cannot happen again. Traditional Owners currently have no right of appeal in this process, nor any right to veto projects on their ancestral land.

Gag clauses also restrict Traditional Owners from speaking out against projects. **Aboriginal people should be given the right to free, prior and informed consent, as per the UN Charter on the Rights of Indigenous Peoples, and opportunity to speak freely in dissent of projects that will harm sites that are sacred to their culture.**

#### Will your MP demand strong reforms to the Aboriginal Heritage Act including:

- Giving traditional owners the right to free prior and informed consent
- Lifting existing gag clauses which do not allow traditional owners to speak out publicly about threats to cultural heritage sites?

# Part 1: Overview

Overview of the gas industry in WA

## THE MAIN PLAYERS

This report focuses on three of the main power brokers in WA's gas industry:

- Woodside Petroleum
- Chevron
- Australian Petroleum Production and Exploration Association (APPEA)

Between these players, significant influence is maintained through a variety of methods: direct and frequent access to ministers; donations to political parties; and a revolving door for executives between positions in industry and government.

## WOODSIDE PETROLEUM

Woodside Petroleum (Woodside) is the largest Australian oil and gas producing company, with interests across the globe.<sup>28</sup> In WA they have two projects: the North West Shelf and Pluto.<sup>29</sup> These projects have been producing LNG for export since 1989 and 2012 respectively.<sup>30</sup>

With considerable gas reserves in the Browse and Scarborough basins off the coast of north-west WA, Woodside has tried and failed on numerous occasions to develop these fields. James Price Point was a proposed gas plant north of Broome, which faced significant public opposition before being shelved.<sup>31</sup> Next, Woodside proposed the Browse floating LNG project.<sup>32</sup> This proposed a floating facility in Commonwealth waters, similar to Shell's expensive and unreliable Prelude floating LNG plant off the coast of WA.<sup>33</sup> This project also failed to proceed due to being financially unviable and was dropped in 2016.<sup>34</sup>



Woodside's North West Shelf Karratha Gas Plant  
Photo: Friends of Australian rock Art

## Burrup Hub

The third incarnation of Woodside's attempts to develop the Browse and Scarborough basins is the proposed Burrup Hub, which would see gas pumped 400km from the Scarborough gas field to their existing Pluto plant and 900km from the Browse basin to infrastructure at the North West Shelf.

If approved, the Burrup Hub will double Woodside's WA greenhouse gas emissions from a potential 9.6Mt CO<sub>2</sub> per year to 19.2Mt CO<sub>2</sub> per year.<sup>35</sup>

Despite previous failed attempts to produce gas from the Browse basin, and the increased carbon emissions the Burrup Hub would create, Premier Mark McGowan has actively supported Woodside's interests in the project. Speaking to Parliament in October 2019, the Premier pushed for commercial differences between project partners to be resolved:

**"These projects need to happen and they need to be a priority. We need final investment for Scarborough by early 2020... The Western Australian government has been working assiduously on approvals for this project. The issues between the partners, Woodside and BHP, need to be resolved as soon as possible. In particular, I urge BHP, which is a good company that has done great things for Western Australia, to resolve the discussions as soon as possible"**

Premier Mark McGowan speaking in Parliament, 17 October 2019<sup>36</sup>

# Part 1: Overview

Overview of the gas industry in WA

## CHEVRON

Chevron, a company with the highest cumulative carbon emissions of any private company in history,<sup>37</sup> is also WA's biggest polluter.<sup>38</sup> The company's two major projects in Australia are the Gorgon and Wheatstone LNG plants on Barrow Island and the Pilbara coast.<sup>39</sup> These two projects produced over 13 million tonnes of greenhouse gas emissions in FY 2018-19.<sup>40</sup>

### Gorgon project

In 2006 Chevron applied for approval for their Gorgon project on Barrow Island. The WA Environmental Protection Authority (EPA) reviewed the project and advised then Minister for Environment, Mark McGowan, against approval, judging that:

**"the extent of predicted impacts and degree of residual uncertainty and risks posed by the proposal remain unacceptably high."**

The WA EPA's assessment of the Gorgon project in 2006<sup>41</sup>

The project showed unacceptable impacts across a number of areas. In its assessment, the EPA stated that the only rationale for locating Gorgon on Barrow Island was the potential to inject carbon dioxide underground in order to reduce overall emissions.<sup>42</sup> McGowan approved Gorgon despite the EPA's recommendation against doing so.<sup>43</sup> He did, however, put conditions on the project requiring Chevron to inject 80% of the reservoir carbon dioxide underground over any five-year period.<sup>44</sup>

With the initial five-year period concluding in July 2021, Chevron has so far failed to meet these conditions. Their carbon capture and storage (CCS) plant only became operational after two and a half years of production, and so will not meet the 80% rolling average over the initial five-year period.<sup>45</sup>

After starting the CCS plant, the amount of carbon dioxide it has successfully injected underground is approximately three million tonnes.<sup>46</sup> This is **eight times less** than the **25.7 million tonnes of greenhouse gas emissions** created by the facility since production began, until the most recently available data from 2019.<sup>47</sup> Based on reported emissions data, instead of sequestering 40% of carbon dioxide in that time, Gorgon has sequestered less than 12%.

### Wheatstone project

First shipments of LNG from Wheatstone began in October 2017 where the facilities are expected to have a lifespan of thirty years.

Offshore facilities pump gas from four fields off the Pilbara coast to the Wheatstone onshore processing facility at Ashburton North. The majority of this gas is then processed into LNG and exported to Asia.<sup>48</sup>

### COVID-19 layoffs

As WA began to ease COVID-19 related restrictions in May 2020, the Premier Mark McGowan praised Chevron and the resources industry during a press conference at Chevron's Fly In, Fly Out (FIFO) worker quarantine hub.<sup>49</sup> Two days later, it emerged that Chevron was planning major redundancies in Australia. Chevron Australia's Managing Director Al Williams had sent an internal memo to his Australian workforce, telling them to expect 20-30% of jobs to be cut.<sup>50</sup>

It's clear that job security for local communities is a lower priority to Chevron than shareholder profits, as evidenced by CEO Mike Wirth's comments in March of 2020:

**"Our dividend is our number one priority. It is very secure. We haven't cut the dividend since 1934"**

Chevron CEO, Mike Wirth, 24th March 2020<sup>51</sup>

# Part 1: Overview

Overview of the gas industry in WA

## AUSTRALIAN PETROLEUM PRODUCTION AND EXPLORATION ASSOCIATION

The Australian Petroleum Production and Exploration Association (APPEA) is the peak lobby group representing Australia's oil and gas exploration and production industry. The organisation has 64 oil and gas producing member companies who account for an estimated 98% of Australia's petroleum production, of which gas is a large component.<sup>52</sup>

Another 140 associate member companies provide goods and services to the oil and gas industry. These include accounting firms, mining technology services companies and some of WA's largest tertiary education institutions including:

- South Metropolitan TAFE
- Curtin University
- University of Western Australia<sup>53</sup>

The fees that APPEA receives from its members and its annual conference provides them with the bulk of its \$10.4 million in revenue to spend on advocacy and advertising campaigns.<sup>54</sup>

### Advocacy

APPEA has advocated for specific policies that undermine action to address climate change. For example, APPEA has been a key player arguing for Australia to utilise Kyoto carry-over units to meet its emissions reduction targets, rather than through meaningful action.<sup>56</sup>

In addition, APPEA has also been a prominent voice calling for the removal of environmental protection regulations. This has intensified in the wake of the COVID-19 pandemic and during the statutory review of the Environmental Protection and Biodiversity Act:

**"To continue to be attractive for investment is the real opportunity for us in our industry... It's about 'how do we just make investment attractive?' And that's reducing regulation."**

Andrew McConville, CEO of APPEA<sup>57</sup>

APPEA has also advocated to include gas projects as eligible for funding under the Clean Energy Finance Corporation (CEFC) since 2017, when it made a submission stating:

**"Improved access to the Clean Energy Finance Corporation... Such investments may act as a catalyst to expedite gas industry investments and address access to capital and financing challenges facing the industry"**

APPEA's Finkel review submission 2017<sup>58</sup>

In August 2020 the Federal Minister for Energy and Emissions Reduction, Angus Taylor, introduced the Clean Energy Finance Corporation Amendment (Grid Reliability Fund) Bill to Parliament.<sup>59</sup> The Bill includes reforms APPEA recommended in its 2017 submission:

**"Item 33 expands the scope of 'low-emission technology' to ensure the CEFC is able to invest in the GRF technologies described elsewhere in the Bill... For example, certain types of gas-fired electricity generation will now fall under this new definition"**

Clean energy finance corporation amendment (grid reliability fund) Bill 2020 Explanatory Memorandum



# Part 2: Influence

How the gas industry is exerting influence over the WA government

This section explores the means by which the gas industry exerts its influence on state politics.

The gas industry in WA is entrenched within the halls of state and federal parliament, the regulators that control them, and the main media outlets of WA.

Through the methods explored in this section, the gas industry in WA has been able to maintain its growth at great cost to the climate.

This section focuses on the following methods of influence:

- 1

**Access** - Direct access to ministers and the Premier
- 2

**Revolving doors** - The revolving door between staff in the gas industry and government positions
- 3

**Donations** - Political donations made by companies and lobby groups to political parties

## I How to take action

The three following sections contain recommendations you can take to your MP to address the problems that are described.

Discuss each section with your MP, and focus on the points which you care most about. The colour-coded boxes at the end of each section contain solutions and recommendations you can ask your MP to support.

## METHOD 1. ACCESS

Gas corporations and lobbyists are granted direct access to Ministers on a frequent basis.

The following findings are from documents which were released under Freedom of Information (FOI) requests. A list of documents released under FOI can be found in appendix 1 of this report.

### Time periods of FOI requests

Under FOI requests, details of four Ministers' meetings with a selection of companies, within the following time periods, were received:

- Premier Mark McGowan: Meetings from 2nd August 2017 to 7th December 2018 and from 12th February 2019 to 19th June 2020
- Minister for Regional Development; Agriculture and Food; Ports; Minister Assisting the Minister for State Development, Jobs and Trade, Allanah MacTiernan: Meetings from 1st August 2017 to 28th August 2018 and from 3rd February 2020 to 27th May 2020
- Minister for Environment; Disability Services; Electoral Affairs, Stephen Dawson: Meetings from 28th June 2017 to 5th October 2018 and from 6th March 2019 to 15th June 2020
- Minister for Mines and Petroleum; Energy; Industrial Relations, Bill Johnston: Meetings from 4th September 2017 to 6th November 2018, from 4th February 2019 to 29th March 2019 and from 2nd March 2020 to 5th June 2020. Two meetings including Minister Johnston outside of these time periods were also received from details of other Ministers' meetings.

The documents highlight the frequency of access that gas lobbyists have to Ministers, as well as an insight into those relationships.

### FINDING 1:

#### Four gas industry groups met with Ministers at least 158 times

WA's two biggest polluters and the two main lobby groups met with Government Ministers 158 times in the aforementioned periods covered by FOI request.

# Part 2: Influence

How the gas industry is exerting influence over the WA government

Company	No. of meetings involved in
Chamber of Minerals & Energy WA (CME)	58
Woodside	47
Chevron	28
APPEA	25

**Table 2.** Number of times companies met with, or corresponded on phone calls with Ministers in the aforementioned time periods covered by FOI request.

The Chamber of Minerals and Energy of Western Australia (CMEWA) is the main resources industry association in WA.<sup>60</sup> It advocates for the mining, oil and gas industries in WA.

Findings from FOI requests show that CMEWA met with Ministers more frequently than any other company or industry association in the scope of these FOI requests.

Because the CMEWA also represents a mixture of interests in mining commodities such as iron ore, gold and lithium, not all meetings between the CMEWA and Ministers can be assumed to be related to the gas sector.

Nonetheless, CMEWA often met with Ministers to discuss matters concerning environmental acts, bills and policies that have direct bearing on the gas sector. The CMEWA's close relationship with Mining Minister Bill Johnston was evidenced by Minister Johnston attending a farewell lunch meeting with a CMEWA representative in the Parliament House dining room.

Of the companies and organisations covered by the FOI requests, Woodside representatives held the second highest number of meetings with Ministers. More than 25% of their meetings with Ministers were in regard to the Burrup Hub, including a meeting which discussed 'government's role in development on the Burrup.'

### FINDING 2:

#### The Ministers for Mining and Environment grant gas lobbyists significant access

Correspondence between 350 Boorloo Perth and the Department of the Premier and Cabinet (Appendix 2), showed that the Minister for Mines

and Petroleum, Bill Johnston, had approximately two hundred meetings or phone calls with Woodside, Chevron, APPEA, CMEWA, Strike Energy, Beach Energy and SGH Energy.

A request for information regarding all two hundred of these meetings was rejected by the FOI unit, on the grounds that it considered that the work involved to release information would divert a substantial and unreasonable portion of the agency's resources from other operations. After changing the scope of the request, details of 52 meetings were shared from Minister Johnston's office.

Four Ministers, including the Premier, had 132 individual meetings with these organisations. Table 3 shows the number of meetings each of the gas industry representatives were involved in.

Minister	Number of meetings			
	CME	Woodside	Chevron	APPEA
Johnston	25	15	5	16
Dawson	29	13	10	4
McGowan	11	17	15	10
MacTiernan	5	8	3	3

**Table 3.** Number of Ministers' meetings which involved the main gas and resources lobbyists.

These findings show that Minister for Mines and Petroleum, Bill Johnston and Minister for Environment, Stephen Dawson, met with lobbyists from the gas industry most frequently.

### FINDING 3:

#### Meeting dates often correspond with political donation dates

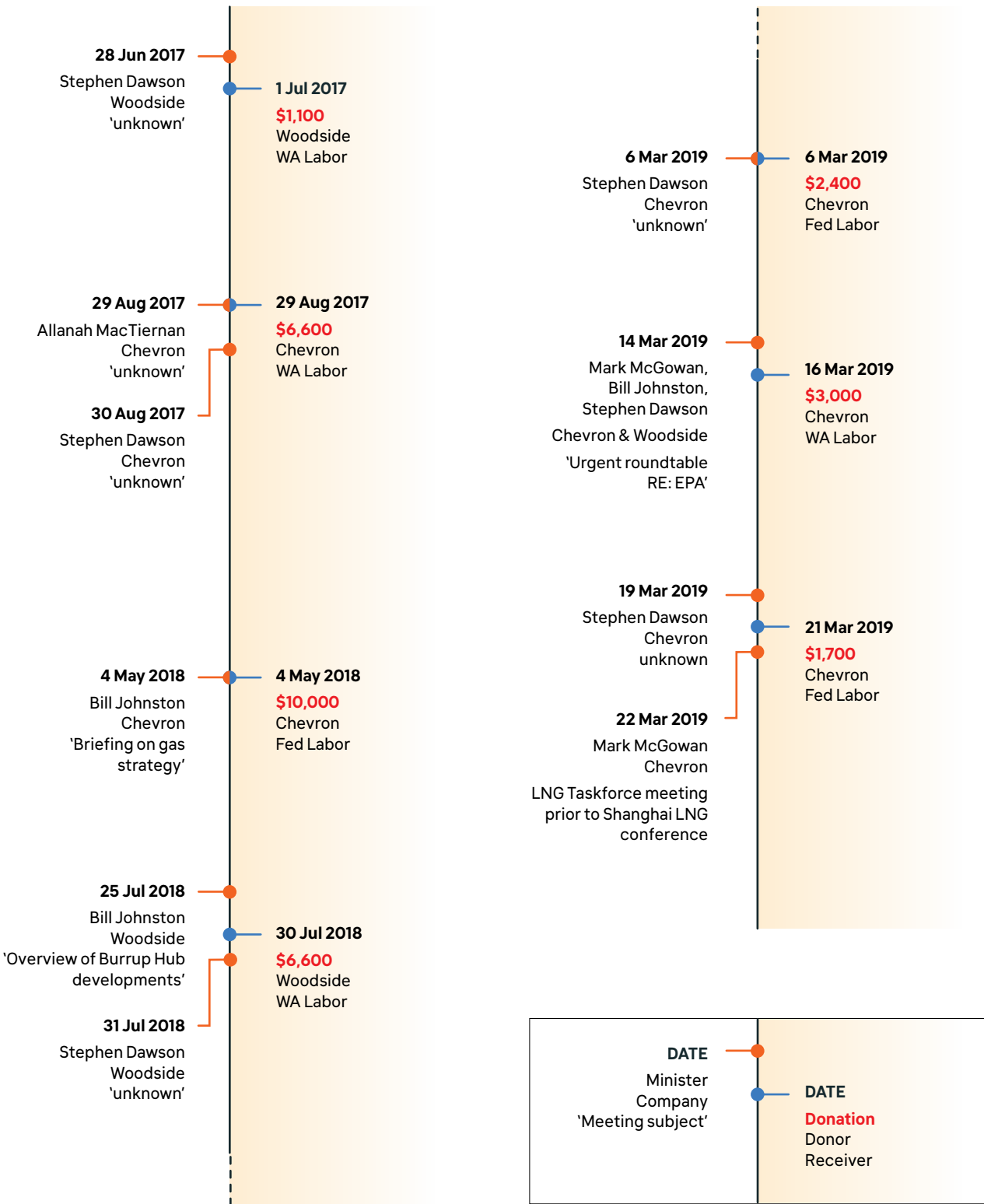
When comparing dates of meetings to political donations data (Fig. 1), analysis shows that donations have often been made within days of meetings.

The examples displayed in Fig. 1 show instances found of meetings with WA Ministers that occurred within five days of political donations to WA Labor, within the full list of meetings obtained through FOI requests. The most recent donations data available is to 30 June 2019.<sup>61</sup>

Part 2: Influence

How the gas industry is exerting influence over the WA government

Fig. 1 Timeline showing meeting dates between Woodside, Chevron and WA Government Ministers, and dates of political donations made by Woodside and Chevron



Part 2: Influence

How the gas industry is exerting influence over the WA government

The findings in Fig. 1 show:

- Three occurrences of donations made by gas corporations to WA Labor or the national ALP party on the same day as meetings between a Labor minister and the corporation
- Two occurrences of donations made by gas corporations to WA Labor or the national ALP party one day before or after meetings between a Labor minister and the corporation
- Five occurrences of donations made by gas corporations to WA Labor or the national ALP party between two and five days before or after meetings between a Labor minister and the corporation

FINDING 4: The Premier attended the Woodside Board dinner while the Burrup Hub awaited environmental approvals

On 12 February 2019, Premier Mark McGowan attended the Woodside board dinner. The dinner took place while environmental referrals associated with the Burrup Hub were awaiting approval.<sup>62</sup> It also took place just under a month before the Premier asked the EPA to retract a draft policy which would have required polluters to offset their emissions - a policy Woodside opposed.<sup>63</sup>

FINDING 5: Chevron met the Premier more than the Minister for Mines and Petroleum

In the same time periods, Chevron representatives met with Premier Mark McGowan more often than they met with the Minister for Mines and Petroleum. This included an evening phone call from the Premier's car in November 2018 and a discussion about climate policy in June 2019.

FINDING 6: Chevron met with Ministers before applying for a license for Gorgon

Chevron's Gorgon carbon capture and storage (CCS) plant was supposed to inject 80% of reservoir emissions underground from day one of production.<sup>64</sup> Chevron finally took the first step to begin capturing carbon by applying for the operating

license for the plant two and a half years after beginning LNG production.<sup>65</sup> Meeting details in appendix 1 show that Chevron met with government ministers at least three times specifically regarding the CCS plant, before they applied for the necessary license. Chevron met with ministers on a further seven occasions regarding other business from August 2017 to November 2018, before applying for the license. One of those occasions was a visit by Minister for Environment, Stephen Dawson, to the Gorgon site on Barrow Island in October 2018. Around this time Minister Dawson said he had been given assurances 'from the CEO downwards' that the plant would be fixed by early 2019.<sup>66</sup> The plant began injecting CO<sub>2</sub> underground in August 2019, a Chevron representative spoke with Premier McGowan on the phone on 7 August 2019, before releasing a media statement about the start up on 8 August 2019.<sup>67</sup>

**Ask your MP to publish their diaries & support the publishing of ministerial diaries, in real time**

Queensland, New South Wales and the ACT all publish ministerial diaries. This results in anyone being able to see who Premiers and their ministers meet with, within two months of meetings taking place. Publishing diaries enables the public and the media to scrutinise the government and make our democracy stronger. If ministers are aware that their diaries will be published, it may encourage them to consult on decisions widely, prove that they are not under undue influence from lobbyists and make them more accountable.

**Will your MP support or introduce legislation for the publishing of ministerial diaries in real time?**



Part 2: Influence

How the gas industry is exerting influence over the WA government

METHOD 2. REVOLVING DOORS

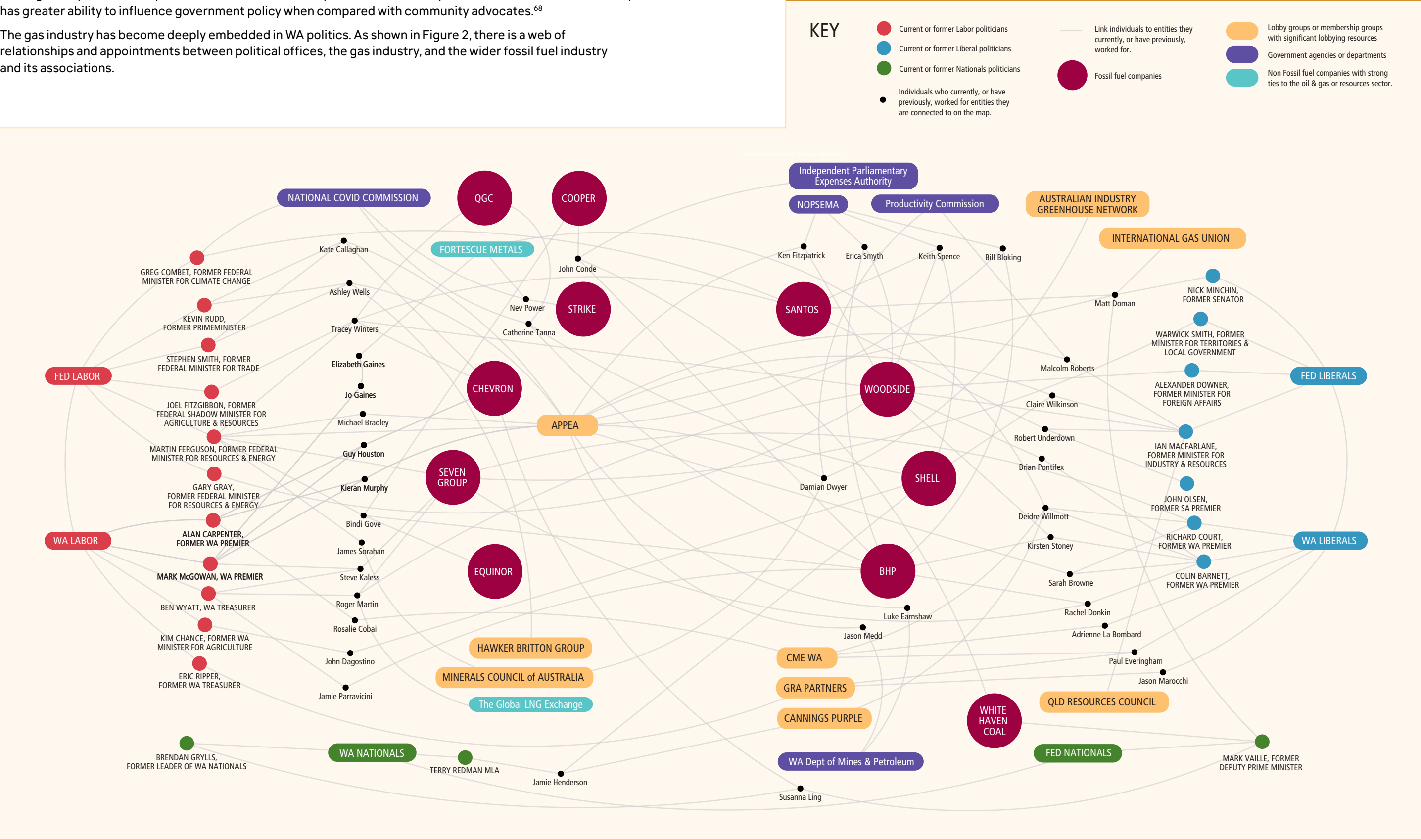
The term "revolving door" refers to the movement of personnel between industry, government, lobby groups and regulatory bodies. This practice has been consistently found to result in a power imbalance in which industry has greater ability to influence government policy when compared with community advocates.<sup>68</sup>

The gas industry has become deeply embedded in WA politics. As shown in Figure 2, there is a web of relationships and appointments between political offices, the gas industry, and the wider fossil fuel industry and its associations.

Part 2: Influence

How the gas industry is exerting influence over the WA government

Fig. 2 Map of the connections between politics, government agencies, lobby groups and the gas industry, with a focus on WA. This information was sourced from public LinkedIn profiles and ministerial staff records



# Part 2: Influence

How the gas industry is exerting influence over the WA government

## FINDING 1:

### Four of WA's last five Premiers employed staff who had worked for, or went on to work for APPEA

Mark McGowan, Colin Barnett, Alan Carpenter and Richard Court all had staff who had worked for APPEA before or after their positions as advisors to the Premiers. A staff member for both Colin Barnett and Richard Court went on to become APPEA's Director of Public Affairs.<sup>69</sup> Alan Carpenter and Mark McGowan's advisor, Kieran Murphy, worked at APPEA between roles in each Premiers' office.<sup>70</sup>

## FINDING 2:

### NOPSEMA's last three chairs previously worked for Woodside

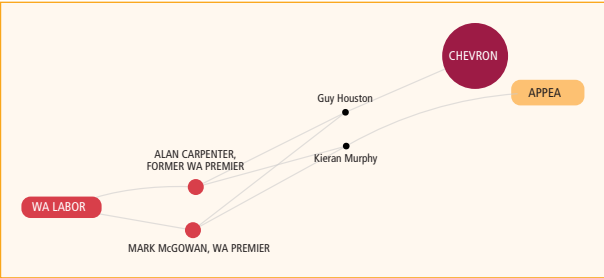
The National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) is a Commonwealth agency regulating health and safety, structural integrity and environmental management of offshore facilities. Any company aiming to drill for oil or gas offshore in Australian waters needs approvals from NOPSEMA before they can do so.

Three former Woodside employees, including former acting CEO of Woodside, Keith Spense, have chaired NOPSEMA's advisory board.<sup>71</sup> After his time at Woodside, Spense went on to become chair of NOPSA (National Offshore Petroleum Safety Authority) and then NOPSEMA from 2010 to 2017 during which time Woodside sought numerous approvals from the regulators.<sup>72</sup>

Erica Smyth was General Manager of Corporate Affairs at Woodside before eventually taking on the chair role at NOPSEMA.<sup>73</sup> Current chair, Ken Fitzpatrick, also worked at Woodside and later became chair of APPEA before joining the NOPSEMA advisory board.<sup>74</sup>

## FINDING 3:

### Two of Premier Mark McGowan's senior staff have a history in the gas industry



#### GUY HOUSTON

##### Current Role:

Chief of Staff to Premier Mark McGowan

##### Previous Roles:

- Corporate Communications & Media Adviser, Chevron
- Adviser to Premiers Geoff Gallop and Alan Carpenter

Guy Houston held the role of Chief of Staff to former Premier Alan Carpenter when Mark McGowan was Minister for Environment. McGowan approved Chevron's Gorgon project despite EPA recommendations during this time.<sup>76</sup>

After Carpenter's 2008 election defeat, Guy Houston took a role with Chevron as it began the construction of the Gorgon project.<sup>77</sup> When McGowan became the party leader in 2012, Houston was appointed as his Chief of Staff, a position he still holds.

#### KIERAN MURPHY

##### Current Role:

Special Adviser to Premier Mark McGowan

##### Previous Roles:

- Communications Director to Premier Alan Carpenter
- Manager, External Affairs, Crossland Resources (owned by Mitsubishi)
- Director, External Affairs, APPEA

Alan Carpenter's highest profile advisor was former journalist Kieran Murphy. The self-styled "political headkicker"<sup>78</sup> moved onto a lobbying role at Crosslands Resources after the 2008 election defeat.<sup>79</sup>

# Part 2: Influence

How the gas industry is exerting influence over the WA government

While working at Crosslands Resources, Murphy worked with Melissa Price, Vice President of Legal and Business Development at the time, and now the Federal member for Durack.<sup>80</sup> In 2012, both Price and Murphy left the company with Price beginning her career in politics and Murphy moving to APPEA.

During his time with APPEA, the industry association was one of the main voices arguing in favour of lifting a statewide moratorium on fracking.<sup>81</sup>

## CASE STUDY:

### APPEA's man in McGowan's office and fracking in WA

In the lead up to the 2017 state election, Mark McGowan's Labor Party promised a moratorium and inquiry on fracking should they win. After the election, however, the new government was slow to act on this pre-election promise. An inquiry into fracking was eventually announced, despite opposition from lobbyists:

### 'cancel the planned inquiry into hydraulic fracturing. It's a waste of time and money'

APPEA's response to the fracking inquiry September 18, 2017<sup>82</sup>

During the course of the inquiry, McGowan appointed Kieran Murphy, despite Murphy having been the contact person on numerous pro-fracking media releases by APPEA.<sup>83</sup>

The inquiry report was handed to the WA government in September 2018. Two months later, the Premier lifted the ban on fracking, opening up five million hectares of WA to the industry.

Local opposition and low gas prices have contributed to preventing the industry from advancing fracking plans in WA since the moratorium was lifted. Bennett Resources, a subsidiary of Texan fracking company, Black Mountain, have applied to begin fracking The Kimberley and could potentially begin drilling by 2022.<sup>84</sup>

Murphy was appointed to McGowan's office during an Independent Scientific Panel Inquiry into Hydraulic Fracture Stimulation in WA. The Inquiry sought to establish potential impacts arising from the implementation of hydraulic fracture stimulation (fracking) on the onshore environment of WA.

## Ask your MP to oppose all fracking in WA

Find The Australia Institute's report 'The economic impacts of unconventional gas in Western Australia.'<sup>85</sup> The report shows:

- Fracking doesn't create jobs. The gas industry employs less people per dollar of output than any other industry.
- In Queensland, there was a loss of 1.8 agricultural jobs for every new gas job created in rural areas.
- Indigenous job opportunities from fracking are also likely to be minimal, with an estimated increase of between three and 19 jobs for Indigenous people.
- Fracking is likely to generate little revenue for the state. Even a large shale gas industry would be likely to generate revenue worth just 0.6% of WA state government revenue.

### Will your MP support or introduce legislation to permanently ban fracking across all WA?



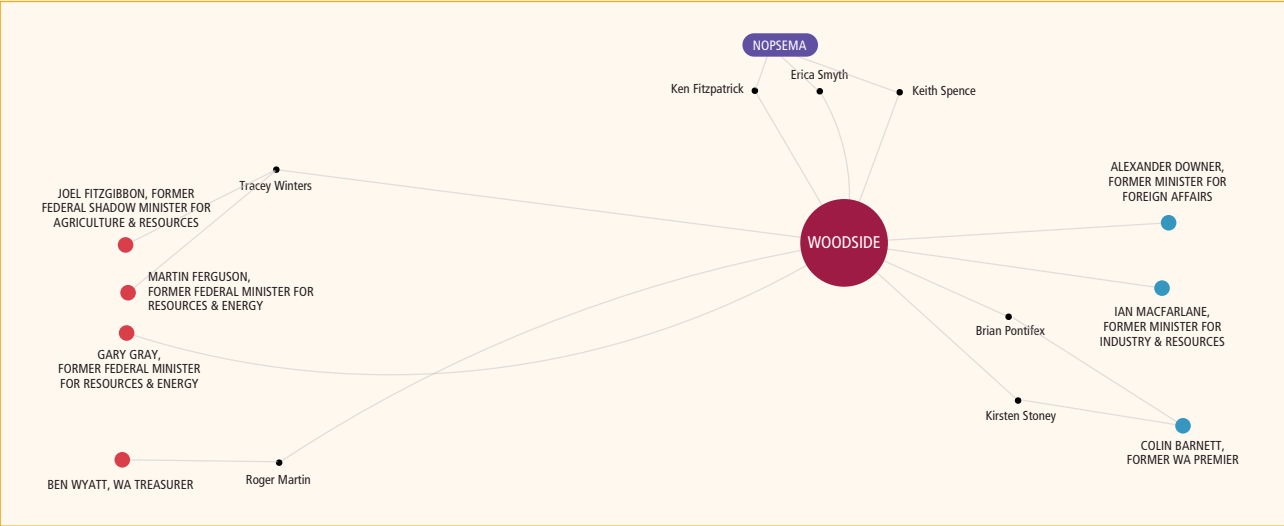
Traditional Owner calling on Premier McGowan to ban fracking in the Kimberley Photo: Damian Kelly



# Part 2: Influence

How the gas industry is exerting influence over the WA government

## FINDING 4: Woodside has friends in high places



Links between Woodside and policy-makers and regulators are numerous. Ian Macfarlane sits on Woodside’s board and is Australia’s longest serving Federal Resources and Energy Minister. He left government in 2016 after a failed attempt to defect to the National Party and quickly joined Woodside’s board.<sup>86</sup> Macfarlane also became CEO of the Queensland Resources Council just over two months after leaving government.<sup>87</sup>

**"If I'm not involved in cabinet, with my depth of experience and knowledge, I need to use that somewhere where it's going to be of value"**

Ian Macfarlane after announcing his retirement from Government<sup>88</sup>

Woodside is also connected to the former Minister for Foreign Affairs, Alexander Downer. When Woodside sought access to gas fields off the coast of Timor Leste, resources from the Australian Secret Intelligence Service’s (ASIS) were used to spy on Timor Leste’s preparations for negotiations with Australia over the Timor Sea gas deposits.<sup>89</sup>

Timor Leste believed that Australia’s Foreign Minister at the time, Alexander Downer, had directed ASIS to spy on them.<sup>90</sup> Shortly after leaving government in 2008, Downer went on to consult for Woodside.<sup>91</sup>

# Part 2: Influence

How the gas industry is exerting influence over the WA government

## Potential conflicts of interest and Colin Barnett

Potential conflicts of interest due to the revolving door between politics and the gas industry were frequent in former WA Premier Colin Barnett’s Ministry and staff. There were many examples where investments or personal ties to the gas industry (particularly to Woodside) were a potential source of influence on elected officials, such as:

- The husband of former Environment Minister Donna Faragher held a lobbying role at Woodside<sup>92</sup> and later, Chevron.<sup>93</sup>
- The wife of former Minister for Mines and Petroleum Norman Moore held shares in Woodside and BHP.<sup>94</sup>
- Colin Barnett’s daughter-in-law held a senior government relations position with Woodside.<sup>95</sup>
- Colin Edwardes, the Chief of Staff of former Environment Minister Bill Marmion, was married to the Director of External Affairs at Hancock Prospecting (run by Gina Reinhart).<sup>96</sup>

In Colin Barnett’s own office, examples of the revolving door included:

Name	Previous role in Colin Barnett's office	Previous, subsequent or current roles
Brian Pontifex	Chief of staff	Previously at Woodside, Subsequently Ambassador of Australia to the OECD, Currently at Rio Tinto <sup>97</sup>
Geoff Wedgewood	Adviser	Previously at Woodside <sup>98</sup>
Kirsten Stoney	Senior Media Adviser	Previously at Woodside, Currently at BHP <sup>99</sup>
Rachel Donkin	Principal Policy Adviser	Currently at BHP <sup>100</sup>
Joanne Webber	Principal Media Adviser	Subsequently at CMEWA and Woodside <sup>101</sup>
Ben Graham	Principal Policy Adviser	Subsequently at BP <sup>102</sup>

**Table 4.** Staff of former WA Premier Colin Barnett’s office and their connections to the fossil fuel industry

## Ask your MP to support cooling off periods to mitigate the risk of conflicts of interest

Executives and staff freely move from fossil fuel companies into government roles and back again, with no cooling-off period to mitigate the risk of potential conflicts of interest.

An effective cooling-off period would help to ensure that former politicians and their staff are unable to misuse the information and power that they hold.

At a federal level the Australian government already has restrictions which limit ministers to waiting 18 months after they leave public office to lobby on any issue they were involved in as a minister. In practice, this ruling is flawed and ineffective in its present state. An effective cooling off period for state and federal politicians and their advisors, would need to be independently investigated with findings being published.

A minimum cooling off period of 18 months for elected officials and their staff could be an effective mechanism to help prevent undue influence, improve integrity, accountability and uphold public trust in politics.

**Will your MP support or introduce legislation to introduce an effective cooling off period of a minimum 18 months for elected officials and their staff?**

Part 2: Influence

How the gas industry is exerting influence over the WA government

METHOD 3. POLITICAL DONATIONS

A critical method of influence for fossil fuel companies is donations to political parties. While no political party will admit to accepting donations with conditions attached, this report finds correlations between large donations and decisions made.

The most recently available data from the Australian Electoral Commission shows Australia’s top 10 fossil fuel donors, including both companies and their lobby groups.<sup>103</sup>

Top 10 Fossil Fuel Donors to Federal politics 2018-19				
Fossil Fuel Company	ALP	LIB	NAT	Total
Woodside	\$135,400	\$136,750	\$11,190	\$283,340
Adani	\$0	\$125,500	\$121,800	\$247,300
Mineral Resources	\$62,000	\$85,000	\$20,000	\$167,000
APPEA	\$77,467	\$60,262	\$23,930	\$161,659
Minerals Council of Australia	\$83,996	\$62,250	\$9,194	\$155,440
Santos	\$72,570	\$40,654	\$38,200	\$151,424
Chevron	\$54,600	\$53,125	\$16,960	\$124,685
Origin Energy	\$53,010	\$32,390	\$17,775	\$103,175
Alinta Energy	\$57,000	\$20,000	\$25,000	\$102,000
The Trustee for St Baker Family Trust	\$52,620	\$27,500	\$16,500	\$96,620

Table 5. The top ten fossil fuel political donors of 2018-19 with oil and gas producers highlighted

FINDING 1:  
Gas industry accounts for 6 of top 10 donors

The gas industry has the largest dollar value in the list of fossil fuel political donations. WA’s two biggest polluters, Woodside and Chevron, are ranked 1st and 7th in this list respectively, with Australia’s peak gas lobbyists, APPEA, ranked 4th. Woodside has consistently ranked as the biggest donor to political parties at a national level for the last five years.<sup>104</sup>



Protester in Perth  
Photo: Miles Tweedie Photography

Part 2: Influence

How the gas industry is exerting influence over the WA government

FINDING 2:  
Woodside’s donations correspond with 2013 state election and decisions regarding James Price Point

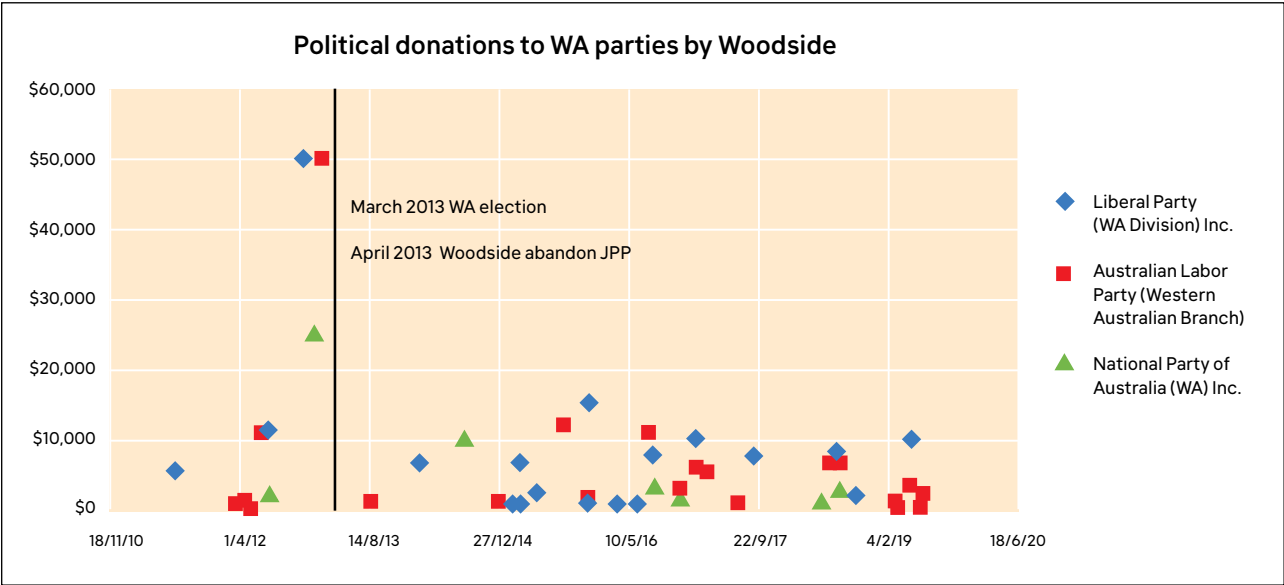


Fig. 3 Timeline of Woodside’s political donations using data from the AEC Transparency register

When mapping out Woodside’s donations to WA political parties, there is a correlation between the largest state donations in the last decade, the timing of the 2013 state election, and growing public opposition to the James Price Point Gas Hub.

With permits to drill for gas in the Browse basin, Woodside aim to exploit these resources, but need a plant to process gas into LNG for export. When former Premier Colin Barnett attempted to compulsorily acquire land for a new gas hub at James Price Point near Broome, the decision was met with considerable local opposition.<sup>105</sup>

Donations data shows that Woodside donated \$50,000 to WA Labor (the opposition party at the time) on 8 February 2013.<sup>106</sup> This was just two weeks before 20,000 people protested against Woodside’s James Price Point at the ‘Concert for the Kimberley’ in Fremantle on 24 February 2013.<sup>107</sup> Labor maintained their support for Woodside to process Browse gas at James Price Point or other negotiable locations throughout this period.<sup>108</sup>

With pressure mounting from the public with national support, Woodside made their three largest donations in the past decade to state parties in the lead up to the state election in March 2013.<sup>109</sup> At the election, polling booths in Broome favoured the only party to oppose the project (WA Greens), showing the tide of public sentiment against the proposed gas hub.<sup>110</sup>

A month later in April 2013, Woodside pulled out of the James Price Point project.<sup>111</sup>



# Part 2: Influence

How the gas industry is exerting influence over the WA government

## FINDING 3: Chevron's donations correspond with the abolition of the carbon price

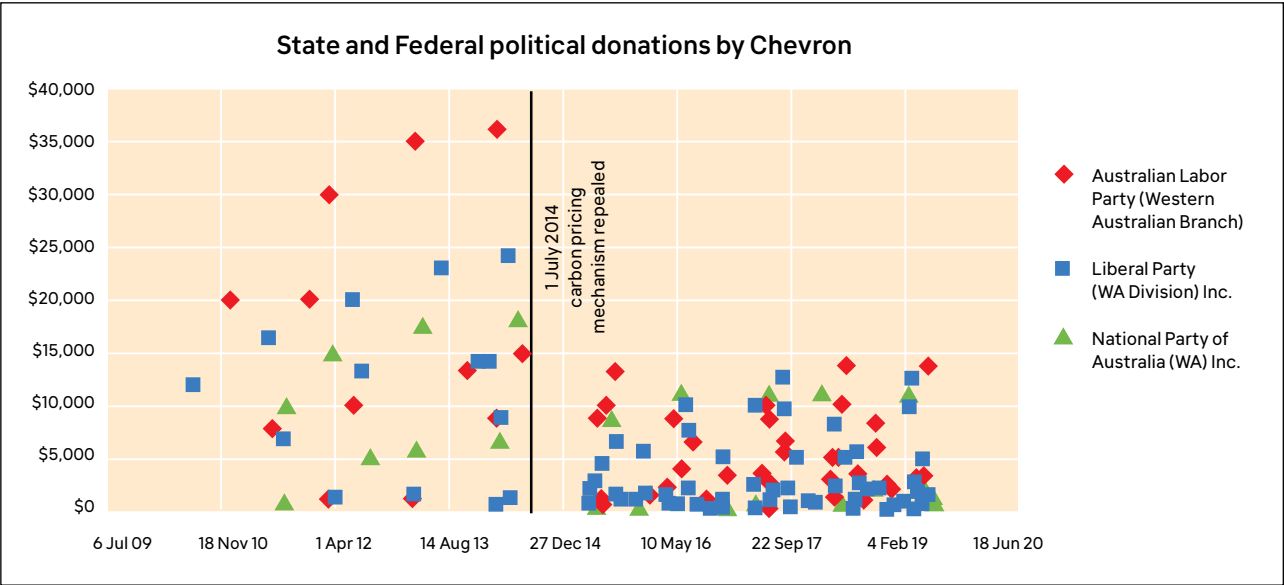


Fig. 4 Timeline of Chevron's political donations using data from the AEC Transparency register

In 2011 the Federal Clean Energy Act was introduced by the Gillard government.<sup>112</sup> This put a price on carbon pollution resulting in the country's biggest polluters having to pay a price for the carbon emissions they produced.

Around this time, Chevron began construction of its two major projects in Australia; Gorgon in 2009<sup>113</sup> and Wheatstone in late 2011.<sup>114</sup> By the time both of these projects were able to produce LNG, the carbon pricing mechanism was no longer in place. Had the policy still been in place, the price of carbon emissions from these two plants would have been significant.<sup>115</sup>

In the four years leading up to the repeal of the carbon price in July 2014, Chevron's donations were 16% higher when compared to 2015-2019.

Former Managing Director of Chevron Australia, Roy Krzywosinski, spoke about the 'carbon tax' in 2011, telling the Federal government that such a tax would discourage investment.<sup>116</sup>

### Ask your MP to support real time reporting of political gifts and donations

Where, or from whom, political parties have received gifts and donations is not known until long after bills have been passed or elections won.

Real-time disclosure of donations would significantly improve transparency. It would show the general public when payments are being made in relation to decisions affecting third parties, as well as who is funding election campaigns. Queensland and ACT both have real-time donations disclosure.

**Will your MP support or introduce legislation to report political gifts and donations in real time?**

# Part 3: Case studies

Two examples of the gas lobby's influence over WA's emissions policy and regulation

This section explores two case studies in WA climate policy making where the gas lobby has used their relationships, access and donations to influence the outcome of two important changes that could have reduced emissions in WA:

- 1 Rejection of the EPA's recommendation that companies control their emissions
- 2 Companies systematically failing to comply with project emissions controls

## How to take action

At the conclusion of these case studies is a demand of your MP relevant to the problems addressed in the case studies.

Discuss the studies with your MP and focus on the points which you care most about. The colour-coded box at the conclusion of this section contains recommendations you make to your MP.

### Proposed Emissions Reduction laws:

In March 2019, the EPA released a new draft policy which required all facilities emitting over 100,000 tonnes of CO<sub>2</sub> to avoid, reduce or offset 100% of their emissions. After the policy was released, the gas industry and its associations were quick to publicly denounce the proposal:

**'As a general rule, APPEA does not support ad hoc state-based policies to tackle climate change... APPEA urges the EPA and the WA government to put aside the guidelines while the state government completes its review of climate change policy.'**

APPEA media release, 7 March 2019<sup>118</sup>

## CASE STUDY 1: REJECTION OF THE EPA'S RECOMMENDATION THAT COMPANIES CONTROL THEIR EMISSIONS

### Our "Independent" EPA

The WA Environmental Protection Authority (EPA) is an independent body tasked with advising the Minister for the Environment on policy and environmental impacts of projects.<sup>117</sup> Once the EPA has given their recommendations, the Minister is entitled to adopt or reject recommendations when considering projects or policies.

**'We're kind of perplexed with this at the moment, I'd say in many ways, quite angry about it'**

Woodside CEO, Peter Coleman, 8 March 2019<sup>119</sup>



Front page of The West Australian, 8 March 2019

Part 3: Case studies

Two examples of the gas lobby's influence over WA's emissions policy and regulation

'Premier must fix the EPA's carbon emissions mess'

Peter Coleman opinion piece in The West Australian, 9 March 2019<sup>120</sup>

Following this public advocacy, a host of Federal and WA Ministers spoke out in opposition to the EPA, including Prime Minister Scott Morrison who said the EPA's proposal was "unworkable."<sup>121</sup>

One week after the guidelines had been announced, Premier Mark McGowan along with Minister Bill Johnston and Minister Stephen Dawson held an 'urgent roundtable' meeting with representatives from Woodside, Chevron, APPEA, Shell, Santos and CME.<sup>122</sup> After the meeting, he announced that the EPA would be withdrawing their recommendations and would seek further consultation.<sup>123</sup>

A target to appease the gas industry's lobbyists

Five months after the EPA decision, Energy Minister Bill Johnston announced that WA would commit to an "aspirational" target of net zero emissions by 2050. At the time of the announcement, the target was out of step with the Federal ALP's target of a 45% reduction by 2030, but did match Woodside's own "aspirational" 2050 goal.

The aspirational target was never legislated, and WA remains the only state in Australia without a legislated net zero emissions target. With the EPA recommendations also withdrawn, there is no effective mechanism to hold companies accountable to the target.

CASE STUDY 2: COOKING THE BOOKS ON EMISSIONS CONTROLS

There is a significant gap between the quantity of emissions created by WA gas facilities and the quantity of emissions they are required to offset or sequester. There is also a significant gap between the project approval requirements and the actual emissions controls carried out by polluters.

Examination of emissions controls at facilities in WA

The following figures show:

- The amount of greenhouse gas emissions produced by each project in 2018/19 (as reported to the National Greenhouse and Energy Reporting Scheme<sup>124</sup>).
- The amount each facility is required to offset or sequester according to any conditions placed on the project.
- The amount each facility has actually offset or sequestered according to the proponent.



Woodside's plant on Murujuga (The Burrup Peninsula)  
Photo: Friends of Australian rock Art

Part 3: Case studies

Two examples of the gas lobby's influence over WA's emissions policy and regulation

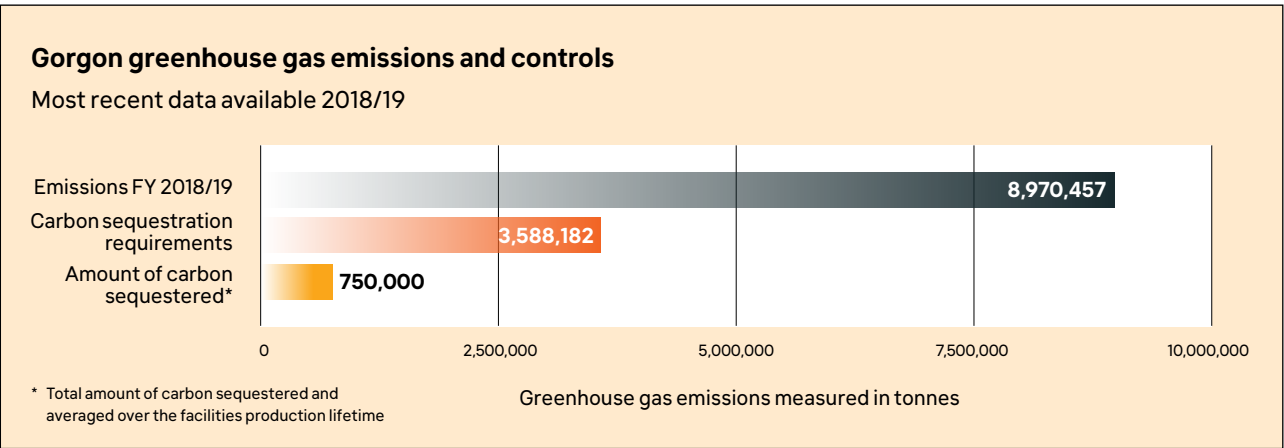


Fig. 5 Gorgon greenhouse gas emissions and controls

Operated by Chevron, the Gorgon project is the highest emitter of greenhouse gases in WA.<sup>125</sup> Ministerial conditions require Chevron to carry out geo-sequestration with Carbon Capture and Storage (CCS) technology, funded with taxpayer money to the tune of \$60 million. 80% of reservoir CO<sub>2</sub> emissions are required to be injected underground over any five-year period, equating to roughly 40% of total carbon emissions.<sup>126</sup> The EPA determined that injection should have begun on 14 July 2016, but Chevron did not apply for a licence to begin operating the CCS facility until May 2019. They finally began injecting carbon in August 2019 and announced their three millionth tonne of sequestered carbon in September 2020.

It is now impossible for Chevron to meet their condition of 80% reservoir CO<sub>2</sub> sequestered in the initial five-year period. As such, it should face a penalty for not meeting the condition.<sup>127</sup> The CEO of the Department of Water and Environmental Regulation may exercise any power available to them in respect to noncompliance of conditions. This will then be reported to the Minister for Environment, whose decision it will be to enforce these powers.

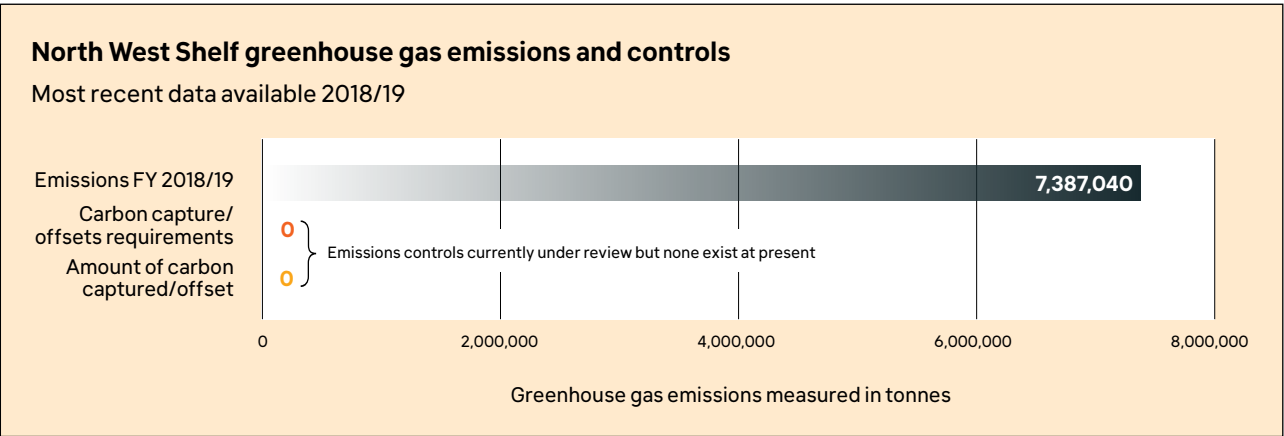


Fig. 6 North West Shelf greenhouse gas emissions and controls

Operated by Woodside, the North West Shelf joint venture was WA's first major gas project. It was approved with conditions to use best available emissions reduction technologies at the time (1989).

Emissions conditions concerning the North West Shelf/ Browse/ Burrup Hub are currently under review by the EPA. These could involve geo-sequestration, purchasing offsets or both. Once the EPA has made their recommendations to the government, the Minister for Environment will decide whether or not to impose them.



# Part 3: Case studies

Two examples of the gas lobby’s influence over WA’s emissions policy and regulation

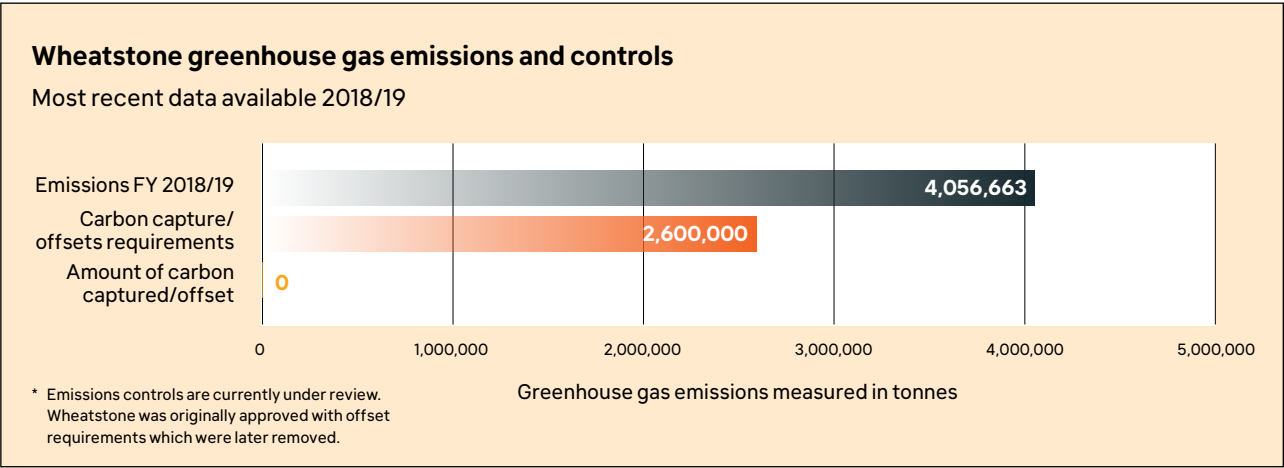


Fig. 7 Wheatstone greenhouse gas emissions and controls

Approved in 2011, Environment Minister at the time, Bill Marmion, adopted the EPA’s recommendation that Chevron offset 2.6 million tonnes per annum of Wheatstone’s reservoir CO<sub>2</sub> emissions. In 2012 the national carbon pricing mechanism was introduced and the requirement for offsetting emissions was removed. While Wheatstone was still under construction, the price on carbon was repealed in 2014, and the original requirements were never reintroduced.

The EPA undertook a review of Wheatstone’s emissions conditions in 2018. The EPA told 350 Boorloo Perth it expects to report to the Minister for Environment in late 2020.

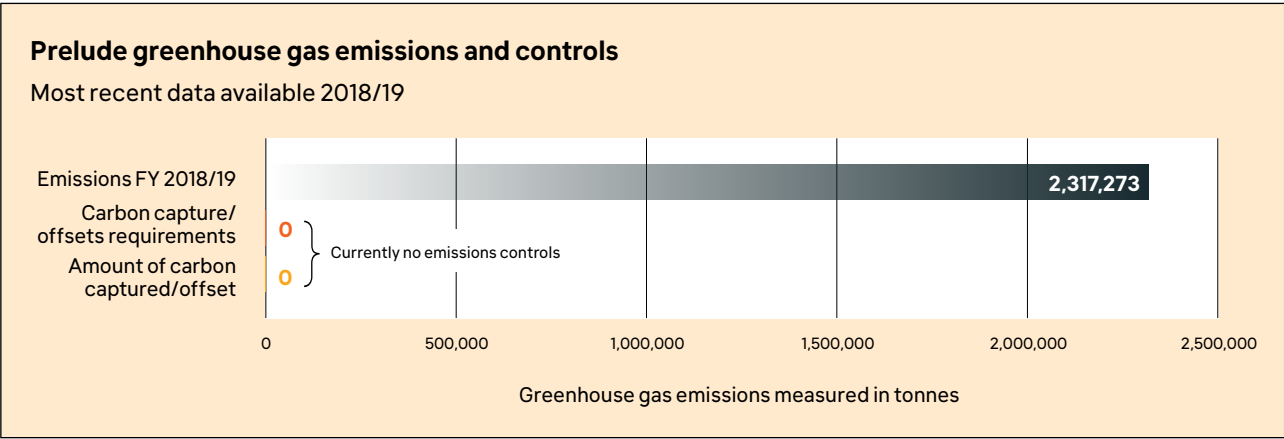


Fig. 8 Prelude greenhouse gas emissions and controls

Operated by Shell in Commonwealth waters, Prelude Floating LNG is regulated by the Federal Government. In 2010, then Federal Environment Minister Tony Burke stated that “Shell must develop a greenhouse gas strategy, which must be made publicly available, that will detail the measures and offsets it proposes to reduce greenhouse gas emissions.”<sup>128</sup> The strategy proposed by Shell is not enforced and the only emissions regulations Prelude is covered by is the Safeguard Mechanism.<sup>129</sup> The Safeguard Mechanism sets mandatory emissions limits on Australia’s largest emitters. Covered facilities must keep below their emissions limit, however companies are able to request their own emissions limit. Prelude FLNG has a limit of 2.72 million tonnes and reported 2.3 million tonnes in 2018/19.<sup>130</sup>

# Part 3: Case studies

Two examples of the gas lobby’s influence over WA’s emissions policy and regulation

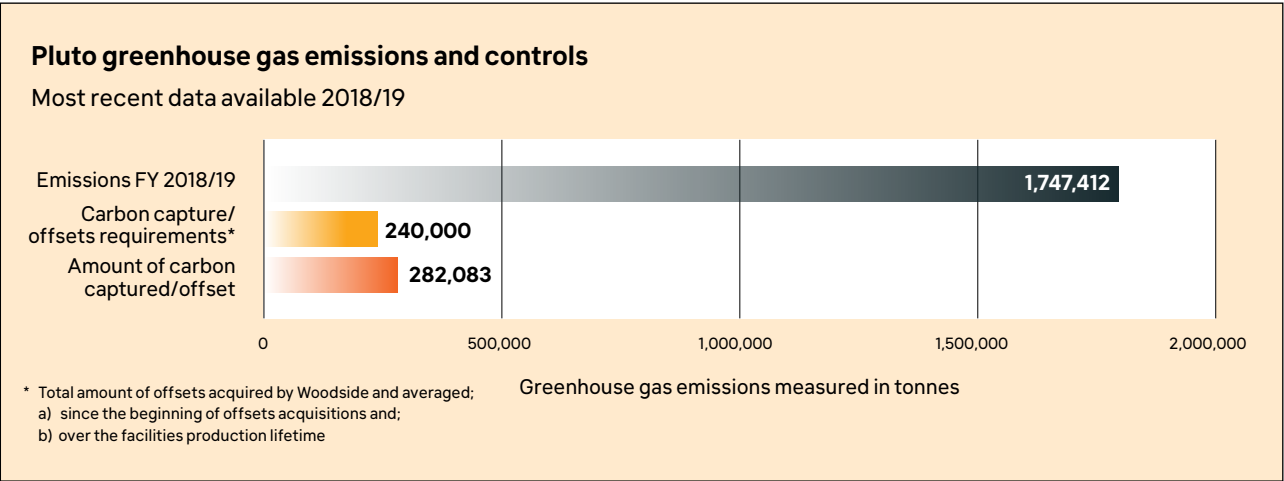


Fig. 9 Pluto greenhouse gas emissions and controls

In 2007 Former Environment Minister David Templeman adopted the EPA’s recommendation that Pluto LNG should offset its reservoir CO<sub>2</sub>, equating to about 0.24 million tonnes per annum. Woodside describes Pluto LNG as a “pioneering, large-scale carbon offset project”, claiming it “has offset more than 850,000 tonnes of CO<sub>2</sub> since 2008.”<sup>131</sup> This equates to 70,833 tonnes per annum, from 2008 to 2020. Woodside also claims to have secured carbon offset credits produced overseas. In 2019, they purchased 1,690,000 carbon credit units produced by three renewable energy projects operating in India (See Appendix 3).

These offsets make Pluto the only LNG project in WA to meet any emissions conditions. However, these conditions are exceptionally weak, requiring offsets seven times less than the emissions created by the project.

By choosing to buy cheaper offsets globally, Woodside have taken potential clean jobs and industries away from West Australians.

**Ask your MP to support the strengthening and enforcement of emissions conditions on gas projects**

Major gas facilities should have conditions that require reduction and offsetting of their emissions in line with ambitious climate targets. Existing and future conditions need to be enforced to ensure compliance.

**Will your MP support the enforcement of ministerial conditions on gas projects to make polluters meet their offset requirements, while also regularly reviewing and increasing those requirements?**

Recommendations

This report proposes recommendations for each of the issues highlighted. Although these proposals alone will not solve the crisis we face, they would go some way to improving the system we currently have. Fossil fuel corporations benefit from the current system at great cost to the climate and the rights of First Nations people and future generations. The recommendations presented throughout this report are compiled here.

Ask your MP to support the recommendations in this report:

- 1

Demand reforms to the Aboriginal Heritage Act, including:

  - Giving traditional owners the right to free prior and informed consent
  - Lifting existing gag clauses which do not allow traditional owners to speak out publicly about threats to cultural heritage sites
- 2

Introduce legislation for the publishing of ministerial diaries in real time
- 3

Permanently ban fracking across all WA
- 4

Introduce an effective cooling off period of a minimum 18 months for elected officials and their staff
- 5

Introduce legislation to report political gifts and donations in real time
- 6

Support the enforcement of ministerial conditions on gas projects to make polluters meet their offset requirements, while also regularly reviewing and increasing those requirements

Appendix 1

Full list of documents released through Freedom of Information request.

Date of meeting	Minister(s) in attendance	Company(s) in attendance	Other Information
28/06/2017	Stephen Dawson	Woodside	
4/07/2017	Stephen Dawson	CME	Sundowner
1/08/2017	Allanah Mactiernan	Woodside	
2/08/2017	Mark McGowan, Allanah Mactiernan	CME, Woodside, Chevron	Meet with reps from mining to discuss Pilbara industry
2/08/2017	Mark McGowan	Woodside	
7/08/2017	Stephen Dawson	CME	General coffee catch up and to discuss current CME activities
25/08/2017	Stephen Dawson	CME	
29/08/2017	Allanah Mactiernan	Chevron	
30/08/2017	Stephen Dawson	Chevron	
4/09/2017	Bill Johnston	APPEA	Meeting with APPEA (71-03470)
5/09/2017	Bill Johnston	CME	Call regarding gazettal of nickel royalty regulation amendments
22/09/2017	Bill Johnston	APPEA	APPEA Follow Up at Scotty's Cafe
26/09/2017	Mark McGowan	CME	
29/09/2017	Stephen Dawson	CME	Waste reform paper
12/10/2017	Mark McGowan	Woodside	
2/11/2017	Bill Johnston	CME	Meeting with CME (71-03025)
14/11/2017	Bill Johnston	CME	CME Management Committee Meeting
15/11/2017	Stephen Dawson	CME	Round table RE Waste Industry
21/11/2017	Mark McGowan	Woodside	RE Bay Village
22/11/2017	Allanah Mactiernan	Woodside	
12/12/2017	Bill Johnston	CME	CME Management Committee Meeting
15/12/2017	Bill Johnston	Woodside	Briefing RE Woodside's Burrup Hub
19/12/2017	Stephen Dawson	Chevron	RE CO <sub>2</sub> Injection Project
21/12/2017	Bill Johnston	Woodside	Lunch meeting with Woodside Reps at Catalano's Cafe (71-04208)
15/02/2018	Stephen Dawson	Chevron	RE Wheatstone Ministerial Conditions
6/03/2018	Bill Johnston	CME	Catch up
7/03/2018	Stephen Dawson	CME	Meeting to discuss: Waste reform, DWER Industry licensing reform, mine closure and relinquishment, state climate change policy (recent comments in EPA Annual Report calling for review), Aboriginal rangers program, Mining Legislation Amendment Bill.
8/03/2018	Bill Johnston	APPEA	Meeting with APPEA (71-05322)
20/03/2018	Bill Johnston	Woodside	Discuss Burrup Hub
10/04/2018	Stephen Dawson	Chevron	Meeting RE Wheatstone submission and Gorgon CO <sub>2</sub> Injection
17/04/2018	Bill Johnston	Woodside	Discuss Woodside's submission to PUO's NWIS Design Consultation Paper
4/05/2018	Bill Johnston	Chevron	Briefing on gas strategy
9/05/2018	Allanah Mactiernan	Woodside	
10/05/2018	Bill Johnston	CME	Budget phone calls re EIS
15/05/2018	Bill Johnston	Woodside	
17/05/2018	Bill Johnston	CME	RE Ministerial Advisory Panel (MAP)
21/05/2018	Stephen Dawson	CME	
25/05/2018	Mark McGowan	Woodside	
30/05/2018	Stephen Dawson	CME	CME Environment Committee - DWER
5/06/2018	Stephen Dawson	CME	CME Sundowner function



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Date of meeting	Minister(s) in attendance	Company(s) in attendance	Other Information
7/06/2018	Bill Johnston	CME	Afternoon tea - Thank you RE Ministerial Advisory Panel (MAP)
8/06/2018	Bill Johnston	Woodside	Scarborough and Browse Projects
14/06/2018	Bill Johnston	APPEA	Coffee catch up
28/06/2018	Stephen Dawson	CME	Lunch meeting with Waste Industry reps
2/07/2018	Bill Johnston	CME	Meeting RE 2018-2028 Resources Sector Outlook Report
3/07/2018	Bill Johnston	Woodside	Discuss Woodside's updated plans for Burrup Hub
5/07/2018	Bill Johnston	APPEA	APPEA Connect Series event session 'How oil and gas companies are closing the gap for Indigenous communities - sharing stories'
5/07/2018	Bill Johnston	Woodside	
9/07/2018	Bill Johnston	CME	Meet with members of WHS Legislation Working Group
12/07/2018	Bill Johnston	CME	
24/07/2018	Mark McGowan, Allanah Mactiernan	Woodside	Gas Supply and Site Selection
25/07/2018	Stephen Dawson	Woodside	Meeting to: Introduce _____, provide overview of Burrup Hub developments and timing, discuss key approvals, discuss key stakeholder issues, discuss government's role in development on the Burrup
31/07/2018	Stephen Dawson	Woodside	
2/08/2018	Stephen Dawson	CME	Briefing for CME - Biodiversity Conservation Regulations
7/08/2018	Bill Johnston	Chevron	
9/08/2018	Bill Johnston	APPEA	Discuss onshore gas issues
15/08/2018	Bill Johnston	CME	
16/08/2018	Bill Johnston	CME	Farewell Lunch Meeting
22/08/2018	Mark McGowan	Chevron	
22/08/2018	Stephen Dawson	CME	CME Environment Committee
28/08/2018	Allanah Mactiernan	Woodside	Woodside's hydrogen plans
29/08/2018	Bill Johnston	APPEA	
30/08/2018	Stephen Dawson	CME	Meeting RE Category 63 WARR Briefing
3/09/2018	Mark McGowan	CME	
6/09/2018	Mark McGowan	Chevron	Phone Chevron RE LNG Task Force on mobile
21/09/2018	Bill Johnston	Woodside	Meeting RE Burrup Hub Environment Approvals Briefing
2/10/2018	Stephen Dawson	Chevron	Perth - Barrow Island (jet)
3/10/2018	Stephen Dawson	CME, Woodside	Employment of people with Autism in the resource sector
5/10/2018	Stephen Dawson	CME	Meeting with CME RE Emissions regulation waste
11/10/2018	Bill Johnston	Woodside	
15/10/2018	Bill Johnston	Beach	
24/10/2018	Bill Johnston	CME	Safety catch up
5/11/2018	Mark McGowan	Chevron	Telephone meeting
6/11/2018	Bill Johnston	APPEA	
6/11/2018	Mark McGowan	APPEA	
7/12/2018	Mark McGowan	Chevron, Woodside, APPEA	Inaugural meeting of Premier's LNG Jobs Taskforce (followed by refreshments)
12/02/2019	Mark McGowan	Woodside	Woodside Board Dinner
18/02/2019	Bill Johnston	Chevron	At Cherry & Grapes cafe
19/02/2019	Bill Johnston	APPEA	

# Appendix 1

Full list of documents released through Freedom of Information request.

Date of meeting	Minister(s) in attendance	Company(s) in attendance	Other Information
19/02/2019	Bill Johnston	CME	Update on CME programs and initiatives around training and skills development, as well as longer term initiatives to attract the workforce the industry requires for the future
20/02/2019	Bill Johnston	Beach	
26/02/2019	Mark McGowan	Chevron	
26/02/2019	Mark McGowan	CME	
6/03/2019	Stephen Dawson	Chevron	
6/03/2019	Stephen Dawson	Woodside	Phone meeting with Woodside re EPA
14/03/2019	Mark McGowan, Bill Johnston, Stephen Dawson	Woodside, Chevron, APPEA, CME,	URGENT Roundtable with business reps to discuss EPA decision
19/03/2019	Stephen Dawson	Chevron	Meeting with reps from Chevron Australia
21/03/2019	Bill Johnston	APPEA	Meeting to introduce _____ (71-09987)
22/03/2019	Mark McGowan	Woodside, Chevron, APPEA	LNG Task force meeting (prior to Shanghai LNG conference in April 2019)
16/04/2019	Mark McGowan	Woodside, CME	Roundtable discussion with CME and Energy Management Committee
29/04/2019	Stephen Dawson	CME	Meeting with CME re State Climate Change Policy, EPA Guidelines and GHG emissions
6/05/2019	Stephen Dawson	CME	Meeting with _____ stakeholders re Table 6
28/05/2019	Mark McGowan	APPEA	Discuss issues of interest to WA
28/05/2019	Stephen Dawson	Chevron	Meeting RE CO <sub>2</sub> injection project
10/06/2019	Stephen Dawson	CME	
24/06/2019	Stephen Dawson	CME	CME catch up
25/06/2019	Mark McGowan	Chevron	Discuss Carnarvon Basin, NW Shelf matters and climate policy
25/06/2019	Stephen Dawson	Woodside	Meeting with Woodside RE proposed Burrup Hub
27/06/2019	Stephen Dawson	CME	
28/06/2019	Stephen Dawson	Woodside	Meeting with Woodside RE GHG issues
9/07/2019	Mark McGowan	Woodside	Premier to meet ____ Woodside for coffee catch up
17/07/2019	Stephen Dawson	Australian Industry Greenhouse Network	Meeting at Woodside HQ
30/07/2019	Stephen Dawson	CME	
7/08/2019	Mark McGowan	Chevron	Geo sequestration at Gorgon - premier to call on mobile
26/08/2019	Stephen Dawson	Woodside	Meeting with Woodside RE Burrup Hub progress
26/08/2019	Mark McGowan	Woodside, Chevron, APPEA	Premier's LNG Taskforce Meeting
11/09/2019	Stephen Dawson	CME	CME Sundowner
12/09/2019	Stephen Dawson	CME and APPEA	Meeting RE Hydraulic fracturing implementation
26/09/2019	Stephen Dawson	CME and APPEA	
3/10/2019	Stephen Dawson	Woodside	Meeting with Woodside RE Burrup Hub related issues and updates
15/10/2019	Mark McGowan, Bill Johnston (optional attendee)	Strike Energy	
26/11/2019	Mark McGowan	Woodside	
3/12/2019	Stephen Dawson	Chevron	
16/12/2019	Stephen Dawson	Woodside	Meeting with Woodside re Burrup Hub

# Appendix 1

Full list of documents released through Freedom of Information request.

Date of meeting	Minister(s) in attendance	Company(s) in attendance	Other Information
16/01/2020	Stephen Dawson	n/a	CABINET IN CONFIDENCE, Chevron
29/01/2020	Mark McGowan	Chevron	
3/02/2020	Mark McGowan, Allanah MacTiernan, Bill Johnston	CME, APPEA, Woodside, Chevron	Meeting with reps from business industry to discuss coronavirus and trade with China
5/02/2020	Stephen Dawson	CME	Meeting to discuss proposed EP Act amendments
10/03/2020	Allanah MacTiernan	Woodside	
11/03/2020	Stephen Dawson	CME	Discuss accreditation of environment practitioners
11/03/2020	Mark McGowan	CME, Chevron, Woodside	Meeting RE impacts of coronavirus
12/03/2020	Bill Johnston	APPEA, Woodside	Meeting re Petroleum Resource Rent Tax System (71-13646)
19/03/2020	Bill Johnston	APPEA	APPEA proposal for briefing to ALP caucus on natural gas/LNG and emissions
19/03/2020	Bill Johnston	CME	Green category'
25/03/2020	Bill Johnston	Woodside	Conference call (71-13435)
26/03/2020	Stephen Dawson	APPEA	
30/03/2020	Mark McGowan, Allanah MacTiernan, Bill Johnston	APPEA, CME	Quick update meeting
9/04/2020	Bill Johnston	Australian Hydrogen Council	Conference call (71-13910)
15/04/2020	Stephen Dawson	CME	CME Catch up to discuss EP Act amendments, EPBC Act - Bilaterals, COVID and the EP Act (monitoring/compliance etc)
22/04/2020	Stephen Dawson	Woodside	RE Burrup and updates
23/04/2020	Mark McGowan, Allanah MacTiernan, Bill Johnston	APPEA, CME	
29/04/2020	Bill Johnston	CME	Meeting (71-13345)
29/04/2020	Bill Johnston	Woodside	Discuss Pluto GHG abatement plan, Burrup Hub priorities including key issues for resolution (re Deeds), WPP & common user infrastructure
7/05/2020	Mark McGowan, Bill Johnston	CME	Meet with reps from iron ore industry - provide update on govt's covid19 response, get feedback & discuss future opportunities as part of recovery and post-covid20
19/05/2020	Bill Johnston	CME	Management Committee Meeting (71-13349)
22/05/2020	Bill Johnston	CME	Meeting with Hon Stephen Dawson and CME re Environmental Bilateral Discussion (71-14885)
27/05/2020	Allanah MacTiernan, Bill Johnston	CME	Farm Safety Summit (71-14818)
15/06/2020	Stephen Dawson	Woodside	GGAP Briefing
19/06/2020	Mark McGowan	Woodside, Chevron, APPEA	LNG Jobs Taskforce meeting

# Appendix 2 + 3

## Appendix 2

### Correspondence between 350 Boorloo Perth and the Department of Premier and Cabinet FOI Department.

8 Jul 2020, 15:13

Good afternoon,

I refer to your Freedom of Information Application made to the Hon Bill Johnston MLA.

I can confirm the Office of Minister Johnston has finalised the searches for the requested documents. Due to the timeframe of your request and the portfolio to which this application had been made, approximately 200 documents were found to be in scope of your application.

Section 20 of the Freedom of Information Act 1992 (WA) (FOI Act) states that an agency may refuse to deal with an application if they consider that the work involved would divert a substantial and unreasonable portion of the agency's resources away from other operations. By way of assistance, I have suggested a way in which you can reduce the scope of your application below:

- Reduce the timeframe of this request to a two year period, e.g. 2019/20

Alternatively, please contact me on the number below to discuss the scope of your application.

Regards,

Freedom Of Information Coordinator | People and Governance Services

Department of the Premier and Cabinet | Dumas House, 2 Havelock Street, West Perth



*We're working for Western Australia.*

**Acknowledgement of Country** The Government of Western Australia acknowledges the traditional custodians throughout Western Australia and their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal communities and their cultures; and to Elders both past and present.

## Appendix 3

### Notification of offsets from Woodside

Woodside is fully compliant with our regulatory obligations. A gap between forecast offsets and actual offsets was identified for the years to 2020 due in part to increased production at the Pluto LNG facility. We took the decision to voluntarily purchase and retire additional carbon offsets to close this gap immediately. This is ahead of our regulatory requirements which are over the life of the project, and in addition to the almost A\$100 million we have invested over the past decade to develop our own carbon offset projects across Australia.

In addition to that significant investment in the Australian carbon offset industry, we have also secured carbon offset credits produced overseas. As Article 6 of the Paris Agreement envisages, international offsets – provided they are scientifically verified and robustly accounted for – will be important. In 2019, we purchased offsets produced by three renewable energy projects operating in India. These projects meet the integrity and verification standards of the Clean Development Mechanism and VCS Program.



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