



## Meeting with the Appeals Convenor

### FAQ

In July 2022, appeals were opened against the North West Shelf (NWS) gas facility having its processing life extended until 2070. If you made an appeal, you should be entitled to be 'heard' in respect of your appeal. This usually includes an opportunity to meet with the WA Appeals Convenor (AC).

It is important that as many people as possible meet with the AC, to talk about why they made an appeal and how important it is that real action is taken on this project on climate change.

#### Terms

**Appeal** – an appeal lodged under Part VII of the Environmental Protection Act 1986 (WA), in this case an appeal against the report and recommendations of the EPA (note that to have a valid appeal in this case you need to have lodged your appeal grounds by 21 July 2022)

**WA Appeals Convenor/AC** - the independent government office established to coordinate, investigate and report to the WA Environment Minister on appeals under the Environmental Protection Act 1986 (WA).

**Appellant** – a person who has appealed a decision or recommendation.

**Proponent** – a party (often a company) which comes forward with a proposal.

In this case, the proponent is Woodside, which proposed extending the life of the North West Shelf gas facility until the year 2070.

**Respondent** – The party which made the decision that is being appealed. In this case, it is the WA Environmental Protection Authority (EPA) as the appeals are in answer to their decision to recommend that the NWS Extension be allowed to go ahead.

## Questions

### 1) What is the appeals process?

- a. Appeals against the North West Shelf Extension are submitted by July 2022
- b. The Appeals Convenor invites the respondent (the EPA) to respond to the appeals. The proponent (Woodside) is usually invited to respond as well
- c. The Appeals Convenor meets with individuals, bodies and organisations that sent in appeals
- d. The Appeals Convenor submits a report to the WA Environment Minister with its findings and recommendations
- e. The WA Environment Minister makes a decision on whether:
  - i. The EPA should reassess Woodside's proposal to extend the life of the NWS
  - ii. Any of the EPA's current recommended conditions for the NWS should be changed – eg: requiring carbon capture storage technology, electrifying the facility, etc.
  - iii. To dismiss the appeals, and agree with the existing EPA report and recommendations that the NWS Extension be allowed

### 2) Can the Appeals Convenor stop the NWS Extension?

No. The AC does not have this power. The AC's role is only to review the appeals and provide a report to the Environment Minister, who can then make a decision on the appeal against the EPA report (e.g. one of the above outcomes as to the status of the EPA report).

Following this appeal decision, the Environment Minister (together with other government decision-makers) makes a final decision about whether to authorise the NWS Extension.

### 3) How will the Appeals Convenor get in touch with me about organising a meeting to talk about my appeal?

So far, the Appeals Convenor has been contacting people by email.

#### **4) What if I don't hear from the Appeals Convenor?**

If you made an appeal about the North West Shelf extension in July 2022 – whether as an individual or organisation – you should have received an email from the Appeals Convenor office. If you have not heard from the AC, you can:

- a. Check the email address you used to submit an appeal
- b. Check your spam or junk inbox
- c. Contact the Appeals Convenor's office on (08) 6364 7990 or [admin@appealsconvenor.wa.gov.au](mailto:admin@appealsconvenor.wa.gov.au)

#### **5) What should I do to get ready?**

- Refamiliarise yourself with the appeal you made and submitted. You can also read [CCWA's North West Shelf Project Extension Guide](#)
- You have the right to request a copy of both the response from Woodside and the response from the EPA about the appeals. You may want to do this before having any meeting, so you can read their responses and talk about it in your meeting.

If you have not received these responses before your meeting, you may wish to tell the AC that you would like to arrange an additional meeting, once that information has been provided to you.

- [You can also check out the Appeals Convenor's website for, 'What to expect'](#)

#### **6) Can I bring someone else with me to the meeting?**

There are no particular requirements or restrictions on the meeting, or on bringing people with you. If you would like to bring a support person, or to have a joint meeting including another appellant or appellants, then you can request this. It is best to explain why you would like to bring someone – for example, if your appeals are similar, if the person is an expert relevant to your appeal grounds, or if you have accessibility issues.

The procedural fairness rights are specific to appellants – so the AC isn't obliged to hear from other third parties that did not submit an appeal.

## 7) Can I talk about new facts or arguments in my meeting?

There are no strict limits on matters that can be discussed in meetings with the AC. You can address new facts and evidence, and anything you think is relevant to your appeal.

In the preparation of the AC's report and the Environment Minister's determination of appeals, they will only address matters relevant to your original grounds of appeal, as lodged in July. This means it is best to focus on facts or evidence that are within the scope of your original appeal grounds, rather than bringing up new arguments (e.g. if your appeal included a ground on greenhouse gas emissions, you could talk about an IPCC report published after your appeal was submitted, but points about the impact of the proposal on marine environmental quality would be considered outside the scope of this appeal ground).

## 8) What do I talk about in my meeting?

As above, there are no strict limits or requirements about meetings with the AC. Usually, the AC will ask you questions about your appeal and provide a space for you to talk about your appeal further. You can use this opportunity to explain your disagreement with the EPA's report and recommendations, to ask questions about the appeal, or to respond to counter-arguments that may be put forward by Woodside or the EPA.

- **Suggested conditions:** You can suggest conditions you'd like to see placed on the North West Shelf gas facility if the extension proposal is approved. It is useful for the AC/Minister if you provide constructive suggestions for how to improve the appealed decision and recommendations
  - **How much detail do I have to provide?**

There is no requirement on level of detail. It's better if you're able to explain exactly what a condition should require, or if you write out the wording you think the condition should have. It is also fine just to indicate the condition that should be changed and explain why.