

BETWEEN:

FRIENDS OF THE NORTH WEST INC

Applicant

and

MINISTER FOR THE ENVIRONMENT, HERITAGE AND WATER

Respondent

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☒ E0EC RESPONDENT'S OUTLINE OF SUBMISSIONS  
(Junior Counsel)

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**Statement of facts**

1. Petro Energy Pty Ltd proposes to build and operate a floating LNG plant to process gas in the Selinka Gas Field, approximately 150 km off the coast of WA (**Proposal**).
2. The *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**)
3. On 30 July 2013, the Minister approved the proposal (**Decision**). The Minister's reasons for the Decision (**Reasons**) stated that:
  - 3.1. in deciding to approve the taking of the action, the Minister had given strong consideration to a recent Commonwealth government policy announcement that it would 'streamline' environmental approval of offshore gas projects and 'cut environmental green tape' in order to ensure that the Australia off-shore gas industry remained competitive and attractive to international investment;
  - 3.2. he had not delayed the decision in response to FNW's letter, as he considered that adequate time had been given for public comment in compliance with the provisions of the EPBC Act.

**Submission 1: The Minister did not make the Decision according to a rule or policy without regard to the merits of the particular case.**

1. The Minister's Reasons disclose only that the Minister "gave strong consideration" to the policy. The Minister had regard to the merits of the
2. A lawful policy is normally a relevant consideration which a decision-maker is bound to take into account.