AUTHOR: Rebecca Le May SECTION: GENERAL NEWS ARTICLE TYPE: NEWS ITEM AUDIENCE : 20,000
PAGE: 4 PRINTED SIZE: 192.00cm² REGION: WA MARKET: Australia ASR: AUD 525 WORDS: 390
ITEM ID: 1219780687

22 JUL, 2026
Kalgoorlie Miner, Kalgoorlie

Bias claim in Woodside nod

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Conservationists argue Federal authorities had "apprehended bias" favouring Woodside Energy when a decades-long extension of the North West Shelf gas project was approved, a landmark court case has been told.

The Australian Conservation Foundation and Friends of Australian Rock Art both launched legal proceedings challenging Federal Environment Minister Murray Watt's decision in September to let the Pilbara operation run until 2070.

The groups fear the resulting industrial emissions will have a devastating impact on both the Burrup Peninsula's World Heritage rock art precinct and climate change, and their case went before the Federal Court in Melbourne on Tuesday.

Angus Scott, representing the ACF, told Justice Catherine Button that the green light came after "an extraordinary level of engagement" between Federal authorities and Woodside.

Public comment was not sought but the energy giant was invited to give feedback on proposed conditions, Mr Scott said. "The engagement between the department and the minister with the second respondent went well above what's required . . . and an extensive opportunity was given to Woodside to comment on the proposed conditions beyond what's required," he said.

". . . On the material . . . what the department and the minister were concerned with were ensuring that any conditions that were attached to the approval were satisfactory to Woodside, and . . . that the project would proceed.

"The minister met — it seems in the briefing material — with Woodside to speak about the conditions that were under discussion."

Justice Button summarised the argument as effectively being that there was "reasonable suspicion" when a decision-maker went "beyond the bare minimum", but Mr Scott disagreed. "I wouldn't put it that way," he said.

"All of this conduct is conduct which the minister and his officers were not obliged to engage in."

Woodside is scheduled to make submissions later this week, with Mr Watt to follow.

In its written submissions, Woodside noted an email exchange between a staffer and a member of the department, including one reading: "If those mark-ups are acceptable and there are no other changes, the conditions would be implementable".

A reply read: "We got there!"

"While those communications lack formality and suggest a familiarity between the human beings involved, they in no way suggest that the minister's decision-making process miscarried, particularly when the relevant chronology of events is understood," Woodside's lawyers argued.

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