

Environment and Communications
Answers to questions on notice
Environment and Energy portfolio

Inquiry name: Inquiry into the Protection of Aboriginal rock art of the Burrup Peninsula

Hearing date: 17 November 2017

Question No: 1

Hansard Page: 4

Question Date: 17 November

Question Type: Spoken

Senator SMITH asked: Was the report published late due to a technical fault uploading it to the website?

Answer: The Department issued a formal caution to Yara Pilbara Nitrates in June 2016 for failing to publish their annual compliance report in the time required. Yara Pilbara Nitrates advised that material on their previous website was being migrated to a new website, before the new website was live. This information was considered by the Department before making a decision to issue the formal caution.

Question No: 2

Hansard Page: 5

Question Date: 17 November

Question Type: Spoken

Chair asked: Can you tell the committee who the suitably qualified heritage expert for the heritage rock art monitoring and the suitably qualified person for the air-quality monitoring is?

Answer: Yara Pilbara Nitrates have proposed Warren Fish and Ian Macleod as Heritage experts and Dr Peter Forster as the air-quality expert. The Department is currently assessing this proposal against the conditions of approval.

Question No: 3

Hansard Page: 6

Question Date: 17 November

Question Type: Spoken

Senator SMITH asked: Does Professor Black have the necessary skills and experience to be regarded as fitting into that narrow scientific field around rock art monitoring issues?

Answer: As a former Chief Research Scientist for the CSIRO, the Department considers that Dr Black has the requisite skills and experience to provide an opinion upon the scientific methodology used to analyse data.

Question No: 4

Hansard Page: 9

Question Date: 17 November

Question Type: Spoken

Chair asked: Have there been any other precedents or examples where the department has given approval for a process or a project and then had to totally reconsider it.

Answer:

Division 3 of Part 9 the Act allows for Part 9 approval conditions to be varied (s143), approval decisions to be suspended (s144) or revoked (s145), subject to the requirements set out in those sections.

There are very few cases of approval decisions being suspended or revoked with only two approvals having been revoked in the last nine years. In one case the proponent went into receivership and was subsequently liquidated and thus there was no likelihood that they would be able to undertake the reparation measures. In the other case, the NSW Land and Environment Court overturned the associated NSW approval, meaning that the offsets which were also required under the Commonwealth approval would not be delivered.

Question No: 5

Hansard Page: 9

Question Date: 17 November

Question Type: Spoken

Senator Siewert asked: Has the Department gone back and relooked at the Gillett report?

Answer: Yes.