

Senate Finance and Public Administration Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Additional Estimates 2016 - 2017

Prime Minister and Cabinet Portfolio

Department/Agency: Indigenous Land Corporation
Topic: Sea Country

Senator: Senator Siewert

Question reference number: 223

Type of question: Written

Date set by the committee for the return of answer: 13 April 2017

Number of pages: 2.

Question:

1. Has the ILC sought an opinion from the Attorney-General's Department on ILC's capacity to fund projects on sea country?

If not, why not?

If so, what was the answer to the question?

What were the costs of that advice?

2. Has there been discussion between the ILC (including its Chair) and the Minister on this issue?

If so, what was the effect of those discussions?

3. Have there been requests from Indigenous groups for support from the ILC in relation to seas?

How many?

Answer:

1. No. The Attorney General's Department does not provide legal advice to entities that are independent of the Government. The ILC is a corporate Commonwealth entity for the purpose of the *Public Governance Performance and Accountability Act 2013* (Cth) but it is not one of the people or entities listed in s 12 of the *Law Officers Act 1964* (Cth) that can seek counsel directly from the Solicitor General. Nor can the ILC seek legal advice directly from the Attorney General or their Departmental staff.
2. The ILC Chairperson has had general discussions with the Minister on this issue.

The Chairperson wrote to the Minister following the 22 February 2017 Board meeting concerning expert legal advice on the issue commissioned by the ILC. This advice concluded that projects involving seas should be assessed on a case-by-case basis and that legislative change to explicitly empower the ILC to fund sea projects would be the best option.

The ILC continues to work with the Minister and his Department to collaborate on necessary amendments to the ATSI Act.

3. Yes. There have been 10 requests for support from Indigenous Groups in relation to seas.