

**Senate Standing Committee on Environment and Communications
Legislation Committee**
Answers to questions on notice
Sustainability, Environment, Water, Population and Communities portfolio
Additional Budget Estimates, February 2013

Program: Division or Agency: 5.1: WHM **Question No:** 068
Topic: Processing times for ATSIHP Act
Sections 9 and 10 applications
Proof Hansard Page and Date 11
or Written Question: (12/2/13)

Senator Siewert asked:

Senator SIEWERT: ...First I want to follow up the number of section 9 applications that you have had over the last 10 years if that is possible, how many from Western Australia and how long the average processing time is.

...

Ms Rankin: We could take those details on notice since I only have details since 1984. I can give you those.

Senator SIEWERT: I am looking for most recent history of the use of the act.

Ms Rankin: We will have to take that on notice to give you the rest.

Senator SIEWERT: Could you do that for section 10 applications as well. I am particularly interested in the processing time for them.

Answer:

The following table provides answers based on applications received since January 2003:

	Section 9	Section 10
Total number	100 applications	79 applications
Number from Western Australia	38 applications	31 applications
Average time to process	222 days	471 days

Notes: The figures shown in this table are estimates based on available records.

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Program: Division or Agency: 5.1: WHM **Question No:** 069
Topic: Yindjibarndi and James Price Point
ATSIHP Act applications
Proof Hansard Page and Date 11-12
or Written Question: (12/2/13)

Senator Siewert asked:

Senator SIEWERT: ...I want to hone in on the two Western Australian ones that have been most problematic in the recent past: Yindjibarndi and James Price Point. Could you tell me where we are up to, when those applications were first received and where we are up to in processing them. I think there are nine and 10 for both of them.

Mr Routh: You are interested in the Fortescue Metals one with Yindjibarndi?

Senator SIEWERT: Yes, and James Price Point.

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Mr Routh: The details of that one are reasonably complex because there have been applications lodged and then amendments to those applications, then applications withdrawn at different times. We can give you detailed documentation of the sequence of events.

...

Senator SIEWERT: ...You said before that you have the documentation of the process for both of them. Could you also please take on notice to supply those.

Mr Routh: Yes.

Answer:

The sequence of the events from receipt of the applications is below.

Yindjibarndi people and Fortescue Metals Group

Date	Event
18 Nov 2011	Applications made by various members of Yindjibarndi Aboriginal Corporation under Sections 9, 10 and 12 of the <i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i> .
21 Nov 2011	Updated letter of application and additional information provided, exceeding 500 pages of evidence.
22 Nov 2011	Department notified applicants that Section 12 application was not valid and sought clarification of areas specified for protection.

23 Nov 2011	Minister met representatives of applicants.
1 Dec 2011	Applicants clarified areas specified for protection. Department established secure website to facilitate natural justice in relation to the Section 9 application, given its volume.
5 Dec 2011	Department invited representatives of Wirlu Murra Yindjibarndi Aboriginal Corporation and Fortescue Metals Group to respond to Section 9 application.
12 Dec 2011	Minister met representatives of Wirlu Murra Yindjibarndi Aboriginal Corporation.
20 Dec 2011	Minister nominated reporter for Section 10 application. Fortescue Metals Group provided initial response to Section 9 application.
22 Dec 2011	Wirlu Murra Yindjibarndi Aboriginal Corporation provided initial response to Section 9 application. Department invited applicants to comment on responses received to date.
7 Feb 2012	Applicants commented on draft Section 10 notice.
8 Feb 2012	Minister met representatives of Fortescue Metals Group.
2 Mar 2012	Applicants withdrew Section 9 and 12 applications and amended Section 10 application.
21 Mar 2012	Department invited applicants to confirm revisions to specified area and to comment on revisions to relevant parts of draft notice required under Section 10.
26 Mar 2012	Applicants confirmed specified area and commented on draft notice.
10 Apr 2012	Department asked applicants to clarify comments on draft notice.
17 Apr 2012	Applicants clarified comments.
30 May 2012	Notice published in <i>Government Notices Gazette</i> N ^o 21.
2–7 Jun 2012	Notice published in <i>Pilbara Echo</i> , <i>Pilbara News</i> and <i>Port Hedland North West Telegraph</i> and <i>Broome Advertiser</i>
15 Jun 2012	Due date for representations to be sent to reporter.
6 Feb 2013	Reporter advised that applicants provided a submission on 1 February 2013 and that preparation of the report would commence in February, subject to any further submissions being made.

James Price Point

Date	Event
7 Jul 2011	Application made on behalf of Aboriginal person under Section 9 of the <i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i> .
8 Jul 2011	Department asked applicant to clarify internal handling of material said to contain culturally sensitive information.
9 Jul 2011	Applicant confirmed that only male staff could review relevant material. Department began checking validity of application, excluding sensitive material, with female legal counsel.
12 Jul 2011	Department completed validity check and sought clarification of area specified for protection. Applicant advised unable to provide a map.
17 Jul 2011	Department sent applicant map to clarify area specified for protection. Applicant confirmed area for protection. Department invited representatives of Woodside Energy Limited to respond to Section 9 application.
22 Jul 2011	Woodside Energy Limited provided initial response to Section 9 application. Response noted that application also affects interests of Western Australian government and Kimberley Land Council (on behalf of the Goolarabooloo-Jabirr Jabirr registered native title claimants). Department invited applicant to comment on response.
26 Jul 2011	Woodside Energy Limited provided information about relevant contacts in Western Australian Department of State Development and Kimberley Land Council. Department invited representatives of these organisations to respond to Section 9 application.
29 Jul 2011	Department invited representatives of unregistered native title claimants (Goolarabooloo Families and Jabirr Jabirr People) to respond to Section 9 application. Department sought advice about registered and unregistered Aboriginal sites from Western Australian Department of Indigenous Affairs.
1 Aug 2011	Applicant provided additional information. Department forwarded additional information to other parties for response.

2 Aug 2011	<p>Minister visited Broome and met residents.</p> <p>Goolarabooloo Families claim group provided initial response to Section 9 application.</p> <p>Department forwarded response to other parties, inviting comment.</p> <p>Western Australian State Solicitor's Office, representing Department of State Development, provided initial response to Section 9 application.</p>
3 Aug 2011	<p>State Solicitor's Office provided additional response to additional information and response of Goolarabooloo Families claim group.</p>
4 Aug 2011	<p>Goolarabooloo-Jabirr Jabirr group provided initial response to application and related materials, marked confidential.</p> <p>Woodside Energy Limited provided response to additional information of 1 August 2011.</p> <p>Department forwarded responses from Woodside and State Solicitor's Office to applicants, inviting comment.</p> <p>Department of Indigenous Affairs provided letter advising of site files.</p> <p>Department invited interested parties to confirm whether they would need to review these files.</p>
5 Aug 2011	<p>Department received box containing nine site files, sent by Western Australian Department of Indigenous Affairs.</p> <p>Department began reviewing and indexing materials in box.</p>
23 Aug 2011	<p>Goolarabooloo-Jabirr Jabirr group agreed that its response could be given to other parties.</p>
25 Aug 2011	<p>Department sent response of Goolarabooloo-Jabirr Jabirr group to applicant for comment.</p> <p>Department asked applicant to consent to release applicant's materials in box, in line with policy of Department of Indigenous Affairs.</p>
9 Sep 2011	<p>Woodside Energy Limited and Department of State Development asked for copies of all relevant materials.</p>
12 Sep 2011	<p>Applicant asked for copies of certain materials and specified conditions to limit disclosure of two documents.</p>
13 Sep 2011	<p>Department sent applicant's conditions to other parties.</p>
16 Sep 2011	<p>Kimberley Land Council accepted conditions on behalf of Goolarabooloo-Jabirr Jabirr group.</p> <p>Woodside Energy Limited refused conditions giving reasons.</p>

28 Sep 2011	Department sought advice from Department of Indigenous Affairs about which traditional owners can consent to release materials in box.
29 Sep 2011	Department of State Development refused conditions giving reasons.
6 Oct 2011	Department invited Woodside Energy Limited and Department of State Development to reconsider refusal. Reasons given by Woodside and Department of State Development sent to applicant.
14 Oct 2011	Department of Indigenous Affairs confirmed applicant is appropriate person to consent to release all relevant materials in box.
26 Oct 2011	Department asked applicant to consent to release all relevant materials in box.
10 Nov 2011	Applicant consented to release of all materials except two documents subject to a condition on use. Applicant offered minor revision to previous conditions for two documents.
29 Nov 2011	Department sent new and revised conditions to Woodside Energy Limited and Department of State Development.
12 Dec 2011	Woodside Energy Limited refused revised conditions.
28 Dec 2011	Department of State Development refused revised conditions.
22 May 2012	Applicant submitted additional information re Section 9 application to minister and indicated intent to change area specified for protection.
23 May 2012	Applicant submitted additional information for Section 9 application.
1 Jun 2012	Department asked applicant to clarify intentions including any changes to area specified for protection.
6 Jun 2012	Applicant clarified intentions, described area to be protected, and asked department to provide map to enable confirmation. Department began checking validity of application with legal counsel.
8 Jun 2012	Department sent map to applicant to clarify area specified for protection.
14 Jun 2012	Applicant confirmed area for protection.
27 Jun 2012	Application made on behalf of Aboriginal persons under Section 10 of the <i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i> .
28 Jun 2012	Department sent additional information for Section 9 application to Woodside Energy Limited and Department of State Development.
3 Jul 2012	Department sent additional information for Section 9 application to Kimberley Land Council for Goolarabooloo-Jabirr Jabirr group.

6 Jul 2012	<p>Department received box containing Section 10 application and supporting information, exceeding 1,000 pages of evidence.</p> <p>Department alerted applicants to missing document (conditions for protection of sensitive documents) and asked applicants to provide transcript of DVD provided as supporting information for Section 10 application.</p> <p>Applicants provided missing document.</p> <p>Department sent materials relevant to Section 9 application received from Department of Indigenous Affairs to Woodside Energy Limited, Department of State Development and Kimberley Land Council for Goolarabooloo-Jabirr Jabirr group, excluding two sensitive documents for which Woodside Energy Limited and Department of State Development had refused applicant's conditions.</p>
12 Jul 2012	<p>Department began checking validity of Section 10 application with legal counsel.</p>
13 Jul 2012	<p>Department sent materials relevant to Section 9 application received from Department of Indigenous Affairs to applicant.</p>
31 Jul 2012	<p>Applicant submitted additional information to minister (correspondence between Department of Indigenous Affairs and Woodside Energy Limited).</p>
1 Aug 2012	<p>Department completed validity check of Section 10 application and sent map to applicants to clarify area specified for protection.</p>
6 Aug 2012	<p>Applicants confirmed area for protection under Section 10 as depicted in map provided by department.</p> <p>Applicants provided additional material (affidavit) in support of Section 10 application.</p> <p>Applicants provided draft transcript of DVD provided in Section 10 application and requested it be treated in accordance with applicant's conditions for sensitive documents.</p>
7 Aug 2012	<p>Applicants submitted additional information to minister (correspondence between Department of Indigenous Affairs and Woodside Energy Limited, including documents submitted on 31 July 2012).</p>
9 Aug 2012	<p>Applicants submitted additional information to department (report by Dr Scott Cane).</p>
13 Aug 2012	<p>Applicants submitted additional information to minister (applicants' letters to state government).</p>
20 Aug 2012	<p>Additional information of 9 August 2012 (report by Dr Scott Cane) sent to Woodside Energy Limited, Department of State Development and Kimberley Land Council for Goolarabooloo-Jabirr Jabirr group.</p>

5 Sep 2012	Department of Indigenous Affairs sent two sensitive documents (subject of applicant's conditions of 12 September 2011) to Woodside Energy Limited, Kimberley Land Council and Goolarabooloo Families group, subject to conditions which prevented their use for other purposes (e.g. Section 9 decision).
5 Oct 2012	Department of State Development confirmed it could abide by applicant's conditions of 12 September 2011 (i.e. reversal of previous position).
30 Oct 2012	Minister wrote to Woodside Energy Limited offering access to sensitive documents subject to acceptance of conditions, and also wrote to inform applicant of this decision. Minister's letter asked Woodside Energy Limited to indicate whether it would accept conditions and then to submit any final response to Section 9 application within 20 business days of receiving sensitive documents.
6 Nov 2012	Department sent copies of two sensitive documents to applicant, Department of State Development and Kimberley Land Council for Goolarabooloo-Jabirr Jabirr group.
12 Nov 2012	Woodside Energy Limited accepted minister's conditions.
15 Nov 2012	Department sent copies of sensitive documents to Woodside Energy Limited.
30 Nov 2012	Department advised Department of State Development and Kimberley Land Council that final date for responses to Section 9 application is 20 December 2012.
20 Dec 2012	Woodside Energy Limited and Department of State Development submitted final responses to Section 9 application.
7 Jan 2013	Department sent these responses to applicant for final comment.
23 Jan 2013	Minister nominated reporter for Section 10 application.
24 Jan 2013	Kimberley Land Council advised it would be unable to participate further in the process.
29 Jan 2013	Department invited applicant to provide any final response to all submissions by 8 March 2013. Department advised applicants of nomination of Section 10 reporter.

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Program: Division or Agency: 5.1: WHaM **Question No:** 070
Topic: James Price Point ATSIHP Act application – geographic area
Proof Hansard Page and Date or Written Question: 12
(12/2/13)

Senator Siewert asked:

Senator SIEWERT: ...How much of what the Western Australian department has approved covers the area of the application—is it sections 9 and 10—for James Price Point?

Mr Routh: If you are asking about the geographic area and the overlap, we would have to have a look at that and take that on notice.

Answer:

The Western Australian Department of Indigenous Affairs has advised that on 8 January 2013 the Western Australian Minister for Indigenous Affairs gave consent under Section 18 of the *Aboriginal Heritage Act 1972 (WA)* to a notice for preliminary works specifying an area that covers 109.8 hectares of the 582 hectares covered by the application under Section 9 of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)* and 358.9 hectares of the 2,041.4 hectares covered by the application under Section 10 of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)*.

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Program: Division or Agency:	5.1: WHM	Question No:	071
Topic:	Recreational shooting - discussions between the Commonwealth and New South Wales		
Proof Hansard Page and Date or Written Question:	14		
	12/2/13		

Senator Cameron asked:

CHAIR: ...I am only interested in the Blue Mountains at this stage. Have there been any discussions between the department and the appropriate New South Wales government department in relation to recreational shooting?

Dr Dripps: We will have to take that question on notice with regard to whether there has been any discussion in the department between officers.

Answer:

To the best of our knowledge, officers within the Department of Sustainability, Environment, Water, Population and Communities have not been involved in discussions about recreational shooting with the New South Wales Office of Environment and Heritage.

The Australian Government supports the control of feral animals in national parks and other protected areas by suitably qualified professional feral animal control contractors operating under approved management arrangements. The government does not allow hunting or shooting in federal national parks for recreational purposes.

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Program: Division or Agency:	5.1: WHM	Question No:	072
Topic:	Recreational shooting – World Heritage Areas		
Proof Hansard Page and Date or Written Question:	15 12/2/13		

Senator Cameron asked:

CHAIR: Are you aware of the New South Wales government's decision, under pressure from the Shooters Party, to open up parks to recreational shooting?

Dr Dripps: Yes, I am.

CHAIR: Have there ever been any discussions about recreational shooting in World Heritage areas to your knowledge?

Dr Dripps: Not to my knowledge, but we will take the question on notice.

Answer:

To the best of our knowledge, there have been no discussions between the Department of Sustainability, Environment, Water, Population and Communities and New South Wales Government agencies in relation to the implementation of recreational shooting in the Greater Blue Mountains World Heritage Area, or any other World Heritage Area in New South Wales.

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Program: Division or Agency: 5.1: WHM **Question No:** 073

Topic: Recreational shooting – Greater Blue Mountains World Heritage Area

Proof Hansard Page and Date Page 15; 12/2/13

or Written Question:

Senator Cameron asked:

CHAIR: Does the Blue Mountains World Heritage Area abut any of the New South Wales reserves where recreational hunting has been approved?

Dr Dripps: I will have to take that question on notice.

Answer:

The Greater Blue Mountains World Heritage Area abuts Goulburn River National Park, one of the reserves listed by the New South Wales Government as ‘being assessed for the supplementary pest control program’ and the department understands therefore potentially available for recreational hunting.

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Program: Division or Agency:	5.1: WHM	Question No:	074
Topic:	Recreational shooting – analysis of effects		
Proof Hansard Page and Date or Written Question:	15		
	12/2/13		

Senator Cameron/McKenzie asked:

CHAIR: ...Could you also provide an analysis for us of the effects that recreational hunting might have on a World Heritage area, given that there is now pressure to have recreational hunting widespread in New South Wales.

Dr Dripps: We will take that question on notice as well.

Senator McKENZIE: Just on that point, Dr Dripps, I have had cause to actually head overseas and see hunting, if you like, as a management and pest control tool in a highly managed environment—in Scotland, actually. I was just wondering if you have any comments, or could take it on notice, in terms of how hunting could actually be used as an appropriate management tool in pest control in World Heritage areas.

...

Senator McKENZIE: I am talking about highly managed hunting as one strategy in a suite of strategies used to control pests.

Dr Dripps: We will take that question on notice as well.

Answer:

Recreational hunting on National Park estate lands within World Heritage areas in New South Wales is prohibited under the New South Wales *Game and Feral Animal Control Act 2002* (Section 20A(1)(c)), and we understand that it will continue to be prohibited once the Game and Feral Animal Control Program is in place. Any effects of the proposed New South Wales recreational hunting changes would be related to potential impacts on adjoining lands, such as vehicle access issues, potential effects on established pest control programs that extend over a range of land tenures, and the risk posed by stray projectiles to humans and native fauna.

Shooting conducted by suitably qualified professional feral animal control contractors operating under approved management arrangements is currently used as a feral animal control technique in World Heritage areas in Australia; for example in the control of rabbits on Macquarie Island, the control of pigs, goats and deer in the Greater Blue Mountains and the control of goats at Shark Bay.

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Program: Division or Agency: 5.1: WHM **Question No:** 075
Topic: GBRWHA – state party report
Proof Hansard Page and Date 15-16 and written
or Written Question: (12/2/13)

Senator Waters asked:

Senator WATERS: I have some questions about Australia's recent state party report to the World Heritage Committee on the Great Barrier Reef. The World Heritage Committee was very clear in their recommendations about port developments along the Queensland coast. They said no new ports, no port expansions where those expansions will impact on the overall universal value of the reef and that no approvals should be issued until the strategic assessment was finished. The government's response in the state party report really only commits to that first request about no new ports. Is that correct?

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Dr Dripps: ...I would like to take the opportunity to find the right part of the recommendation and to actually refer correctly to the response or I can take that part of the question on notice.

Answer:

The precise wording of the World Heritage Committee's (the Committee) recommendation regarding port developments is set out in paragraph 5 of the World Heritage Committee Decision (36 COM 7B.8). That is the Committee:

'...requests the State Party to not permit any new port development or associated infrastructure outside of the existing and long-established major port areas within or adjoining the property, and to ensure that development is not permitted if it would impact individually or cumulatively on the Outstanding Universal Value of the property.'

The Australian Government response to this decision paragraph is set out at pages 13 – 20 of the 2013 State Party Report on the state of conservation of the Great Barrier Reef World Heritage Area.

Since the Committee made this recommendation, the Commonwealth Government has not approved any new port developments or associated infrastructure outside existing long-established major port areas.

Australia's environmental law, the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act), grants legal rights to applicants to have their proposals assessed under the law. The clear preference of the Commonwealth Government is for all such proposed developments to be considered within the context of the comprehensive strategic assessment; however, is obligated to consider and take a decision on any actions referred for individual assessment. The EPBC Act also requires that the potential impacts of any proposed action must be avoided wherever possible, and that unavoidable or residual impacts be mitigated and offset. The Commonwealth Government Environment Minister can only approve a project if the residual impacts on protected matters, including Outstanding Universal Value, are determined to be not unacceptable.

The Commonwealth Government remains committed to managing the individual and cumulative impacts of any new coastal development on the Outstanding Universal Value of the property.

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Program: Division or Agency: 5.1: WHM

Question No: 076

Topic: Iconic Sites Taskforce – appointment and remuneration

Proof Hansard Page and Date Written

or Written Question:

Senator Birmingham asked:

1. Please list all members of the Iconic Sites Taskforce and their date(s) of appointment?
2. What remuneration are members receiving?

Answer:

1. The following table lists all members of the Iconic Sites Taskforce and their date(s) of appointment:

Member	Date of Appointment
Mr Grant Hunt	21/02/2012
Ms Penelope Figgis AO	21/02/2012
Ms Gail Reynolds-Adamson	21/02/2012
The Hon Amanda Vanstone	21/02/2012
Dr David Tierney	21/02/2012
Ms Elspeth Wishart	21/02/2012
Associate Professor Peter Valentine	21/02/2012
Mr David Tierney	18/09/2012
Ms Dianne Smith	18/09/2012

2. Remuneration of the Taskforce members is consistent with the Commonwealth Remuneration Tribunal's Determination 2012/13 for Holders of Part-Time Public Office 2.3 table 2A Category 3.

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Program: Division or Agency: 5.1: WHM **Question No:** 077
Topic: Iconic Sites Taskforce – dinner
Proof Hansard Page and Date Written
or Written Question:

Senator Birmingham asked:

For the dinner for the Iconic Sites Taskforce at Courgette Restaurant on 11 July 2012, as identified in the answer to question on notice number 217 through October 2012 Supplementary Budget Estimates, please identify:

1. The number of attendees, as well as their names and/or any other organisations represented
2. Please identify and detail dates for any meetings conducted on or around the date of the dinner
3. Did any attendees travel to Canberra for the dinner and/or associated meeting(s)? If so, please itemise travel and accommodation costs and detail who met these costs.

Answer:

1. There were 10 attendees at the Monday, 11 June 2012 dinner of the Iconic Sites Taskforce in Canberra:

Iconic Sites Taskforce members: Grant Hunt, Penny Figgis, Amanda Vanstone, David Tierney, Elspeth Wishart, Peter Valentine.

Department of Sustainability, Environment, Water, Population and Communities staff: Kimberley Dripps (Deputy Secretary), Alison Stone (former First Assistant Secretary, Heritage and Wildlife Division), Peter Cochrane (Director of National Parks), Theo Hooy (former Assistant Secretary, Heritage & Wildlife Division).

2. A meeting of the Iconic Sites Taskforce occurred on Tuesday, 12 June 2012.
3. All six members of the Iconic Sites Taskforce travelled to Canberra for the meeting and associated dinner. The department paid travel costs of \$11,749.63. Taskforce members paid their own accommodation costs using their Remuneration Tribunal set fees.

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Program: Division or Agency: 5.1: WHM **Question No:** 078

Topic: Commonwealth and State
Threatened Species lists

Proof Hansard Page and Date Written
or Written Question:

Senator McKenzie asked:

What are the differences between state and federal threatened species lists?

Answer:

- Threatened species listed under the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) are those species considered to be threatened across their national extent. The content of State and Territory threatened species lists vary between jurisdictions but primarily comprise those species that are considered threatened within that particular jurisdiction. Prior to listing, some states and territories consider whether a species is threatened across its national extent, whereas others consider the threat status within their State or Territory border only.
- Threatened species listed in states and territories are generally those which are endemic to the relevant jurisdiction.
- Species listed at the national level are protected under the EPBC Act, whereas species included on State and Territory lists are only protected under that State or Territory's relevant legislation.
- Legislation and species listing processes differ between states/territories and the Commonwealth Government's EPBC Act.
- The Department of Sustainability, Environment, Water, Population and Communities is working closely with State and Territory governments through a 'State list alignment process' to harmonise and align Commonwealth and State threatened species lists.

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Program: Division or Agency: 5.1: WHM **Question No:** 079
Topic: Heritage staffing and work program
Proof Hansard Page and Date Written
or Written Question:

Senator Waters asked:

1. What have been the staffing changes in heritage – national and world heritage – areas over the last couple of years? What have these changes over time reflected?
2. How has the work program of the areas responsible for discharging the Government's national and world heritage obligations changed over the last three years?
3. Please identify which parts of this work program has changed due to new work requirements?
4. Please identify which parts of this work program has changed due to changes in staff resourcing?

Answer:

Staffing resources are managed at a Branch and Division level to deliver on outcomes identified in the annual Portfolio Budget Statement as well as the divisional business plan. Staff undertake work on Commonwealth, National and World heritage matters as required; and are not assigned to work on a specific heritage list type.

Between February 2012 and February 2013, there was a reduction of 11 staff working directly on heritage matters. This change in staffing reflects the impact of the cessation of Australia's term on the World Heritage Committee in 2011 (with a reduction of three staff directly associated with committee secretariat work) and the need to meet overall departmental budget targets.

In December 2012, the Heritage Grants Section (eight staff) moved to the Biodiversity and Conservation Division where it continues to administer the Commonwealth Government's heritage grants programs in addition to undertaking additional grants work within their new Division. The Wildlife, Heritage and Marine Division continues to have responsibility for policy matters relating to heritage grants.

The priorities for heritage work within the Division are driven by government, department and statutory priorities; resulting in a work program that changes annually. The work program is assessed each year in light of changes in the factors above to ensure adequate resources are allocated to deliver on these priorities. Unforeseen work brought about by statutory requirements (such as new nominations for listing of places on the National and Commonwealth heritage lists and legal challenges under the various acts) may require changes to the work plan with the addition of new work. If new work requires staff to be reallocated, existing work is reassessed and reprioritised to determine if alterations to the work plan are required.

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Program: Division or Agency: 5.1: WHM **Question No:** 080

Topic: Provision of briefing to the Minister –
World Heritage in Danger listing

Proof Hansard Page and Date Written

or Written Question:

Senator Waters asked:

Did the Department brief the Minister on the risk of World Heritage In Danger listing as a result of not complying in full with the UNESCO recommendations?

Answer:

The Department of Sustainability, Environment, Water, Population and Communities has briefed the Minister on all recommendations of World Heritage Committee decision 36 COM 7B.8, including paragraph 10 which requests Australia, as State Party, to submit “an updated report on the state of conservation of the property, including on the implementation of actions outlined above and in the mission report, for consideration by the World Heritage Committee at its 37th session in 2013, with a view to consider, in the absence of substantial progress, the possible inscription of the property on the List of World Heritage In Danger.”

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Program: Division or Agency: 5.1: WHM **Question No:** 081
Topic: State party report
Proof Hansard Page and Date Written
or Written Question:

Senator Waters asked:

1. The Government's state party response was a detailed 80 page document, yet it completely omitted to state that the end result of the "so called" strategic assessment of the Reef will result in the Queensland Government's laws being accredited and the Commonwealth stepping back from project approvals. Why wasn't the Government upfront about that?
2. The State Party response also says that "any approvals granted under the EPBC Act will include best practice conditions so as to promote an overall net positive impact for the property." That's a new test under EPBC, please give me full details all of where and how this test has applied - how each project triggering the Act on GBR grounds has delivered net benefit for the Reef - and what's the accounting and methodology?
3. The Government's 2013 State Party report to UNESCO (and statements by Min Carr on this matter) acknowledge that we are exporting lots of coal, then quickly segue into stating we take climate change seriously and that's why we've put in place a carbon price. To the casual observer they could be lead to believe that our carbon price will apply to the emissions caused by our coal exports, but it won't, which DCCEE has confirmed. Has anyone taken any steps to make sure WHC knows this? To ensure they interpret the state party report correctly?
4. Please explain why on page 73 of the State Party Report the Wongai project is no longer reported under 'port facilities and dredging' even though the nature of the proposal has not changed. Is this not misleading despite the stated footnoted aim of avoiding duplication?
5. Please provide details of the 9 projects approved referred to on page 72 of the State Party Report.

Answer:

1. The 2013 State Party Report on the Great Barrier Reef World Heritage Area (<http://www.environment.gov.au/heritage/publications/gbr/pubs/gbr-state-party-report-2013.pdf>), submitted to the World Heritage Committee on 1 February 2013, outlines on pages 20-21 the complete process in relation to the strategic assessment agreement between the Commonwealth Government and the Queensland Government (<http://www.environment.gov.au/epbc/notices/assessments/great-barrier-reef.html>). The State Party Report also included, as an appendix, a Great Barrier Reef strategic assessment fact sheet that provides additional information (<http://www.environment.gov.au/epbc/notices/assessments/pubs/gbr-strategic-assessment-factsheet.pdf>).

2. Any major developments that could negatively impact on the Great Barrier Reef World Heritage Area are only approved with robust conditions that ensure high environmental standards are met and that all impacts, including relevant cumulative impacts, are avoided, mitigated or offset.

Under the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) *environmental offsets policy*, offsets should directly correlate to the impacts of a proposed action. This is consistent with best practice offset techniques. In practical terms, offsets can include improving the values of a heritage place. The policy states that for heritage values, offsetting for the same or similar values in the same property or adjacent to it may be suitable where it can be demonstrated that such an activity will improve the overall integrity and resilience of the property.

Recent examples include the Abbot Point Terminal 3 (EPBC 2008/4468) and Great Keppel Island Tourism and Marina Development (EPBC 2010/5521) approval conditions. As these approvals were made in recent months, it is too soon to demonstrate the delivery of the net benefits.

3. Page 16 of the 2013 State Party Report states that: ‘the Australian Government recognises the link between climate change and increased carbon emissions and has committed to a long-term target for carbon pollution reduction of 80 per cent below 2000 levels by 2050.’ A carbon price is not specifically mentioned in this section of the State Party Report. The comprehensive Australian Government response to climate change is further outlined in Chapter Two of the State Party Report, on page 51, and a link is included to the Australian Government’s Clean Energy Future website which provides detailed information about the operation of the carbon price mechanism.
4. In the 2012 State Party Report, the Wongai underground coal mine project was reported under both ‘port facilities and dredging’, and under ‘mining and extractive industries’. In the 2013 State Party Report, this project was solely reported under ‘mining and extractive industries’. This change was clearly acknowledged in the 2013 State Party Report. It was made to remove duplication and ensure that the total number of projects was presented correctly.
5. Details of the nine projects approved since the 2012 State Party Report are clearly outlined in the 2013 State Party Report. They are summarised in the “approved” column of Table 2 on page 73, and described in the text throughout Chapter Three, including provision of links to approval documentation. The projects are as follows:
 - 2008/4468 Hancock Coal Infrastructure Pty Ltd, Abbot Point Terminal 3 (reported page 74)
 - 2011/6072 Bedrock Landscape Supplies Pty Ltd, staged sand extraction (reported page 77)
 - 2008/4648 GVK Hancock, Alpha Coal Mine (reported page 77)
 - 2011/6005 Mackay Regional Council, Sarina Water Recycling Facility Upgrade (reported page 79)
 - 2010/5711 Whitsunday Regional Council, Proserpine Waste Water Treatment Facility Upgrade (reported page 79)

- 2010/5561 Adani Abbot Point Terminal Pty Ltd, Abbot Point Stormwater Return Dam (reported page 79)
- 2008/4429 SunWater Limited, Connors River Dam and Pipeline Project (reported page 79)
- 2005/2159 Satori Resorts Ella Bay Pty Ltd, Ella Bay Residential and Tourism Development (reported page 80)
- 2008/4616 Nemourna Eco-Efficient Development, Community Title Residential Development at Lot 441 (reported page 81)

**Senate Standing Committee on Environment and Communications
Legislation Committee**
Answers to questions on notice
Sustainability, Environment, Water, Population and Communities portfolio
Additional Budget Estimates, February 2013

Program: Division or Agency: 5.1: WHM **Question No:** 082

Topic: Cape York World Heritage listing

Proof Hansard Page and Date Written

or Written Question:

Senator Waters asked:

1. What resourcing cuts have been made to the heritage work programs in the last 12 months?
2. What implications has this had for the Cape York World Heritage process?
3. Regarding World Heritage, what has the department done to help Traditional Owners understand what World Heritage would mean for them? Has it all been done in appropriate language?
4. As you would know, many of the Traditional Owners are facing what is being painted by too many as a very difficult choice between mining (and promises of jobs and development that brings) and protecting their land through heritage and other protections. What has the government done to help indigenous communities on the Cape to better understand the economic opportunities that can come with World Heritage listing? What is the government doing to develop these opportunities?

Answer:

1. As at 1 February 2012, 80 staff were directly involved in heritage work within the then Heritage and Wildlife Division. As at 1 February 2013, this figure was 61 staff. This change in staffing reflects the impact of the cessation of Australia's term on the World Heritage Committee in 2011 (with a reduction of three staff directly associated with committee secretariat work), the need to meet overall departmental budget targets and structural changes in the allocation of responsibilities in the Department of Sustainability, Environment, Water, Population and Communities (the department), and the Australian Government's productivity savings.

In relation to departmental structural changes, in December 2012, the Heritage Grants Section (eight staff) was transferred to the Biodiversity and Conservation Division where it continues to administer the Australian Government's heritage grants programs in addition to undertaking additional grants work within their new division. The Wildlife, Heritage and Marine Division continues to have responsibility for policy matters relating to heritage grants.

2. There has been no reduction to the resources applied to the Cape York World Heritage nomination process in the last 12 months.

3. Engagement with Traditional Owners about World Heritage is progressing through a number of processes including country-based planning, engagement facilitated by Balkanu Cape York Development Corporation and engagement undertaken through other Indigenous organisations. Staff of the department experienced in Indigenous consultation have met with Traditional Owners across Cape York to provide information on World Heritage. A number of plain English publications have been distributed by both the Australian and Queensland governments, which include information on World Heritage and what it would mean for Traditional Owners and other land owners and managers.
4. The Australian Government has moved beyond seeking consent to give Traditional Owners the opportunity to draw the boundary for a Cape York World Heritage nomination. The Minister for Sustainability, Environment, Water, Population and Communities and departmental staff have made it clear in meetings with Traditional Owners that mining is incompatible with World Heritage listing, and that they should only put forward areas where they are sure they will never want mining to occur.

Traditional Owners have also been advised that while World Heritage listing may provide some economic opportunities, their decision to include areas in a nomination should be based on their wish to achieve recognition and protection for the natural and cultural heritage values of their country.

The Australian Government will help to develop economic opportunities from World Heritage listing through programs such as Working on Country, which supports Indigenous rangers, the Biodiversity Fund and Caring for our Country, and through the development of management arrangements for World Heritage listed areas in cooperation with Traditional Owners, the Queensland Government and other land holders and managers.