

Senate Environment, Communications, Information Technology & the Arts

Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Environment and Heritage

Environment Australia

Supplementary Budget Estimates 2000-2001, (23/11/00)

Outcome 1,

Question: 5

Division: AWHD

Topic: Koongarra Mineral Lease

Hansard Page/Written Question on Notice: 31 / 5

Senator Mark Bishop asked:

Has the Commonwealth taken any steps to consult with traditional owners about the possibly of incorporating the Koongarra lease into Kakadu National Park, as promised to the UNESCO World Heritage Committee?

Answer: Yes

Recommendation 13 of the report of the UNESCO World Heritage Mission to Kakadu National Park states:

The Mission is of the opinion that the Australian Government should discuss rescinding the 1981 Koongarra Project Area Act (which proposes amendment of the boundaries of Kakadu National Park to accommodate a mine at Koongarra) with the traditional owners and seek their consent to include the Koongarra Mineral Lease in the Park and therefore preclude mining.

Under the terms of the *Aboriginal Land Rights (Northern Territory) Act 1976*, the Northern Land Council (NLC) is responsible for consulting with and representing the views of the Traditional Owners and other Aboriginals Affected in negotiations with mining companies in relation to possible developments on Aboriginal land.

On 15 April 1999, the Minister for Industry, Science and Resources wrote to the Chairman of the NLC seeking his advice on Traditional Owners' views on the World Heritage Mission's recommendation and whether the Traditional Owners would wish to hold discussions with the Government along the lines contained in the recommendation.

The Minister for Industry, Science and Resources subsequently sent a second letter to the NLC (dated 11 May 1999) suggesting the NLC might raise the matter with Traditional Owners at a proposed meeting scheduled for mid-May.

Subsequently on 7 December 1999 the NLC wrote apologising for not writing sooner and advising that it was not feasible to discuss the matters raised in the Minister's earlier correspondence at a meeting of relevant traditional owners. The NLC indicated it would advise the Minister further. However, the Commonwealth has not received a response.

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AGENCY/DEPARTMENT: DEPARTMENT OF INDUSTRY, SCIENCE AND RESOURCES
OUTCOME/OUTPUT: OUTCOME 1, OUTPUT 1.2
TOPIC: REGULATIONS GOVERNING THE EXPORT OF URANIUM
REFERENCE: HANSARD 23/11/00, PAGE 31 (Refer to the Hansard transcript of the Senate Environment, Communications, Information Technology and the Arts Legislation Committee hearing)

QUESTION: 5a

Senator Bishop asked:

“Will the Commonwealth issue export permits for uranium oxides sourced from Jabiluka prior to the commencement of production?” (p.31)

Mr King replied:

“That is not a question I can deal with. That is more appropriately a question for the Department of Industry, Science and Resources.” (p.31)

ANSWER. .

Under the new regime export permits can be issued with conditions attached. The intention is to strengthen the control over the exports of uranium by attaching a range of conditions, including comprehensive conditions, as necessary, to the export permit. Against this background, it would be possible to issue permits prior to commencement of production.

Outcome 1,

Question: 6

Division: AWHD

Topic: ERA commitments to the World Heritage Committee

Hansard Page/Written Question on Notice: 31 / 6

Senator Mark Bishop asked:

Are you aware of the nature of the commitments given by ERA to the UNESCO World Heritage Committee prior to the third extraordinary session of the committee in July 1999?

Answer:

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At the twenty-third extraordinary session of the World Heritage Committee in July 1999, ERA made a number of commitments to the World Heritage Committee in relation to the Jabiluka project. Included in these commitments were undertakings in relation to the sequential development of the Ranger and Jabiluka projects, best practice rehabilitation and consultative mechanisms. In April 2000, Australia reported to the Bureau of the World Heritage Committee against Australia's commitments to the World Heritage Committee and also those made by ERA. This report, 'Australia's Commitments: Protecting Kakadu' is available on the Environment Australia website at www.environment.gov.au/kakadu/kakaduapril.pdf

Outcome 1,

Question: 7

Division: AWHD

Topic: Jabiluka: ERA commitments

Hansard Page/Written Question on Notice: 31 / 7

Senator Mark Bishop asked:

Has the Commonwealth taken any steps to ensure that commitments have been honoured?

Answer:

The Australian Government has maintained communication with ERA to ensure the company meets its commitments to the World Heritage Committee. Most recently, on 22 September 2000 Senator Hill wrote to ERA requesting an update on their plans and intentions in relation to progressing the Cultural Heritage Management Plan, particularly following RioTinto's acquisition of North Ltd. ERA replied to this correspondence on 31 October 2000, reaffirming their commitment to honour the undertakings made by the company, including those made to the World Heritage Committee.

Outcome 1,

Question: 8

Division: AWHD

Topic: Jabiluka: ERA commitments

Hansard Page/Written Question on Notice: 31 / 8

Senator Mark Bishop asked:

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Do you know whether the commitments given by ERA are binding only on ERA? Are they also binding on successor companies?

Answer:

As advised in the answer to the previous question, ERA has advised in writing (letter to Senator Hill of 31 October 2000) its commitment to honour the undertakings made by the company, including those made to the World Heritage Committee. This advice was provided after the change in ownership of ERA.

Outcome 1,

Question: 8a

Division: AWHD

Topic: Foreign Investment Review Board

Hansard Page/Written Question on Notice: 31 / 8a

Senator Mark Bishop asked:

Does the environment department have any role in the sale of ERA to foreign companies under the Foreign Investment Review Board, or is that solely a matter for the Treasurer?

Answer:

The environment department has no formal role.

Outcome 1,

Question: 9

Division: AWHD

Topic: RioTinto acquisition of North Ltd

Hansard Page/Written Question on Notice: 31 / 9

Senator Mark Bishop asked:

Have you been requested to give any preliminary thought to that issue arising out of press reports of the possible sale of ERA to Rio or other companies?

Answer:

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Environment Australia has not been requested by the Treasury to comment on the possible sale of ERA. Rio Tinto recently acquired a majority ownership of North Limited, thereby acquiring majority shareholder rights in Energy Resources of Australia.

Outcome 1,

Question: 10

Division: AWHD

Topic: Kakadu: World Heritage Committee: resources

Hansard Page/Written Question on Notice: 31-32 / 10

Senator Mark Bishop asked:

Can you give me the budget for liaison with UNESCO World Heritage Committee members and attending forums specifically in relation to Kakadu National Park?

Can you tell me the number of staff working on it?

What proportion of the time of FTEs has been allocated to this work?

When you do the budget, can you give me not just the ballpark figure but also the line items in terms of allocation?

Answer:

There is no budget allocation for liaison with World Heritage Committee members or attending forums specifically in relation to Kakadu National Park. The World Heritage Branch budget enables Australia's participation at the World Heritage Bureau and Committee meetings. The World Heritage Branch receives ad hoc requests from the World Heritage Committee and its advisory bodies for Australia's participation in various technical workshops. In 2000, Australia was invited by the International Council on Mining and the Environment (ICME) and the World Conservation Union (IUCN) to present Kakadu National Park as one of six case studies at a Technical Workshop on World Heritage and Mining. Mr Peter Cochrane, Director of National Parks, participated in this workshop at the invitation of IUCN. Also in 2000, Australia was invited to participate in a Technical Workshop on World Heritage In-Danger Listing in Amman, Jordan. Australia was invited to present a case study on the World Heritage Committee's consideration of Kakadu National Park, which was one of approximately 18 case studies at the workshop. Mr Stephen Hunter, Deputy Secretary, was representing Australian at the World Conservation Congress in Amman at the same time as the workshop, and he took the opportunity to make the presentation.

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Three officers in the World Heritage Branch work for part of their time on Kakadu National Park issues, including liaison with the World Heritage Centre. The approximate breakdown for each is 70%, 25%, and 8%, which equates to approximately \$70,415 in salary costs.

Outcome 1,

Question: 11

Division: AWHD

Topic: World Heritage Convention: in danger listing

Hansard Page/Written Question on Notice: 32 / 11

Senator Mark Bishop asked:

What is the government's position on the state acceptance of in danger listing of world heritage?

Answer:

The World Heritage Convention provides that a property can be listed as 'in danger' only after a request for assistance from the relevant State party. A property cannot be listed as 'in danger' if the State party objects to inscription.

Outcome 1,

Question: 11a

Division: AWHD

Topic: in danger listing

Hansard Page/Written Question on Notice: 32 / 11a

Senator Mark Bishop asked:

Has Australia supported in danger listing of areas in the past where there was not support from, or acceptance by, the member state and, if so, which ones? How many in danger listings have there been, how many did Australia oppose and how many of them had acceptance of the state?

Answer:

35 properties have been inscribed on the List of World Heritage in Danger since the first World Heritage in Danger listing in 1979.

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Australia has been a member the World Heritage Committee in the period when 21 of these World Heritage properties have been placed on the List of World Heritage in Danger. I understand that there is no record of the relevant State party objecting to the inscription of any of these 21 properties.

Outcome 1,

Question: 12

Division: AWHD

Topic: Gunlom

Hansard Page/Written Question on Notice: 33 / 12

Senator Mark Bishop asked:

I understand that a consultant report is due to be released shortly on the radioactive dust from earlier mining operations on the roads in Kakadu. Can you give us a copy of that report?

Answer:

A copy of the report, 'Radiation survey of exposed tailings in the area around Rockhole mine' as prepared by the Environmental Research Institute of the Supervising Scientist (eriss), is attached.

Outcome 1,

Question: 13

Division: Australian and World Heritage Division

Topic: Daintree Futures Planning Study

Hansard Page/Written Question on Notice: 13

Senator Mark Bishop asked:

Will the Minister be supporting a document which does not have the majority support by the residents of the Daintree and by the broader community.

Answer:

The Wet Tropics of Queensland World Heritage Ministerial Council, of which Senator Hill is a member, has made it clear that the views of residents of the Daintree

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and the broader community will be taken into account in decisions affecting the future of the Daintree area. The Daintree Futures Study Report has been circulated for public comment. The period for public comment concluded on 13 November 2000. The consultants have indicated to the Wet Tropics of Queensland Ministerial Council that the Report is being amended to take into account public comments. The revised Report will be considered by the Wet Tropics Ministerial Council in due course.

In seeking to address the needs of the Daintree the Commonwealth is conscious of the need to protect the outstanding natural values of the Daintree, and to recognise the legitimate interests of the landholders and residents in the Daintree community.

Outcome 1,

Question: 14

Division: Australian and World Heritage Division

Topic: Daintree Futures Planning Study

Hansard Page/Written Question on Notice: 14

Senator Mark Bishop asked:

Does the Minister see the DFS as providing a workable and equitable solution for the future of the Daintree?

Answer:

See answer to Question 13.

Outcome 1

Question: 14a

Division: Australian and World Heritage Division

Topic: Daintree Futures Planning Study

Hansard Page/Written Question on Notice: 14 a

Senator Mark Bishop asked:

Recognising that \$8 million of Commonwealth Funding has been set aside for the DFS - Should this money be directed towards a comprehensive property acquisition program?

Answer:

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The Daintree Futures Study has been funded from allocations under the NHT (\$50,000), the Queensland Government (\$50,000) and the Rainforest CRC (\$22,860). No decisions have been made on the outcomes of the Daintree Futures Study and there have been no monies reserved for this purpose.

Outcome 1,

Question: 15

Division: Australian and World Heritage Division

Topic: Daintree Futures Planning Study

Hansard Page/Written Question on Notice: #

Senator Mark Bishop asked:

Will there be joint Commonwealth / State support this option which is the workable option for the Daintree - ie buyback?

Answer:

See response to question 13.