

Senate Standing Committee on Economics

ANSWERS TO QUESTIONS ON NOTICE

Resources, Energy and Tourism Portfolio
Supplementary Budget Senate Estimates
21 October 2009

Question: SR-2
Topic: Radioactive Waste
Proof Hansard Page: E76-E77

Senator Ludlam asked:

Senator LUDLAM—This question takes us back a little way to the signing of a contract between the federal government, the Northern Land Council and the Muckaty Land Trust involving an initial payment of \$200,000 to a small group of traditional owners in the territory—this relates to the fourth nomination that you spoke of before—to be administered by the Northern Land Council. Previous requests to view that contract have been denied, with commercial-in-confidence cited as the reason. Given that that contract is for an amount exceeding the Murray motion Senate requirement of 2001, can you clarify the reasons for that document being considered commercial-in-confidence?

Mr Davoren—It is the advice of the Northern Land Council that they consider it is commercial-in-confidence. It is a commercial transaction between a group of traditional landowners and the Commonwealth. There are a number of these sorts of transactions, for mining projects and for access to infrastructure, which are similarly regarded.

Senator LUDLAM—Is it at the request of one party, in this case the NLC, that that material can remain confidential?

Mr Davoren—That is correct. We have said that before in these estimates.

Senator LUDLAM—Is it beyond the oversight of the ANAO? Has the department, the one which signed the contract, or whoever is administering that now, been subject to a spot audit by the National Audit Office?

Mr Davoren—I do not think anything we do is beyond the remit of the ANAO.

Senator LUDLAM—That is good to hear. Has such an audit been conducted?

Mr Davoren—Not that I am aware.

Senator LUDLAM—But it is a possibility. Given that the contract pertaining to this matter is of considerable public interest and, I suppose you would agree, considerable stakeholder contest and conflict in that part of the Northern Territory, will you make that contract available to the ANAO or an agreed agency for independent assessment, which is obviously not the same as public release of the document?

Mr Davoren—I think we will have to take that question on notice.

Senator LUDLAM—I would greatly appreciate that; if you could come back to us with that, it would be wonderful.

Answer:

The contract is available to the Australian National Audit Office.