

Senate Environment and Communications References Committee
ANSWERS TO QUESTIONS ON NOTICE
Department of Industry, Science, Energy and Resources
Inquiry into Oil and gas exploration and production in the Beetaloo Basin
02 August 2021

AGENCY/DEPARTMENT: DEPARTMENT OF INDUSTRY, SCIENCE, ENERGY AND RESOURCES

TOPIC: QoN 10. Legal advice on regulation

REFERENCE: Question on Notice (Hansard, 02 August 2021, Page 32-33)

QUESTION No.: 10

Senator McCARTHY: Mr Quinn, did you get legal advice on using a regulation that doesn't explain the program it enables?

Mr Quinn: I'd have to take that on notice. We follow a range of legal procedures in the department, so—

Senator McCARTHY: Can you clarify the legal power that authorised this injection of funds?

Mr Trotman: Again, we will take that on notice. It goes to the heart of the court case, and we will certainly provide as much information as we can on notice.

Senator McCARTHY: Would that be the constitutional head of power?

Mr Trotman: I'm not sure, Senator. Again, I'll take that on notice.

Mr Quinn: I think, Senator, we're on relatively safe ground because it's on the public record. I think it's section 122 of the Constitution: the territories power.

ANSWER

The *Industry Research and Development (Beetaloo Cooperative Drilling Program) Instrument 2021* provides legislative authority for spending under the Beetaloo Cooperative Drilling Program. The Explanatory Statement for the instrument explains the Program it enables.

The Constitutional head of power supporting the Program is the Territories power in s 122 of the Constitution. This information is specified in clause 6 of the *Industry Research and Development (Beetaloo Cooperative Drilling Program) Instrument 2021*.