

Senate Standing Committee on Environment and Communications
Legislation Committee
Answers to questions on notice
Environment portfolio

Question No: 54
Hearing: Additional Estimates
Outcome: Outcome 1
Programme: Environment Standards Division (ESD)
Topic: Adani environmental history
Hansard Page: 135
Question Date: 08 February 2016
Question Type: Spoken

Senator McKim asked:

Senator McKIM: ... Given that your 6 November letter basically raised the possibility that Mr Janakaraj had breached the Criminal Code Act 1995, did the department take external legal advice before deciding not to pursue this matter?

Mr Tregurtha: By 'external' legal advice, do you—

Senator McKIM: External to the department.

Mr Tregurtha: I do not believe so.

Senator McKIM: Did you take internal legal advice?

Mr Tregurtha: The department regularly consults with its General Counsel Branch—which is internal advice—in relation to a range of matters in relation to the EPBC Act. I cannot tell you definitively today, but it would be usual practice for us to keep the General Counsel Branch apprised of all these types of the matters.

Senator McKIM: Could you take that on notice, please, given that you have raised the possibility of a breach of the Criminal Code Act in your letter.

Mr Tregurtha: Certainly.

Senator McKIM: So: what legal advice, if any, the department sort, either internally or externally, in relation to those matters.

Answer:

The General Counsel Branch provided internal advice relevant to the matter. External advice was not sought.