

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Additional Estimates 24-28 February 2014

Prime Minister and Cabinet Portfolio

Department/Agency: Department of the Prime Minister and Cabinet

Outcome/Program: 1.1 Prime Minister and Cabinet

Topic: Gomeroi community application to protect sacred areas

Senator: Senator the Hon Jan McLucas

Question reference number: 160

Type of Question: Written

Date set by the committee for the return of answer: 11 April 2014

Number of pages: 3

Question:

Gomeroi traditional owners made an emergency application under ss 9 and 10 of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)* [ATSIHP] to the Minister for the Environment on 12 November 2013 to protect sacred burial grounds and culturally significant sites at Whitehaven Coal's Maules Creek mine site.

- a. When was the Minister for Indigenous Affairs first made aware of this application?
- b. On what date were the Administrative Orders changed to bring ATSIHP within the responsibility of the Minister for Indigenous Affairs?
- c. When was the Minister for Indigenous Affairs notified of the change of the Administrative Orders?
- d. On what date did the Minister for Indigenous Affairs assume decision making responsibility for applications made under ATSIHP?
- e. On what date did the Minister for Indigenous Affairs notify Gomeroi traditional owners that their application was now within his responsibility? Was this in writing?
- f. The Minister made a request for more information from the Gomeroi traditional owners regarding their application. Was this additional information received by the Minister, Minister's office or department?

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- g. When was the Minister notified that decision making responsibility for ATSIHP, particularly the Gomeroi traditional owners' applications, were no longer within his area of responsibility?
- h. How was the Minister for Indigenous Affairs notified that the decision making responsibility for the Gomeroi application, and all others under ATSIHP, had transferred to the Minister for the Environment?
- i. On what date were the Administrative Orders changed to affect this transfer?
- j. Did the Minister notify the Gomeroi traditional owners that he was no longer the responsible decision maker? If so, when? Was this in writing?
- k. Was all relevant information regarding the Gomeroi application communicated and passed on from the Minister for Indigenous Affairs' office to the Minister for Environment's Office?
- l. Did the Minister for Indigenous Affairs discuss the application and its progression while he was the responsible Minister with the Minister for the Environment? If so, when?

Answer:

- a. 28 November 2013.
- b. 18 September 2013.
- c. 18 September 2013.
- d. 18 September 2013.
- e. The Minister for Indigenous Affairs, Senator the Hon Nigel Scullion, wrote to the Gomeroi Traditional Custodians on 5 December 2013 requesting further information to assist his consideration of the matter.
- f. No. The Department of the Environment has advised that the NSW Environmental Defenders Office submitted additional information on behalf of the Gomeroi Traditional Custodians to the Minister for the Environment, the Hon Greg Hunt MP.
- g. The Minister for Indigenous Affairs was notified on 12 December 2013 that responsibility for the administration of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (ATSIHP) had transferred to the Minister for the Environment.

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- h. Through the publication of the Administrative Arrangements Order.
- i. 12 December 2013.
- j. The Department of the Prime Minister and Cabinet notified the Gomeroi Traditional Custodians in writing of the changes in ministerial responsibility for the ATSIHP on 13 December 2013.
- k. Yes.
- l. The Department of the Prime Minister and Cabinet does not have a record of such a discussion.