

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

**Question No:** 27  
**Hearing:** Additional Estimates  
**Outcome:** Outcome 5  
**Programme:** Wildlife Heritage and Marine Division  
**Topic:** Emergency Application - Aboriginal and Torres Strait Islander Heritage Protection Act  
**Hansard Page:** 90  
**Question Date:** 24 February 2014  
**Question Type:** Spoken

**Senator Waters asked:**

Senator WATERS:..... Apparently on 4 November, some of the traditional owners submitted emergency applications for the protection of heritage sites that would be affected by that coal mine. My understanding is that, as of a few days ago, those applications still had not been processed. I also understand that, sadly, on 10 February, there was some evidence with aerial photographs that the sites identified in the applications had been bulldozed. Is the department aware of that? What is taking so long and what can be done to stop any further destruction of these sites before they are even assessed?

Dr Dripps: If you are referring to the application under the Aboriginal and Torres Strait Islander Heritage Protection Act, that is managed by a different area of the department. They are not here at the moment. As you would be aware, the administration of that act requires extensive recourse to natural justice for all the parties involved, which can unfortunately, in some cases, result in quite a delay in the administration of the act.

Senator WATERS: It does not seem like there is much natural justice if the site has been bulldozed already. When can I re-ask those questions? What session does that fall under?

Dr Dripps: We can take that question on notice. It is covered by the heritage area.

**Answer:**

The Department is unaware of the aerial photographs referred to. The applications cannot be processed because they are incomplete. Without a complete application the Minister cannot consider exercising his discretionary power under section 9 of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (the Act) to make an emergency declaration that may have the effect of stopping the destruction of sites. The Act does not provide for the assessment of sites outside of applications for the Minister to make protective declarations.