

Senate Standing Committee on Environment and Communications
Legislation Committee
Answers to questions on notice
Sustainability, Environment, Water, Population and Communities portfolio
Budget Estimates, May 2013

Program: Division:	5.1: WHMD	Question No:	069
Topic:	Nomination of 18th century Civic Square		
Proof Hansard Page and Date or Written Question:	48 (29/05/13)		

Senator Cameron asked:

CHAIR: If it is the only 18th century civic square in Australia, and if we cannot get a heritage listing, there must be reasons for that. Take on notice to provide details of the reasoning why this unique and rare example of early Australian settlement is not considered of heritage value.

Ms Rankin: We will do that.

Answer:

When making assessments of nominated places for the purpose of providing advice to the Minister about potential national heritage lists, the Australian Heritage Council is required to consider whether the place meets any of the national heritage criteria prescribed by the *Environment Protection and Biodiversity Conservation Act 1999*.

Assessments against national heritage criteria require comparisons to ensure that the national heritage list includes those places with outstanding heritage value to the nation.

In 2012, the Council considered the nomination of Thompson Square; including comparing Thompson Square with other heritage places of similar significance. On the basis of the information contained in the nomination, the Council was not convinced that Thompson Square would meet national heritage criteria, and did not recommend that the Minister include it on the national heritage priority assessment list. The Council was made aware that the place is included in the state heritage list for its heritage values.

The nominators of Thompson Square have since provided additional information for the Australian Heritage Council to consider in its advice to the minister on additions to the Priority Assessment List in 2013.

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Program: Division:	5.1: WHMD	Question No:	070
Topic:	Amateur hunting in the Goulburn River national park		
Proof Hansard Page and Date or Written Question:	51 (29/05/13)		

Senator Cameron asked:

CHAIR: So you have conceded that there could be someone killed in the Blue Mountains World Heritage area because of this amateur hunting that is going on in the Goulburn River national park. Can you take on notice and provide me details of what actions we could take at the federal level to try to minimise someone who is using the Blue Mountains World Heritage area in a recognised way not being killed by some amateur shooter in the Goulburn River national park?

Dr Dripps: We can certainly make inquiries about that and take that question on notice.

Answer:

This matter is not within the ambit of the Commonwealth's powers under *the Environment Protection and Biodiversity Conservation Act 1999* (Cth). Those powers concern the protection of the world heritage values of a World Heritage Area, as well as other matters of national environmental significance.

Actions to minimise risks to public safety in state managed reserves are the responsibility of relevant state agencies such as the New South Wales Office of Environment and Heritage and the New South Wales Game Council.

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Program: Division:	5.1: WHMD	Question No:	071
Topic:	WHMD - staffing		
Proof Hansard Page and Date	51		
or Written Question:	(29/05/13)		

Senator Ludlam asked:

Senator LUDLAM: I do not want to traverse ground that Senator Waters covered yesterday if it is already on the record. I am specifically interested in the heritage side of the portfolio. Is it possible to carve out how many fewer people are working on heritage post budget than before, or is that not possible?

Dr Dripps: We would like to take that question on notice, if we could, please, Senator.

Senator LUDLAM: In the last four years, how many people in total have been cut from heritage? Maybe take that as a supplementary on notice, if you like.

Answer:

There will be five less full time equivalent (FTE) staff working on heritage matters in the Department of Sustainability, Environment, Water, Population and Communities following the 2013-14 budget.

Over the last four years (2010-11 to 2013-14) the total reduction in heritage staffing has been 54 FTE.

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Program: Division: 5.1: WHMD **Question No:** 072
Topic: World Heritage Listing for the Burrup
Proof Hansard Page and Date 52
or Written Question: (29/05/13)

Senator Ludlam asked:

Senator LUDLAM: In the interests of time, because I have one other question on a different matter, could you provide us in writing and on notice any other information regarding the Commonwealth's policy on World Heritage listing for the Burrup? I have framed that very broadly. Anything at all you can tell us beyond the fact that you have put the ball back into the court of the Murujuga association

Answer:

On 2 March 2011, the former Minister advised the Senate he would instruct the Australian Heritage Council (the Council) to undertake an assessment of the outstanding universal value of the Dampier Archipelago and any threats to the site. The Council's report is available on the department's website at <http://www.environment.gov.au/heritage/ahc/national-assessments/dampier-archipelago>.

The Council's report indicates that the site potentially has outstanding universal value against two of the world heritage criteria, including the possible significance of the place to living Aboriginal people. It recommends that further consultation with the Traditional Owners and Custodians of the Dampier Archipelago be undertaken to identify the continuing significance of the place to living Aboriginal people before any potential world heritage nomination.

As a first step, the former Minister has proposed that the continuing significance of the place to Traditional Owners and Custodians be considered as a possible additional national heritage value. This could inform any future World Heritage nomination to include recognition of their living culture.

Murujuga Aboriginal Corporation (a representative body of the five interested Aboriginal groups including Wonggootoo) has advised departmental officers that the Traditional Owners and Custodians may be supportive of research into the cultural significance of the place. The department will continue to work with the Murujuga Aboriginal Corporation on defining the scope of the research and is also exploring avenues for funding under the conservation agreements with industry.

This research should assist the Commonwealth in any possible future endeavour to obtain the agreement of the Western Australian Government for an eventual nomination of this important place. In the meantime, the listed National Heritage values of the Dampier Archipelago will continue to be acknowledged and protected under Commonwealth environment law.

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Program: Division:	5.1: WHMD	Question No: 074
Topic:	World Heritage Committee – Great Barrier Reef	
Proof Hansard Page and Date or Written Question:	58 (29/05/13)	

Senator Waters asked:

Senator WATERS: Given about a year or so ago the World Heritage Committee expressed extreme concern—their words—about the reef, has the minister requested advice on whether there are any other issues arising with the management of our other World Heritage properties?

Dr Dripps: I do not recall the minister specifically asking for that advice, Senator.

Senator WATERS: If you could just take on notice and double-check, that would be helpful.

Answer:

There has been no specific request for advice on whether there are any other issues arising with the management of other Australian World Heritage sites.

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Program: Division: 5.1: WHMD **Question No:** 075
Topic: Emergency Heritage Listing
Proof Hansard Page and Date 59
or Written Question: (29/05/13)

Senator Waters asked:

Senator WATERS: Have you advised the minister, either at your own initiative or in response to a request from the minister, about the potential environmental impacts on matters of national environmental significance from the repeal of those wild river declarations?

Dr Dripps: I can recall a number of verbal discussions with the minister on that matter. We would have to take on notice whether there were specific briefings.

Senator WATERS: Has advice around an emergency heritage listing been provided to the minister for any of those formerly declared wild rivers?

Dr Dripps: We would have to take that question on notice, Senator. We are not immediately aware.

Senator WATERS: Have you advised the minister on any other ways to protect those rivers using the means available to the federal government?

Dr Dripps: I think we will need to wrap that question up with the others we have taken on notice, Senator.

Answer:

The Department of Sustainability, Environment, Water, Population and Communities (the department) participated in the Wild Rivers Interdepartmental Committee chaired by the Department of Families, Housing, Community Services and Indigenous Affairs. The committee lodged a submission to the *House of Representatives Standing Committee on Economics Inquiry into Indigenous Economic Development in Queensland and the Review of the Wild Rivers (Environmental Management) Bill 2010* in February 2011. The former Minister for Sustainability, Environment, Water, Population and Communities, the Hon Tony Burke MP, was provided with a copy of the agencies' submission, which outlined the legal protection in place for matters of national environmental significance.

Minister Burke was aware that the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) has the power to include a place in the National Heritage List under emergency listing provisions if the minister believes that the place has or may have one or more national heritage values; and that any of those values is under threat of a significant adverse impact; and that the threat is both likely and imminent.

Notwithstanding changes to Queensland legislation, the EPBC Act continues to protect matters of national environmental significance; including Commonwealth listed threatened species and communities, migratory species, Ramsar wetlands and national heritage places and world heritage properties. Any action that is likely to have a significant impact on a matter of national environmental significance must be referred to the Commonwealth environment minister for approval under the EPBC Act.

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Program: Division:	5.1: WHMD	Question No: 076
Topic:	Cascades Female Factory previous QoNs	
Proof Hansard Page and Date or Written Question:	60	(29/05/13)

Senator Singh asked:

Dr Dripps: Senator, if I recall the answer to the question last year, that deed of agreement was made at a very long time in the past. So the officers here are not able to explain to you why it was that the required activity did not occur at that time.

Senator SINGH: So why did 2009 get decided as the date to do the handover without meeting the requirements in the deed?

Dr Dripps: I do not think we have the information available here to answer the question, Senator, I am sorry. We will have to take that further question on notice.

Answer:

Under the Deed of Agreement for the 1999 Centenary of Federation grant the funded works were divided into six stages over 10 years, from 1999-2009. The final stage, to be completed by 31 December 2009, required the factory buildings and associated elements to be removed and the title of the property to be transferred from the Female Factory Historic Site Ltd to the Tasmanian Government.

The transfer of the title of the Female Factory Historic Site occurred prior to the removal of the factory building following agreement between the Department of Sustainability, Environment, Water, Population and Communities (the department) and the Tasmanian Government.

The department has been advised by the Port Arthur Historic Site Management Authority, managers of the Cascades Female Factory Historic Site, that the factory building performs vital visitor centre and staff office functions and is currently assisting to provide a useful interpretive function for the site.

Liaison between Port Arthur Historic Site Management Authority and the International Council on Monuments and Sites (ICOMOS) is proposed to canvass potential options that could be consistent with the property's world heritage values, including retaining the factory building, reducing its impact and converting it into an interpretation centre.

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Program: Division: 5.1: WHMD **Question No:** 077

Topic: Fisheries Adjustment Assistance
Package – Transitional Business
Assistance

Proof Hansard Page and Date Written
or Written Question:

Senator Colbeck asked:

How is the Transitional Business Assistance program development progressing?

- a. Is the program being run by SEWPaC
- b. Is any assistance being provided by DAFF
- c. What knowledge of industry does SEWPaC have?

Answer:

The Transitional Business Assistance element of the Fisheries Adjustment Assistance Package is progressing well. Draft guidelines for Transitional Business Assistance were released for public comment in early June 2013. The Department of Sustainability, Environment, Water, Population and Communities (the department) is currently considering the comments received in finalising these guidelines. Transitional Business Assistance is expected to flow in the 2013-14 financial year.

- a. The Fisheries Adjustment Assistance Package is being managed and delivered by the department.
- b. Officers from the Department of Agriculture, Fisheries and Forestry, including the Australian Bureau of Agricultural and Resource Economics and Science are assisting the department both through whole of government consultation processes and through specific consultation and technical advice on aspects of the Transitional Business Assistance element of the Package.
- c. The department has extensive knowledge of the fishing industry developed through previous and ongoing activities such as fisheries assessments under the *Environment Protection and Biodiversity Conservation Act 1999*, the Great Barrier Reef Marine Park Structural Adjustment Package, and the Marine Bioregional Planning process. A number of departmental officers responsible for the development and delivery of the Fisheries Adjustment Assistance Package have previously worked in fisheries management roles.

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Program: Division: 5.1: WHMD **Question No:** 078

Topic: Fisheries Adjustment Assistance Package

Proof Hansard Page and Date or Written Question: Written

Senator Colbeck asked:

Given that the payment of capital items is pushed to 2017, what are operators that have lost access to their livelihood to do?

Answer:

The Fisheries Adjustment Assistance Package consists of three main elements: transitional business assistance; sectoral measures; and the removal of commercial fishing effort through the purchase of individual fishing entitlements or quota units.

Transitional Business Assistance will provide up-front payments to affected fishers with recent catch history in those parts of the reserves where they will no longer be able to fish. Transitional Business Assistance payments are intended to help fishers make investments and changes to their operations before the new reserves come into effect in July 2014.

The purchase of fishing entitlements or quota units is currently anticipated to commence in the 2015-16 financial year.

Fishers that receive the initial Transitional Business Assistance will be able to participate in other elements of the assistance program with payments made under one element independent of payments under another.

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Program: Division: 5.1: WHMD **Question No:** 079

Topic: Fisheries Adjustment Assistance Package

Proof Hansard Page and Date or Written Question: Written

Senator Colbeck asked:

How is that in mining and oil and gas the right to prospect is compensable and yet for a fishing right that is lost over an area that is still be explored and developed there is nothing?

Answer:

Consistent with the Fisheries Adjustment Policy the government has set aside around \$100 million for a fisheries adjustment assistance package that will support commercial fishers and fisheries directly affected by the introduction of the new Commonwealth marine reserves.

Section 359 (1) of the *Environment Protection and Biodiversity Conservation Act 1999* preserves a usage right relating to minerals on, in or under land or seabed, that was held by a person in relation to land or seabed immediately before the land or seabed was included in a Commonwealth marine reserve.

The Government's 2011 Fisheries Adjustment Policy acknowledges that there is no constitutional or legal requirement for the Australian Government to provide compensation to commercial fishers impacted by new or re-zoned marine protected areas. However, as noted above, the Government will be providing significant assistance for affected commercial fishers.

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Program: Division: 5.1: WHMD **Question No:** 080

Topic: Tarkine – Socio-economic implications

Proof Hansard Page and Date or Written Question: Written

Senator Milne asked:

In making this decision to not act on the Australian Heritage Councils overwhelming recommendations (5 outstanding values of natural heritage) of the Tarkine Heritage values, and instead take the position put by the Tasmanian State Governments in their submission on 'Potential socio-economic implications for Tasmania of the proposed National Heritage listing of the Tarkine:

1. What level of job creation on the proposed mines in the Tarkine will be from fly in fly out workers?
2. What research has been undertaken to assess the level of local skills in mining exist in the Tarkine area, that will see local employment occur on these all too frequently short lived proposed mines?

Answer:

1. The decision was made having regard to the information contained in the report '*Potential socio-economic implications for Tasmania of the proposed National Heritage listing of the Tarkine area*' among other sources. The report refers to employment in Tasmania and specifically to the employment of local workers and enterprises in mining development but does not quantify or project the proportion of future employees who may be either from the local area or from outside the local area.
2. The decision was made having regard to the information contained in the report '*Potential socio-economic implications for Tasmania of the proposed National Heritage listing of the Tarkine area*' among other materials. The report refers to employment in Tasmania and specifically to the employment of local workers. The assessment of the level of local skills in mining is a matter for the Tasmanian Government and industry.

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Program: Division: 5.1: WHMD **Question No:** 081
Topic: Tarkine – Assessment of new mines
Proof Hansard Page and Date Written
or Written Question:

Senator Milne asked:

1. In the assessment of socio-economic impacts of allowing new mines in the Tarkine, what economic consideration were taken into account of the costs of managing the waste legacy from these short lived mines (some expected to have a 2-5 year lifespan), both on environmental and community health?
2. What assessment was done into the long term economic gains to Tasmanian for global tourism and regional towns in the Tarkine region?

Answer:

1. The Minister's decision was made having regard to the information contained in the report '*Potential socio-economic implications for Tasmania of the proposed National Heritage listing of the Tarkine area*' among other sources. The responsibility for managing any mining wastes is a matter for the Tasmanian Government and for the enterprises involved. Any mining proposals which may impact on a matter of National Environmental Significance are required to be assessed under national environmental law.

The Department of Sustainability, Environment, Water, Population and Communities understands that mining activities in the Tarkine region are generally subject to costed rehabilitation and mine closure plans administered by the Tasmanian Government, with bonds held against non-compliance and non-completion. In the only mine recently approved by the Commonwealth Government (the Nelson Bay River Mine), this approach was endorsed through Commonwealth conditions, along with opportunities for the Minister to impose additional bonds as required.

2. In taking his decision and among other materials, the Minister considered the information contained in the report '*Potential socio-economic implications for Tasmania of the proposed National Heritage listing of the Tarkine area*'. This report includes an assessment of aspects of the tourism potential of the Tarkine based on information available to the Tasmanian Government.

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Program: Division: 5.1: WHMD **Question No:** 082
Topic: Tarkine – Statement of Reasons
Proof Hansard Page and Date Written
or Written Question:

Senator Milne asked:

Minister Burke stated in his Statement of Reason for decision that ‘inclusion of the assessed place on the National Heritage List could increase the perceived level of sovereign risk in the Tasmanian Minerals sector and damage the investment reputation of Tasmania’

What assessment has or was undertaken into the economic impacts on the growing Tarkine tourism industry of knowingly damaging a part of Tasmania that CNN ranked as the worlds’ best wilderness experience, by allowing a multitude of new mines in this region?

Answer:

The Minister’s reasons for the decision are set out in his Statement of Reasons. The report *‘Potential socio-economic implications for Tasmania of the proposed National Heritage listing of the Tarkine area’* referred to the issues of sovereign risk in relation to prospects for future mining and also included information about tourism potential in the area. Any mining proposals which may impact on a matter of National Environmental Significance are required to be assessed under national environmental law.

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Program: Division: 5.1: WHMD **Question No:** 083
Topic: Tarkine – Research and assessment
Proof Hansard Page and Date Written
or Written Question:

Senator Milne asked:

The minister stated allowing the proposed mines in the Tarkine region ‘would result in the remaining area no longer qualifying as the most extensive and least fragmented area of cool temperate rainforest in Australia nor as containing areas of extensive high-quality wilderness.’

- a. What research has been undertaken to estimate the marketing and financial impact on ‘Brand Tasmania’, especially the agricultural, and primary and tourism industries that rely on Tasmania’s ‘clean, green clever’ image, that wide-scale mining activity in the Tarkine region will affect?
- b. The so-called mining boom across Australia is ending. What assessment has been made into the viability of many of these small and short to medium term proposed mines (many of which are iron ore) that will be proliferate the North West of Tasmania in the face of the mining down turn?

Answer:

The Minister’s reasons for the decision are set out in his Statement of Reasons. The Department of Sustainability, Environment, Water, Population and Communities has no knowledge of any additional research regarding potential impacts on ‘Brand Tasmania’.

Among other material, the Minister took account of information contained in the report ‘*Potential socio-economic implications for Tasmania of the proposed National Heritage listing of the Tarkine area*’. This report makes an assessment of the potential for future mining in the Tarkine area under different scenarios.

The *Environment Protection and Biodiversity Conservation Act 1999* does not require an assessment of the viability of actions referred.

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Program: Division: 5.1: WHMD **Question No:** 185

Topic: GBRMPA – Board member Tony Mooney

Proof Hansard Page and Date or Written Question: Written

Senator Waters asked:

Mr Tony Mooney is on the board of GBRMPA, and is also on the management committee of Guilford Coal. Please advise what steps GBRMPA has in place to manage this potential conflict of interest in their board appointment.

Answer:

The Great Barrier Reef Marine Park Authority (the Authority) manages potential conflicts of interest of members of the Authority in accordance with the requirements of the *Great Barrier Reef Marine Park Act 1975* (the Act).

Under s16B of the Act, a member who has a material personal interest in a matter being considered or about to be considered by the Authority must disclose the nature of the interest to a meeting of the Authority. The disclosure must be made as soon as possible after the relevant facts have come to the member's knowledge and it must be recorded in the minutes of the meeting of the Authority.

Unless the Authority determines otherwise, the member must not be present during any deliberation by the Authority on the matter and must not take part in any decision of the Authority with respect to the matter. Any determination on whether the member could be present during deliberations by the Authority can only occur without the member taking part and must be recorded in the minutes of the meeting.

Pursuant to this, Mr Mooney's interests in Guilford Coal were noted by the Great Barrier Reef Marine Park Authority board at the first board meeting that Mr Mooney attended in November 2011.

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Program: Division: 5.1 WHMD **Question No:** 186
Topic: WHC concerns
Proof Hansard Page and Date Written
or Written Question:

Senator Waters asked:

Has the Department briefed the Minister on what additional steps (above those already underway) he could take to address the World Heritage Committee's concerns or to implement their recommendations?

Answer:

In 2012, the World Heritage Committee requested action by Australia in eight areas, while the joint monitoring mission made an additional fifteen recommendations. The Committee requested that the twenty-three action items be completed by the 39th session in 2015. Australia has completed and/or made significant progress in relation to all these actions and is on target to deliver all of the actions in the timeframe requested by the Committee.