



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON ENVIRONMENT AND TRANSPORT AND CITY SERVICES
SUZANNE ORR MLA (CHAIR), CANDICE BURCH MLA (DEPUTY CHAIR), JAMES MILLIGAN MLA

Inquiry into referred 2017–18 Annual and Financial Reports
ANSWER TO QUESTION TAKEN ON NOTICE
13 November 2018

Asked by JAMES MILLIGAN MLA:

In relation to: Breakdown of '33 pieces of advice on applications for restricted information on Aboriginal places'

MR MILLIGAN: Yes. Thank you, Chair. My question is in relation to the Heritage Council and in the report the advice that the council had given, it says 33 pieces of advice. I was just wondering if I could get a breakdown on that advice and decisions that the council has made? I am happy to take it on notice if you do not have those 33 decisions and advice that was applied.

Ms Moore: Sorry, could you just clarify what the 33 is referring to?

MR MILLIGAN: 33 pieces of advice on applications for restricted information on Aboriginal places. Page 49.

Ms Moore: So 33 applications for information on restricted information for Aboriginal places, that would relate to largely archaeologists working in the field who want to obtain information about, they might be working on a block and it has been identified as heritage. For restricted purposes in the public realm the whole block is flagged.

They need to come to us and under the Heritage Act put that application in obtain the specifics of exactly where that Aboriginal place is to inform the cultural heritage assessment they are doing for proponents on that block.

MR MILLIGAN: Is it possible to get the advice that was given on those 33 applications?

Ms Moore: I may have to take that on notice and due to the restrictive nature of the information that in and of itself may require restricted information applications.

MINISTER GENTLEMAN: The answer to the Member's question is as follows:—

Under Part 9 of the *Heritage Act 2004* (the Act), information on Aboriginal places and objects can be declared as restricted by the ACT Heritage Council (the Council) if it is satisfied on reasonable grounds that public disclosure of the information may have a substantial adverse effect on Aboriginal places and objects.

Such decisions are only made following consultation with Representative Aboriginal Organisations (RAOs), and the consideration of RAO views.

Once Aboriginal heritage information has been declared as restricted, it can only be accessed with the approval of the Council, such as through Section 57 of the Act.

Section 57 of the Act relates to applications for limited access to restricted information; and during the 2017-2018 financial year, the Council made decisions on 33 Section 57 applications.

All applications received were made by parties proposing to undertake activities in the vicinity of Aboriginal places and objects, or consultants engaged on their behalf; and in each instance, information was sought to assess whether the proposed activities would damage Aboriginal places and objects.

Under Section 57(2) of the Act, the Council must give Section 57 applicants restricted information where the information is relevant to the conservation and use of the land; and under Section 57(3) the Council may give Section 57 applications restricted information where it is satisfied on reasonable grounds that release of the information will no damage Aboriginal places and objects.

In this context, the Council approved all 33 Section 57 applications; as it considered that information on Aboriginal places and objects was necessary to inform decisions on proposed activities in the vicinity of proposed works, and to ensure appropriate heritage management outcomes.

All Section 57 approval decisions included conditions, which set out that restricted information was not to be made publicly available or shared with additional parties, and that the use of restricted information was limited to the use described in the Section 57 applications.

Details of Section 57 approvals issued by the Council in the 2017-2018 financial year are summarised below:

No.	Date	Subject area	Council decision
1	10 July 2017	Block 1 Section 23 Hall	Approved with conditions
2	12 July 2017	Blocks 191 and 306 Majura	Approved with conditions
3	18 July 2017	Multiple blocks, Belconnen and Weston	Approved with conditions
4	21 July 2017	Multiple blocks, Belconnen	Approved with conditions
5	21 July 2017	Multiple blocks, Belconnen	Approved with conditions
6	24 July 2017	Block 1352 Canberra Central	Approved with conditions
7	2 August 2017	Multiple blocks, Monash	Approved with conditions
8	2 August 2017	Multiple blocks, City and Majura	Approved with conditions
9	18 August 2017	Block 1 Section 125 and Block 2 Section 157 Nicholls	Approved with conditions
10	27 August 2017	Multiple blocks, Coree	Approved with conditions
11	24 October 2017	Block 1210 Tuggeranong	Approved with conditions
12	21 November 2017	Multiple blocks, Horse Park Drive	Approved with conditions
13	13 December 2017	Multiple blocks, Wallaroo Road	Approved with conditions
14	10 January 2018	Block 709 Majura	Approved with conditions

15	10 January 2018	Block 1620 Belconnen	Approved with conditions
16	16 January 2018	Block 16 Section 46 Greenway	Approved with conditions
17	16 February 2018	Multiple blocks, Lanyon to Point Hut	Approved with conditions
18	16 February 2018	Block 2 Section 86 Dunlop	Approved with conditions
19	21 February 2018	Block 1492 Belconnen	Approved with conditions
20	5 March 2018	Block 2031 Jerrabomberra	Approved with conditions
21	8 March 2018	Multiple blocks, Uriarra	Approved with conditions
22	29 March 2018	Block 3 Section 52 Fyshwick	Approved with conditions
23	6 April 2018	Multiple blocks, Taylor and Casey Districts	Approved with conditions
24	10 April 2018	Multiple blocks, Belconnen	Approved with conditions
25	26 April 2018	Multiple blocks, multiple districts	Approved with conditions
26	18 May 2018	Blocks 14 and 46 Molonglo Valley	Approved with conditions
27	30 May 2018	Multiple blocks, Civic and Kambah	Approved with conditions
28	6 June 2018	Multiple blocks, Tennent	Approved with conditions
29	6 June 2018	Multiple blocks, multiple districts	Approved with conditions
30	7 June 2018	Multiple blocks, Belconnen and Woden	Approved with conditions
31	7 June 2018	Multiple blocks, Molonglo Valley	Approved with conditions
32	25 June 2018	Block 1 Section 63 and Block 1 Section 86 Acton	Approved with conditions
33	26 June 2018	Multiple blocks, multiple districts	Approved with conditions

Approved for circulation to the Standing Committee on Environment and Transport and City Services

Signature:



Date: 23/11/18

By the Minister for the Environment and Heritage, Mick Gentleman MLA

