



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

**STANDING COMMITTEE ON CLIMATE CHANGE, ENVIRONMENT
AND WATER**

(Reference: Annual and financial reports 2008-09)

Members:

MS M HUNTER (The Chair)
MR J HARGREAVES (The Deputy Chair)
MR Z SESELJA

TRANSCRIPT OF EVIDENCE

CANBERRA

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Secretary to the committee:
Ms M Morrison (Ph: 6205 0136)

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Committee Office of the Legislative Assembly (Ph: 6205 0127).

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Amended 21 January 2009

The committee met at 2.01 pm.

Appearances:

Office of the Commissioner for Sustainability and the Environment
Cooper, Dr Maxine, Commissioner for Sustainability and the Environment
Sargent, Ms Narelle, Senior Manager

Department of the Environment, Climate Change, Energy and Water
Hargreaves, Ms Anita, Chief Finance Officer, Strategic Finance

Conservator of Flora and Fauna
Papps, Mr David, Conservator of Flora and Fauna
McNulty, Mr Hamish, Executive Coordinator, Land and Planning

THE CHAIR: Good afternoon everyone, and welcome to this public hearing of the Standing Committee on Climate Change, Environment and Water inquiring into annual and financial reports 2008-09. I just want to check that people have had a chance to read the privilege card—there is one on the table before you—and that you understand the privilege implications in the statement. Thank you.

Before we start the questioning, Dr Cooper, would you like to make an opening statement?

Dr Cooper: Thank you very much, Ms Hunter. In terms of the activities of the office in 2008-09, it has been a particularly busy year. But I do not think our office will ever not be busy. We have had the release of the *ACT state of the environment report* and we have also had a program around that of promoting what was in it. The government responded to that in June 2009.

We have also had the release of the *Regional state of the environment report* in 2008. Also, importantly, because of the New South Wales legislation, in 2009 we were writing the update of that *Regional state of the environment report* and taking it to the next level in reporting, which was putting it in a format that could then drive the strategic plans of all the regional councils. And we had a very strong focus on sustainability.

We also finalised the ACT lowland native grassland investigation. We absolutely increased our advocacy and awareness activities. To do this, we have a communication plan and we launched the young people ambassador program trial, which we have now found so successful that we have called for expressions of interest for five to eight young people to be part of being our ambassadors into the future.

We produced a strategic plan to make sure that we were complying with our legislation and meeting the requirements of the Assembly and our stakeholders. At a very practical level, within the Dickson motor vehicle registry office we established a sustainability working group to produce a resource management plan for the registry as a whole rather than silos of office users within it.

On top of that, we have had a 230 per cent increase in the number of complaints. That

may seem a lot but it is really going from six to 14, so you need to keep things in proportion when you are talking about percentage increases; I guess that is the lesson there. However, some of those complaints have been most demanding. So that is us in a snapshot for the last financial year. Thank you.

THE CHAIR: Thank you, Dr Cooper. I might start with a question about your strategic plan that you have just mentioned. What are some of the specific measurable outcomes that are in place for the year ahead?

Dr Cooper: I think there are about five measurable outcomes. I cannot rattle those off the top of my head. We have got the internal ones that we use ourselves to check, but we have also got ones that we report on in our budget. Anita, could you help us out?

Ms Hargreaves: In terms of what you have in the budget, if you go to page 13 of the annual report, there is a number of accountability indicators listed there.

Dr Cooper: They are the public ones that we comply with. As you will see, there were some variances, all of which we can explain in terms of some of the work we were doing. The zero one was a reporting arrangement where we were three weeks late, I think, in putting out the *Regional state of the environment report* and got a zero for that. I think it was a bit harsh—zero versus a little bit of flexibility—but that is what we delivered on.

MR RATTENBURY: I believe Ms Hunter's question was actually about the specific measurable outcomes for the year ahead. I accept that you do not have them with you; would you be able to provide those on notice?

Dr Cooper: Yes, absolutely. I will be delighted to. They will still be in this form but we have ones that work below it, as part of our strategic plan, to challenge us internally.

MR RATTENBURY: That would be really interesting, if you are happy to provide those.

Dr Cooper: No worries.

THE CHAIR: I would like to go to page 4 of the annual report. You mention the government's recommendation to expand the role of the commissioner. That came out in November 2007. I am wondering about that expanded role and whether legislative change is required to put that into effect.

Dr Cooper: We have submitted a report to Minister Corbell. It is a comprehensive report—in fact, in three volumes. All the information that we use to make some recommendations is clearly there. We would be advocating some legislative change, definitely. I prefer to leave it for the government to now table that report. I think that is the appropriate protocol. Certainly, it will require legislative changes.

MR RATTENBURY: When did you provide that report to the government?

Dr Cooper: 24 September.

MR RATTENBURY: This year?

Dr Cooper: This year. I will just share with the committee that it is quite a comprehensive analysis. We employed, for instance, Mr Stinson, which is on the public record, to look at water catchments and what role the office should have. We undertook community consultation. We also engaged Mr David Mossop, who is a barrister, to look at what is the contemporary legislation for environmental issues. He gave us what I think is some very incisive guidance. So it is all there, quite comprehensively.

THE CHAIR: You mentioned Mr Stinson and the expanded role around catchment management. I am assuming that has been included in these three volumes—

Dr Cooper: Absolutely.

THE CHAIR: of a very comprehensive report.

Dr Cooper: Yes.

MR SESELJA: Dr Cooper, taking you back to page 13, are you able to give us some further explanation as to the reasons why we have got those original targets being zero? I did not quite catch what was the reason there.

Ms Hargreaves: I can answer that. When we were putting the budget together, we originally formed as a department on 11 November 2008. So for the 2008-09 budget, we were not part of that process. That is why we have a zero target in the column where it says “Original target 2008-09”. Is that what you were after, Mr Seselja?

MR SESELJA: Yes, that is right. So the department had not been formed, which is why these did not appear as targets; is that correct?

Ms Hargreaves: Correct.

MR SESELJA: Moving to page 1 of the report, it talks about preparing reports for local councils in the ACT region. Are you able to take us through how many of those were prepared and what was the revenue obtained from preparing those reports?

Dr Cooper: Yes, I am happy to do that. We would not view it as revenue. We would view it as the fee to cover the costs of producing the report. We developed a very comprehensive *Regional state of the environment report* and the funding for that is around \$300,000. I will give you the exact figure. It is on a fee-for-service basis. It was \$347,000 for that *Regional state of the environment report*. Some of those moneys were carried over into this financial year and they gave us some additional money, approximately \$90,000, to do the update, which we have just completed for them.

MR SESELJA: That is over and above the \$347,000?

Dr Cooper: That is right.

MR SESELJA: How does that compare to preparing the state of the environment report for the ACT?

Dr Cooper: What we do for moneys for the *ACT state of the environment report* is that we actually roll over—there was a previous arrangement with a former commissioner whereby you roll over each year a certain amount of money and you bank it towards meeting the costs of your SOER. Narelle, do you have the estimated cost for that?

Ms Sargent: The estimated cost for this coming report is around \$470,000.

Dr Cooper: That includes doing things—we have already started—like looking at how to wisely spend that money. Getting the ecological footprint for the ACT alone involves a commissioning of \$20,000, and usually we have anywhere up to 50 people. We had around 50 people working on the last state of the environment report, providing different parts, editing and working on a whole suite of material. It is quite a massive production. We are trying to streamline it. We are in the middle of undertaking a review of the SOER because it has never had a review. We are doing that now to try and streamline how we get some of the information.

MRS DUNNE: Could I just follow up on that, Madam Chair? Dr Cooper, on page 1 it says that you prepare state of the environment reports for each of the 17 councils. How many of those were done?

Dr Cooper: Seventeen.

MRS DUNNE: So you do that every year?

Dr Cooper: No.

MRS DUNNE: How does that relate to the *Regional state of the environment report*?

Dr Cooper: That is the *Regional state of the environment report*. We do a couple of umbrella chapters—for instance, on sustainability, on the commissioner’s observations and issues across the region—and then for each council we do their state of the environment report. It is a combination, if you like, of the top level information and then the others are definitely streamlined for their needs. We then try to help each of them integrate it into their strategic planning and we provide some guidelines. They get a brochure like this one, for instance.

To minimise costs for them all the front cover is the same, except the logo of the particular council goes on. Inside we will have information specifically about their council and then some general regional information. Because the only objective I see in doing a state of the environment report is to help improve things, on the back we give information about what they can do to be even more sustainable. We do not just say, “Here is the data about the region.” We try to integrate it into the community and into their strategic planning.

Mr Rattenbury: I just wanted to refer to page 19 and ask about some of the

complaints that you have received. I was particularly interested in the complaint about retrofitting buildings to reduce greenhouse gas emissions. Can you tell us a little bit more about the nature of that complaint?

Dr Cooper: Yes, I think I can say who it was. Professor Andrew Blakers raised the issue with us around the government's program for retrofitting buildings. It was at a macro scale in terms of the issues raised. On that occasion I invited Mr Papps from the government and a group of people—we had a whole suite of people from the CSIRO and the Climate Change Institute—to talk around the issues. It was felt that the best thing we could do was to take on board some of the issues that we had heard about and produce a digestible paper on this issue for the community.

The agency was actually progressing some of the initiatives that Professor Blakers was talking about. A whole suite of activities were occurring and our approach was to not duplicate something that the agency was doing. That met the professor's requirements. It was also an opportunity for him and Mr Papps to meet because Mr Papps was new at that stage. I think it has been productive since doing that. We try and find, if you like, a resolution, but if somebody else is doing all the work we do not duplicate it.

MR RATTENBURY: You mentioned this community paper that your office will produce in the near future, it seems. What is the nature or purpose of such a community paper?

Dr Cooper: To talk about what is happening in terms of the community. For instance, we raise things in the annual report and we have outlined a few things. It is just to do deeper analysis. For instance, with the HEAT program in the ACT, the effect out there in retrofitting is about one to two per cent of households. That gives us a chance in this other paper to look at some of those programs and say, "Is that really that effective? How can it be improved?" We will be doing some thinking around those areas—what it takes to get the ACT-Canberra community to take up initiatives a lot faster and quicker.

One of the things we did for the first time—and I compliment my colleague Narelle Sargent on this—was to include in our annual report for the first time a bit of a feeling for what is happening in the environment. You will notice that we point out that in 2008 the maximum temperatures had increased. There are a whole suite of things that tell us that there were real issues out there in 2008 in terms of needing to address some of these greenhouse issues.

MR RATTENBURY: You mentioned in your introductory comments that the number of complaints increased this year.

Dr Cooper: Yes, but—

MR RATTENBURY: At one level dramatically but at another level it was the reality of the numbers.

Dr Cooper: It was, yes.

MR RATTENBURY: Can you give us your thoughts on why you had an increased number of complaints?

Dr Cooper: I think people are more aware of the office now it has been expanded. I do a fair bit of speaking at community forums. I am out with community groups and they get to know that there is another avenue for raising issues. I think that has been it. I do not necessarily see it as an issue out there. It is just an awareness of having someone to go to. Before many people came to us and said, “We didn’t even know that we had this avenue.”

MR HARGREAVES: I have an observation and a bit of a question here, Dr Cooper. Looking through the complaints themselves, the 230 per cent increase blew me out of the water, but the numbers are actually very low. Given the awareness, I believe, of the Canberra community, particularly on environmental issues, I am surprised that the level of complaints is so low, given the level of increased awareness that you and your officers have brought to bear. When you just look at numbers of complaints you only get the flavour, but if you look at the actual complaints there are very few of them that are two of a kind. They seem to be quite different.

Dr Cooper: Very.

MR HARGREAVES: Have you considered putting it into a chart rather than just in the prose? We are interested in the prose, absolutely, but it seems to me that as a quick ready reckoner you could just have a chart down one side to let us know how many there are. It was important to me when I was looking at it to see that there are not, as I would have expected, a whole heap of complaints around tree protection.

Dr Cooper: I have got those now.

MR HARGREAVES: Yes, you would now.

Dr Cooper: Yes.

MR HARGREAVES: If you are going to go looking for it you are going to get it.

Dr Cooper: No, I was not looking for it; this one came to me.

MR HARGREAVES: I was just teasing you. Over time, particularly as we go through the annual reports, we would like to be able to see whether or not there is a bit of a pattern here. I would have expected that around kangaroo culling time you would have had a number come in of people complaining. I do not see it reflected in here at all so that is a surprise to me. I was just wondering if you could think about that. This is a good annual report; I congratulate you on it. I was just wondering whether you could that and what you thought about it.

Dr Cooper: Minister Hargreaves, we will definitely do that.

MR HARGREAVES: Thank you. I am not a reverend anymore!

Dr Cooper: That is right; I am sorry. We will do that. We get several, I think 100 or

something—I think that is in here—where people phone the office and we make sure that they want to deal with us. They are phoning the office rather than going to the right agency. We will certainly do that. We also say to them, “Please go to the agency before you go to us.”

MR HARGREAVES: You talk about, in a sense, formal complaints. Presumably you get a whole stack of informal expressions of concern. People are not sure whether they want to lodge a full-on formal complaint and have a massive investigation or whether they just want to get the message through to somebody.

Dr Cooper: We do not call that a complaint.

MR HARGREAVES: Do you keep records of that sort of stuff?

Dr Cooper: Not specifically. We treat that as somebody lost in the system and we try and help them find the right contact.

MR HARGREAVES: It seems to me that would be quite a reasonable burden on your office time. I do not suggest you keep it in any great detail but it does show that you are an interface for the public on this particular matter. It would be worth while, I think, for us to see how much time you spend in defusing the complaints as opposed to progressing them and investigating them. Thanks for that.

THE CHAIR: Are there any more questions on complaints?

MR SESELJA: Yes, on the Mugga Lane tip and Parkwood landfill site. I note that the footnote says that the matter was closed on 1 July 2009—I think I am reading that correctly. Are you able to talk us through the delay there, or were there delays, and what was the process with getting information from the various government agencies?

Dr Cooper: This complainant would have lodged, I would imagine, an excessive number of issues. They raised issues about the disposal of smoke detectors through to radiation contamination at the site right through to whether there were leaching issues. They had an enormous list of complaints against the agency. It took us a long time to look at all those. We went out to the site and we did inspections. The EPA officers and the NOWaste people were with us.

On the face of it, the issues they raised seemed quite significant. That is why it took us time. At the end of all of that we concluded, in the letter we sent back to the agency, that there was no evidence of practices not conforming to the required standards or procedures. However, two recommendations were made to advance the management of waste from smoke detectors and better inform the community. That had to do with putting information on the TAMS website about how best to deal with smoke detectors and then also challenging—this is at a national level—the process for dealing with smoke detectors and trying to encourage people to buy smoke detectors that do not use radiation as the mechanism for detecting the smoke. That was taken up, I understand, by the agency.

That complaint was an interesting one. It consumed a large number of the office resources because the complaints at face value were such that you couldn't not look

into them. When you really looked into them it took a lot of time and, as I said, we found that the agency was conforming to all the required standards.

THE CHAIR: Are there any further questions on complaints?

MR SESELJA: I have one in relation to the Tuggeranong Canberra Technology City. As to the complaint there, the office is awaiting information from the relevant agencies. Are you able to give us an update on that?

Dr Cooper: Yes, I have brought the final letter to the residents. If you like, I could table that.

MR SESELJA: Thank you.

Dr Cooper: Essentially they were concerned about the wrong information being used in the assessment. We looked into that and we could not find that to be substantiated. In fact, we were advised that a tighter standard was used in the assessment. We shared that information back with the applicant and we have not heard from the applicant. From our perspective, the right data was considered in that process.

THE CHAIR: I wanted to ask about the water reuse innovation. It says here it is an industry complaint regarding constraints on water reuse and you are apparently still looking into it. What are some of the issues around that?

Dr Cooper: That is right. It is really about the regulations that control the use of grey water and who owns what in the assets. We have been speaking with the ICRC commissioner. I am going back to talk with him in terms of what are the issues around pricing from his perspective, what are the physical issues in terms of regulatory controls. That is one that we will just have a look at. Unfortunately for the complainant, it is not urgent compared to some of the tree issues. We have had to triage and it has just slipped a little bit in terms of being given the focus at the moment.

THE CHAIR: I just wanted to move on to page 6 around water quality. You have made mention of water consumption in some detail in the report, but I was wondering whether you have some thoughts about water quality and catchment management, particularly in terms of our earlier conversation where there obviously is a recommendation going forward around your brief being extended. I just wanted to hear your thoughts on that.

Dr Cooper: The government initially said what role should the commissioner have in reporting on ACT water supply catchments and they have asked us to go and have a look at that and we have given comment. There do seem to be some advantages in having a report focused on that issue that brings together the health and EPA considerations, as well as the planning, for such a critical issue. When we are out talking to the region we say, "Water, water, water is the critical issue," and it cannot not be. But to give them a bit of heart we also say that the biggest opportunity is renewable energy. It was just that, given the importance of water in terms of our water supply catchments, that issue was advanced. I do not have all the technical figures in my head, but if you wanted some I am sure I could find them in our state of the

environment report.

THE CHAIR: I agree that it is an incredibly important part and it seems sensible that the commission should have it as part of their brief in that area.

Dr Cooper: We had discussed the issue with the EPA. The EPA are a regulator. The question you could ask is: why couldn't the EPA do this? They could, but they are actually part of this system as the regulator. So if you really wanted somebody independent, you would probably go to an office like mine.

THE CHAIR: Are there any other questions on water?

MRS DUNNE: No, not on water.

THE CHAIR: Mrs Dunne?

MRS DUNNE: Thank you, Madam Chair. While we are on page 6, we have discussed in passing the lowland native grassland investigation. I do not recall all the provisions of your act, Dr Cooper, but when you make a report are there statutory times for when there should be a response?

Dr Cooper: I would have to check that. I know there is for the state of the environment report but I am not too sure about general reports. I can check that and come back to you.

MRS DUNNE: I can do that just as easily; that is fine.

Dr Cooper: I do not think there is. My colleague Narelle, who worked on this issue, says that, no, there is not.

MRS DUNNE: Do you have any indication of when the government might respond to your recommendations on the lowland native grassland investigation?

Dr Cooper: My understanding is that it is supposed to be before Christmas.

MRS DUNNE: So soon?

Dr Cooper: That was the information I have. In fact, on 28 October—we have been looking at *Hansard*—on that particular issue I believe Minister Corbell talked about that and the full response will be with the Assembly later this year. Sorry, so it is not before Christmas—later this year.

MR RATTENBURY: In a similar vein, can I pick up on the grassland report. Once you have made the report, do you have a formal role in terms of monitoring implementation? Aside from the government response, there are obviously a large amount of recommendations that you made about specific management practices and the like.

Dr Cooper: Through the annual report, yes. So the annual report process requires me to report against that. You will notice in this annual report we have also—

MR RATTENBURY: At the back, yes.

Dr Cooper: put quite detailed ones about the state of the environment report. I have not reported against those because the government made its response just a few months before we finalised this report, so there really was not time to do the follow-up. Informally, we do check some things. For instance, we were talking with our EPA people and they have got one that I am particularly interested in around some of the air quality issues. They thought they would produce the report by the middle of this year but they have now deferred it to the middle of next year. So we do try and keep our finger on the pulse in terms of what they have committed to and then as to whether they deliver it or not.

MR RATTENBURY: What do you see as being the biggest challenges for government in terms of implementation of the grasslands report?

Dr Cooper: I think most of it will be able to be implemented by them. It is a resourcing issue all the time. The one that might be a challenge is where they have to deal with the commonwealth government or non-government entities to try and enter into arrangements so that there is cooperation around how the land might be managed effectively.

With respect to one of the challenges there, certainly in the report we said that their grasslands, the airport's grasslands, were particularly well managed. However, the airport have an ongoing natural, I guess you could call it, conflict—that to develop, you have to take some of the grasslands. I am particularly concerned about the northern road that is proposed there. I have written to the Prime Minister and ministers at the commonwealth level because of the significant nature of that grassland and needing to have it in a cohesive entity rather than severed by that northern road.

MR RATTENBURY: Your recommendation No 5 of the grassland report refers to ensuring that grassland ecosystems are protected by mechanisms such as bio-banking and offsets. Can you tell us a bit more about how those would work?

Dr Cooper: That is work that currently DECCEW have been undertaking. I think the conservator, Mr Papps, is appearing after me. They have certainly been progressing that. We were, in the early stages, invited, and we took up the opportunity, to give comment on some of the direction in which that was heading for the ACT.

MR RATTENBURY: Can you outline what you see as being the risks and perhaps the opportunities of having such a system of an offset policy?

Dr Cooper: Yes. With respect to some of the risks for the ACT compared to, say, any other jurisdiction, generally we are way out in front in terms of protection of our biodiversity. Therefore, in terms of offsets, other jurisdictions would be using lands that we have already established as being part of the reserve system or in some form of protection.

I think the ACT's big challenge is having adequate resources to manage the vast

natural areas and parklands that we have. Although it is not very popular in some areas, it is also worth, I think, looking at whether or not you could fund higher levels of management than an agency would normally be capable of through offsets. What comes to mind for me is Goorooyarroo, where you have a project involved with the ANU and a whole suite of scientists trying to do innovative things that essentially re-establish an ecosystem that was previously there but is not there at the moment—even reintroducing species. It is very hard to analyse how you would quantify what moneys went where, but I think it is something that might be worth doing.

One of the concerns for me is that, in any scheme you have, although you might want to offset, it should be focused within the ACT. I hope I am not being parochial on that, but one of the things you want to do is to protect the resources which we have got. You could have like-for-like land across the border, but if you do not have enough resources to look after the lands you have got in the ACT, if that is something that you want to pursue, it is very tricky.

THE CHAIR: Just picking up on Goorooyarroo and Mulligans Flat, were you happy with the government's view that these areas would not meet requirements for national park status? That was in response to the state of the environment report.

Dr Cooper: Yes, that was one of the two agree-in-principles for the state of the environment report. I would like to see that kept on the table for future consideration. I respect the reasons that were given—that it was given a high level of protection. I understand all of that, but maybe it is something that will, over time, be reconsidered.

MR SESELJA: With respect to the data that you published on pages 50 and 51 which looks at energy use, paper and the like, I want to go through some of that. It talks about reams of paper used. It has 12,210 reams of paper for eight staff. That seems very high. Is that correct or is that a misprint?

Dr Cooper: No, that is correct. When you do the reports we do in the volumes we do, remember that we did the regional state of the environment for 17 councils and we did our own state of the environment—

MR SESELJA: So this includes every print job that is commissioned by the commissioner?

Dr Cooper: Absolutely, and if we cannot be honest about what we are doing then we put it out there. We are not particularly pleased about it. We try and do things electronically but it really does show the paper that you can go through.

MR SESELJA: Sure. With other departments and agencies, we have been trying to get to the bottom of the percentage of waste that is recycled. You have some figures here: the estimate of recycled waste paper is 7.2 tonnes; the estimate of waste to landfill is 5.4 tonnes. Are we talking about all waste to landfill being the 5.4 tonnes or are we just talking about paper there? I am just trying to get a figure for what proportion of paper is recycled by the agency.

Dr Cooper: I would say that around 99.9 per cent of our paper is recycled.

MR SESELJA: Are those figures published anywhere in terms of the recycling of paper?

Dr Cooper: No, but we could take that up in our resource management plan. Thank you for that.

MR SESELJA: Okay, that would be useful. We certainly took it up with the department of environment; their figures were not accurate because of being at Macarthur House and various issues. It was difficult to get a read on that so—

Dr Cooper: No, we can do that. We are small enough to watch what we use.

MR SESELJA: All right; that would be good. Thank you.

MRS DUNNE: With the figures on these two-and-a-bit pages, Dr Cooper, there are an awful lot of blanks. What is happening to fill in the blanks?

Dr Cooper: We are part of the motor vehicle registry office complex. So we need data for the whole building and then you take a proportion for the floor area that you rent. So we have to work with Property Services to try and get that information. To do that, we have formed a working group and we are pursuing getting that information. It is simply not available, we understand; otherwise we would put it there.

THE CHAIR: Dr Cooper, that was the working group that you mentioned in your opening statement?

Dr Cooper: That is right, yes. I think it is particularly important. As frustrating as it is for a very disparate group to need to work together on this, there are some advantages. But I think you have to approach it on a building basis. Our energy consumption would look horrendous compared to a normal office because we are associated with where they do all of the car checks, motor vehicle checks, and their energy use down there, where they have the big heaters running in winter for OH&S reasons, means that, on average, our energy use goes up.

We are pleased to say that very recently we have had a system installed whereby we can control our own air conditioning and our own lights. Previously it was on the total floor area. So there are things being done and I think they are being very progressive, but they are massive infrastructure projects and they are taking a little bit of time.

THE CHAIR: It is an interesting co-location of different agencies.

Dr Cooper: It is, but it works for us.

THE CHAIR: That is good.

Dr Cooper: We really enjoy being near those other people and working on sustainability issues in a practical sense within the building.

MR RATTENBURY: In the table on page 52, your greenhouse gas intensity reduction figures are impressively extraordinary, at 99.9 per cent. Can you explain to

us the methodology or how you have managed to achieve that?

Dr Cooper: I would have to ask Narelle to answer that.

Ms Sargent: It is supplied by Property Services. We have not got the method, I am sorry, but we—

Dr Cooper: No, we do not have the method.

MR RATTENBURY: Is this a statistical blip or have you done something very impressive?

Dr Cooper: I think that would be because of the new air-conditioning unit. I think it would not be a statistical blip but we will get the information for you. I think they spent an enormous amount of money on that air-conditioning unit to allow us each to control our own space. That certainly would have made a difference. But we will take the question on notice.

MR SESELJA: While we are on the greenhouse gas intensities, there is no data for the transport greenhouse gas emissions per person. What is the reason for that?

Dr Cooper: It is simply not collected. We are going to be putting something in place. We do have two bikes, we do use the buses and we have got a hybrid car. We are not quite sure how we calculate how each person travels on some of those to generate the greenhouse estimates. I think this has been a terrific exercise because you would expect an office like ours to be right on top of all of this and we find it particularly difficult, yet we are asked to monitor other people and it is particularly difficult to provide your own figures on some of this.

THE CHAIR: I want to move on to community groups. On page 28 you mention a number of environment groups that are doing a lot of the environmental advocacy work. Do you have any thoughts about the Environmental Defender's Office and whether it should be given some more resourcing and government support?

Dr Cooper: I have not turned my mind to that so I cannot answer that now, I am sorry.

THE CHAIR: Have you had any thoughts about other groups that are out there? Obviously, you have interaction with a number of environmental groups. Are there enough to cover the issues and to be engaged with the community. Obviously, this has become a big issue; more people are getting involved. Do we have enough of the groups and the sort of support to those groups that is needed?

Dr Cooper: My way of approaching this is to look at the partnerships. From my office's perspective, one of the great partnerships we have had has been with the Commissioner for Children and Young People. They are small; we are small. We combined our energies and, again, for next year, we are doing the same thing. I think that is the way to look at it.

I do think that within the ACT we have a lot of potential energy that is fragmented. It is not so much about more resources to particular areas. There might be some that

require that; I have no hesitation in saying that might be the case. But it is a matter of bringing those groups together to work on projects strategically rather than having them fragmented and working on individual issues.

From the environmental side, there is certainly a huge opportunity out there in the community. For instance, we have also done some work with Communities@Work—very socially focused. They have certainly produced some great achievements on the environmental sustainability side. I do think it is about bringing them together rather than particularly resourcing one or another. But I have not done a full analysis.

MR RATTENBURY: On page 27 of the annual report, you make reference to two recommendations from the annual state of the environment report aimed at fostering sustainable development. You mention connectivity between conservation areas in relation to urban development, and particularly the development of greenfield sites. What development areas do you see this as posing a higher risk to?

Dr Cooper: Some of the newer ones that are developing. Molonglo comes to mind. We have to get the right outcomes in that for that connectivity there. You have also got the northern ones in Belconnen that are being developed. It is a general principle that, as development pressures become greater, we certainly have to keep our eye on those linkages. They will be very much part of what we are looking at associated with the Canberra nature park investigation—what the linkages are.

MR RATTENBURY: Remind me when that investigation is due.

Dr Cooper: For that one, there was no deadline put on it. There is a deadline put on the tree one, which is the end of June. The tree one intersects with the Canberra nature park one in terms of the corridor issue. We are working very diligently on both, but with two major investigations it might mean that the Canberra nature park one slips a little bit out from June.

MR RATTENBURY: Have you given any consideration to the idea that biodiversity mapping could be integrated with the planning maps? There seems to be quite a disconnect between the two at the moment. Have you had any discussions or been involved in any discussions?

Dr Cooper: Yes, we have done that in terms of the grasslands. We found when we were dealing with the grasslands that it was very difficult to get the same overlay relative to the same land area in terms of jurisdictional issues and match the two. We have certainly mentioned that and I think it is one of the recommendations in the grassland report.

MR RATTENBURY: While we are on page 27, talking about the Belconnen naval transmission station and the Lawson site, do you know whether or not the government has taken up your recommendations in the grassland report to ensure that there is a buffer zone in Lawson to protect the habitat?

Dr Cooper: No, I do not. I am not sure where the planning is at this stage.

MRS DUNNE: This is returning to a hardy perennial as far as I am concerned. You

and I, Dr Cooper, have expressed views from time to time about the desirability of revisiting the MOU on nature conservation issues with Defence and the commonwealth generally. It seems that the commonwealth is not very interested in that. Where we go to from here now that the commonwealth has said that it is not particularly interested?

Dr Cooper: I do not have information from the government or the department. If they are not particularly interested—

MRS DUNNE: I sent you a copy of the letter that Mr Garrett wrote to me that said that they were not very interested.

Dr Cooper: Yes, I have that, but I was not sure whether that was just a letter at this moment in time or whether the agency was pursuing the MOUs more aggressively at officer level to then help inform the response at the political level. I would have to bow and say I am still waiting on the government's response to the grassland report. MOUs have got limitations, but they certainly make people engage in the conversation and try to meet some of the objectives in the document. I cannot see any other mechanism at the moment that is better than MOUs. There may well be one, but I would certainly suggest that we keep pursuing that with the government.

MR SESELJA: Going back to resource use on page 49 and 50. The occupancy is five FTEs. The area of office space is 1,637 and the non-office space is 295, which amounts to about 1,937 square metres. Are you able to explain why there is that amount?

Dr Cooper: We have one meeting room which we need when we deal with community issues and complaints. It is actually not that big. As to the other part, we often have, if you like, surges. When you are doing the *Regional state of the environment report* you might have 10 other people in there. We grappled with the vexed issue of how we could get accommodation other than where we are and we could not. At that time I understand that the agency which was helping out with the accommodation said, "We'll put you in the motor vehicle registry office, which is not central, and therefore it can accommodate the ebbs and flows in terms of staffing numbers." While we have five FTEs there is many a time when we have got a lot more people working on projects in there.

MR SESELJA: Ordinarily you have 15 to 18 square metres per employee. This is well above that—it is like 10 times that. What is the amount that you pay for rent?

Dr Cooper: I would have to take that on notice and let you know.

MR SESELJA: Okay.

THE CHAIR: Pages 29 and 30 of the report talk about air quality. You made a number of recommendations about both indoor and outdoor air quality which the government has agreed to. It is now one year later. How do you think the government has progressed in that area? Do you have any role?

Dr Cooper: Ms Hunter, as I said before, we have not followed that one through

because we just got the government's response recently to that particular recommendation.

THE CHAIR: So we would have to wait for a while to see what flows through?

Dr Cooper: Yes. I understand that in June next year or so the first air quality report will be produced. Definitely the EPA are going to produce that report.

THE CHAIR: So there will be an EPA report on air quality in June?

Dr Cooper: Yes. The government in its response said that the government will produce its first annual report dealing with air quality and that is due out next year.

THE CHAIR: We look forward to seeing that report. Just going to quality of water, do you have any thoughts around the quality of water in Lake Burley Griffin? Obviously the salt is an issue within the Molonglo River and so forth, but is this something you are concerned about? Is that a role that you are playing around the lake?

Dr Cooper: We do not play a particularly strong role in the water issues around the lake. That is handled by the EPA who do, I understand, report back publicly. You are particularly concerned about the algae outbreaks?

THE CHAIR: The algae, yes.

Dr Cooper: The seasonal outbreak. That is definitely the EPA. If you were to ask them I am sure they would have all the figures on it and could let you know. It is around controlling the inflows of water and what goes in and then the temperatures, so some of it would naturally occur.

THE CHAIR: As the commissioner, from your point of view are you confident that the ACT government and the various agencies—the National Capital Authority and so forth—are working together to look after the quality of water in the lake?

Dr Cooper: I would not use the word “confident” because I do not have information. In order to answer that question, the way I like to work is to actually get the information, do an assessment and then respond.

THE CHAIR: Do you see that as part of your role?

Dr Cooper: If I was asked to do that, I would. At the moment, in terms of programming for a small office, we are at full capacity, I would say, for the next six months.

THE CHAIR: With investigations.

Dr Cooper: Yes, with investigations. But if it were a priority of the government or the Assembly, I certainly would look into an issue like that. I do not like giving comment without having done an analysis.

THE CHAIR: Thank you.

MRS DUNNE: I have a very specific question and some more general ones. In the list of tenderers on page 47, there are two single select tenders. I was wondering, Dr Cooper, whether you can tell the committee why we went down the single select tender path and what benchmarks were put in place to determine the suitability of the contractors?

Dr Cooper: The Stinson one was chosen because he had in-depth understanding of the catchment issues within the ACT and the areas affecting water supply catchments. He had also been engaged previously to look at the issue of the role of the office. He had a significant background in both the catchment and the role of the office. It would have cost us considerably more to have employed somebody else who had to come up to the understanding level that Mr Stinson had. He also brought with him independence, having been a previous commissioner and no longer involved, if you like, in working with the ACT government. It was felt that his paper would have given that independence as well as the technical issues that were needed.

MRS DUNNE: The other one—NGH's biodiversity indicators for the state of the environment report: why was that a single select tender?

Dr Cooper: I will have to go back and look at the documentation, Mrs Dunne. I would like to take that one on notice. But I can say they were people who had an in-depth understanding at the regional level on the biodiversity issues. From memory, we could not find anyone else to even seek a tendering process with that had the broad scope of expertise that they had at the regional level. I would be more than happy to come back to you on that one.

MRS DUNNE: Thank you. Just generally on the sorts of issues that you raise in your report, especially page 20 and on: there are issues about the ecological footprint, climate change, energy demand, water consumption, sustainable transport and things like that. What is your general assessment and how far does this go in your remit about the ACT's performance in these areas? You have a narrative about them, but how far is it your remit to make particular comment or a critique of our performance in these areas?

Dr Cooper: I think it is part of the core requirement of the office.

MRS DUNNE: I am therefore surprised if you say that it is part of the core requirements that some of the comments are more a narrative of what is happening rather than a comment on the success or the appropriateness of those things.

Dr Cooper: We tried to pick that up. The state of the environment report is rather recent and I think the recommendations in that picked up the critique of what needed to be done. It is very clear on waste—up 87 per cent in 10 years with a population increase of 10 per cent. That is not a score card that one would celebrate. Also too in some of those comments I mention that we have spent considerable money on things like the HEAT home energy advisory team. That is actually reaching a very small number of households.

We are being challenged on many of these issues and I think we do try and bring that out. We have brought it out, I hope, in a factual way and it backs up—which is why we have mentioned this—what was in the state of the environment report. So let us not lose sight that here in the ACT we are high consumers, high income people. Overall, we are not, as a society, really coming to terms with the confronting issue before us. I clearly say that sustainable transport is a key issue for this city to go into our future as a major need of focus. That is why we bring out what we are doing on water and what is happening in terms of our weather for that year. It is not a very comforting picture for us all in terms of the species, I do not think.

MRS DUNNE: I am just wondering whether you see the role of the commission will be increasingly to run a critique of the progress of the territory—not necessarily the progress of the government, but the progress of the territory as a whole in these areas.

Dr Cooper: Absolutely. That is why we feel strongly about the ecological footprint. You can argue at an intellectual level that it has got problems with the measurement, but at least it puts it in front of us as a society and says, “We’re not doing very well in terms of being all that smart in the impact we’re having on the environment.” I say that quite publicly. Certainly government have got a key role—they are leaders—but certainly we have a role in every single thing we do in the community.

MR SESELJA: Just going back to the earlier questioning about reams of paper. Are you able to provide, maybe on notice, some further detail? You suggested in your answer that it was reports, including things like the annual report, that were included in that as well as ordinary office usage. It still is a massive number. It is half a million per month—double that if you do it double-sided in terms of pages. Are you able to give a breakdown of how much of that paper use comes from things like getting these reports printed and how much is just general office use?

Dr Cooper: Most of it would be the reports, but I am happy to do that. My colleague Narelle managed to source the information for us. Narelle, could you just check that there has not been an error made?

Ms Sargent: Can I just check that you said monthly? I think you indicated you that it was monthly usage?

MR SESELJA: No, it is annual. I think if you break it down, it is half a million per month in terms of pages, or pieces of paper, from what I can tell. That still seems a lot, even if include these 50-page reports. You are talking about reams of paper there. It is six million pieces of paper. That is what I am trying to get to the bottom of. That is why when I read it initially I thought could be an error.

Dr Cooper: I think it might be at that level because I know we do not use that volume.

MR SESELJA: I would be grateful if you could get a detailed answer on that just to clarify whether that is an error and, if it is an error, what is the actual figure.

MR RATTENBURY: On page 30, you talk about the government response to recommendations of the state of the environment report under “Conserving biodiversity”. Regarding the snow gum-candlebark tableland woodland you said there

is a requirement for a full assessment recording of the location and condition of remaining examples of that habitat or ecosystem type. To me it is not clear whether the government gave a commitment to conduct a full assessment and recording of the location. What is your understanding of whether that will happen or not? There is agreement in principle in the report and it is unclear to me whether that specific action is going to take place.

Dr Cooper: I agree with you, Mr Rattenbury, it is unclear of the timing. But they clearly put, from my perspective, “agree”. When they have agreed, I am assuming that it is as presented and the ones where they say “in principle agreement” are the ones where I am assuming is not going to be fully implemented in terms of the wording that I presented.

MRS DUNNE: This one does say “agree”.

MR HARGREAVES: The question is asking Dr Cooper to indicate what she thinks the government is going to do. Might I suggest that it would be a better process for us, as a committee, to put that question to the minister rather than to ask Dr Cooper to give her opinion on what the minister may or may not do as a result of the agreement. I understand where you are coming from. I think we should get an answer to it, but I do not think it is fair to put Dr Cooper in this position to try and answer it.

MR RATTENBURY: Just to be clear, I was not seeking to ask Dr Cooper’s opinion on what the minister was thinking. I was asking her what she knew about where it was up to.

Dr Cooper: As I said before, we have not interrogated these because the government just recently brought out their position on them. We will interrogate them in the next annual report. If you like, we could seek that information.

MR RATTENBURY: I will ask the minister myself; it is fine, thank you. I will defer to Mr Hargreaves’s intent to protect your role and I will ask the minister myself.

THE CHAIR: Are there any further questions for Dr Cooper or the other officers?

MRS DUNNE: Not at this stage, Madam Chair.

MR RATTENBURY: No, I am fine, thank you.

THE CHAIR: Thank you very much, Dr Cooper, Ms Hargreaves and Ms Sargent for your time this afternoon.

Good afternoon, Mr Papps and Mr McNulty. As the former Conservator of Flora and Fauna and the current Conservator of Flora and Fauna, thank you for coming along this afternoon. The privilege statement is in front of you. I need to know that you understand the implications of the privilege statement. Would one of you like to start with an opening statement?

Mr McNulty: I do not have an opening statement. We would be happy to answer the committee’s questions.

THE CHAIR: Can we go to tree protection and some of the decisions. There were 1,842 applications for tree damaging activities during that financial year. What proportion of applications would come from developers wanting to develop the land and how many would come from general residents around taking out a tree in their backyard?

Mr McNulty: The great majority of those 1,842 are individuals. Most of the developers would come through the DA track where the conservator comments on development applications. So I think those 1,800 relate to requests from individuals about their properties—the great majority, at least.

MRS DUNNE: Could I follow up on tree-damaging activity. I am not sure whether this falls to the conservator or whether this falls to ACTPLA. If I am in the wrong place, tell me. If a decision is made in relation to tree damaging activity, does the conservator make the decision about a no-build area or is that an ACTPLA decision?

Mr McNulty: I think the conservator can issue directions about protection of trees, and that is the mechanism that is used to achieve it.

MRS DUNNE: But if the conservator has given permission for a tree to be taken out, who makes the decision about whether there is a no-build order that goes with the removal of that tree?

Mr McNulty: The conservator's powers under the act are to say yes or no to removal of a tree, and can issue directions about what happens with a tree. After that, I do not think that the conservator has power to issue a no-build order.

MRS DUNNE: There are no-build orders in the legislation, though.

Mr McNulty: Sorry?

MRS DUNNE: There are no-build orders in the legislation but it is not within the power of the conservator—

Mr McNulty: For registered trees, that applies.

MRS DUNNE: So you do have it for significant trees?

Mr McNulty: Registered trees. If you recall, the Tree Protection Act covers regulated trees and registered trees. Regulated trees are essentially large trees. Under the act, there are some size criteria about what is a regulated tree. Registered trees are trees of special significance and there are some criteria for that. There is a stronger level of protection for registered trees than for regulated trees.

MRS DUNNE: So you only have capacity to issue a no-build order where there is a registered tree?

Mr McNulty: A registered tree.

THE CHAIR: How many trees are there currently on the register?

Mr McNulty: My understanding is that there are around 30 provisionally registered by the conservator at the moment.

THE CHAIR: Is that the sort of number you would expect? It has been going quite slowly.

Mr McNulty: Yes. It is a constant challenge to proactively go and look at trees for registration, given that we have to deal with the 1,842 requests for tree damaging activities within the statutory time frame. Certainly, while I was conservator, we attempted to dedicate resources to the tree register in order to meet the statutory time frames for deciding on the tree damaging activity requests. We had to pull those resources back to deal with them. So it has been a slow process.

THE CHAIR: Members of the public can come forward and nominate?

Mr McNulty: Yes.

THE CHAIR: But then you will—

Mr McNulty: There is an assessment that has to be done, yes.

THE CHAIR: As the commissioner for the environment said before, you are having to triage what it is that you look at?

Mr McNulty: Yes.

THE CHAIR: Just following on from Mrs Dunne's question, in what situations can ACTPLA overrule the advice of the conservator regarding a regulated or a registered tree?

Mr McNulty: For a regulated tree, the conservator provides advice to ACTPLA and ACTPLA can overrule that advice based on the fact that all design options have been considered and there are no other options. For a registered tree, they cannot override the conservator's advice.

MR HARGREAVES: So it is not advice at that point; it is a determination?

Mr McNulty: Yes.

THE CHAIR: How often has that situation arisen?

Mr McNulty: I could not give you a number.

THE CHAIR: Say in the last 12 months.

Mr McNulty: I really could not give you a number but it is not infrequent, where ACTPLA make a planning decision that is contrary to the advice of the conservator.

THE CHAIR: It is not infrequent?

Mr McNulty: No.

THE CHAIR: But you would not know the numbers?

Mr McNulty: No, absolutely not.

THE CHAIR: You do not have that recorded anywhere?

Mr McNulty: No. I think that would require trawling back through a whole series of DAs to try and get the answer to that.

MR HARGREAVES: Do you get notified? If you put advice through to ACTPLA on the state of play, and they either accept the advice or do not accept the advice, do they tell you what they have done with that advice?

Mr McNulty: No.

MR HARGREAVES: So there is no way you would know, anyway?

Mr McNulty: No, that is correct.

MR HARGREAVES: It is a question that we would need to put to ACTPLA?

Mr McNulty: Correct.

THE CHAIR: With respect to 1,355 of the 1,842 applications—this was around tree damaging activities that were approved—that is a high proportion of approvals.

Mr McNulty: Yes.

THE CHAIR: Can you give us some information around why it is so high? Is it because the legislation is too lenient or were they good cases?

Mr McNulty: The Tree Protection Act lists a series of criteria under which the conservator has to assess requests for tree damaging activities. If a request meets one of those criteria, or a number of those criteria, the request will be granted. If it does not meet any of those criteria, it will just be refused. So the fact that 1,355 have been approved means they have met the criteria in the act for approval for a tree damaging activity.

THE CHAIR: Mr McNulty, do they have to meet more than one criterion or only one criterion?

Mr McNulty: One of the five, I think it is—at least one of the five. They talk about things like the tree is dying or in decline, it is in an inappropriate location—a whole series of criteria.

MR HARGREAVES: What is an inappropriate location? Is there a criterion which

describes that? For example, if I live across the road and there is a bloke there and I cannot see past his bloody tree?

Mr McNulty: No. But if it is very close to the house and it is likely that it is going to end up damaging the house, that would be an inappropriate—

MR HARGREAVES: Is there a set of subcriteria to that?

Mr McNulty: Our people use their judgement. Where we get a request to remove a tree because of its inappropriate location, if that is refused then there is the reconsideration process which goes to the Tree Advisory Panel and it gets assessed there. And we get a number of them.

THE CHAIR: Do you think that the way the Tree Protection Act sets out the criteria causes some difficulties or problems with assessments?

Mr McNulty: I think the Tree Protection Act is a blunt instrument. It is protecting trees because of their size, not necessarily because of their significance in the landscape. But that is what we work within and we are guided by that.

THE CHAIR: Do you think that with the way it is set out there are a few too many loopholes, for instance, that people can exploit?

Mr McNulty: That would not be my assessment, no. If there was a bit of legislation which was based on the significance of the trees rather than just the size of the trees, there would probably be more applications approved rather than fewer.

MR SESELJA: On page 286 it talks about the investigations conducted during the financial year. Could you tell us what was the nature of the offence where the offender was fined in court and also the four investigations which are still active? What does it take to be investigated under the act?

Mr McNulty: I have got some information here on the nature of some of the offences. I can give you that. One was a person who set his dog onto a kangaroo and then killed the kangaroo after the dog attacked it. One was removing fallen native timber. They are the two examples of offences that I have got in my notes.

MR SESELJA: That is of the six investigations?

Mr McNulty: Yes.

MR SESELJA: We have those two examples. So we do not know which led to fines in court and which led to cautions?

Mr McNulty: The fine was for setting the dog onto the kangaroo and the caution was for removing fallen native timber.

MR SESELJA: So we do not have any information on the four investigations which are still—

Mr McNulty: They are still active and because they are still active we cannot comment on them.

MR SESELJA: But we can know what the nature of the alleged transgressions is, can't we?

Mr McNulty: From the information I have, they are offences against the Tree Protection Act and the Nature Conservation Act.

MR SESELJA: That is all the information you have. Okay.

MR RATTENBURY: I want to ask about the Namadgi draft management plan. You made some reference to it in the annual report. Do you know what the status of the draft management plan is?

Mr McNulty: Yes. The government response to the recommendations made by the standing committee is being prepared and that plan is expected to be completed probably early next year.

MR RATTENBURY: Do you have any role in the development or sign-off of the plan normally?

Mr McNulty: I do not think there is a formal role. There is certainly a consultation role in that, but there is not a formal role under the act, I do not believe.

MRS DUNNE: So who has responsibility for the finalisation of these management plans?

Mr McNulty: The land managers.

MRS DUNNE: So why are you reporting on them here and in the report?

Mr McNulty: I suspect it is because the conservator used to be responsible for the preparation of plans and management. Traditionally they have been reported in the conservator's annual report. Under the new planning act, it is now the land custodian who has that responsibility. That is just where they have traditionally been shown in the annual report and it has been continued. I suspect it is as simple as that.

MRS DUNNE: I was going to ask questions about the long-languishing Jerrabomberra wetland report, but it is probably inappropriate to ask you because you do not have responsibility for it. Is that right?

Mr McNulty: I have got some advice here on that.

MRS DUNNE: Okay. Why has it taken so long?

MR HARGREAVES: I do not think you should ask!

Mr McNulty: The plan has been revised in response to public consultation and it will be sent to the Minister for Planning for referral to the Legislative Assembly's

Standing Committee on Planning, Public Works and Territory and Municipal Services either late or very early next year—probably early next year.

MRS DUNNE: It has been three years or more since—

Mr McNulty: I do not have that information. But that is the status of it at the moment.

MR RATTENBURY: If I can come back to Namadgi: do you have a role under the Nature Conservation Act for approving events in national parks?

Mr McNulty: No.

THE CHAIR: Who does that sit with?

Mr McNulty: That would sit with the land manager, which is PCL.

MR RATTENBURY: You have not had any role then in the decision around an orienteering event that is due to be held in Namadgi in 2010?

Mr McNulty: I certainly have not.

Mr Papps: I have no involvement.

MR RATTENBURY: Thank you.

MRS DUNNE: Where is the revision of the Nature Conservation Act?

Mr Papps: The Nature Conservation Act review is currently being considered within government with a view to it going to government early in 2010 with a recommendation that a discussion paper be publicly released.

MRS DUNNE: Is that not a second discussion paper?

Mr Papps: I do not know. I am not familiar with the history. As far as I am aware, this is the first discussion paper.

MRS DUNNE: It just seems to have been hanging around forever and a day.

Mr Papps: That may well be true. We are keen to expedite the review. We are keen to get the discussion paper out early next year for public comment.

MRS DUNNE: There is money in a budget—perhaps not the current one but maybe the previous budget—for the review of the Nature Conservation Act?

Mr Papps: There may well be. We have certainly undertaken that within our resources. As I understand it, we employed consultants where necessary.

MRS DUNNE: Where does the review of the Nature Conservation Act actually sit? It is not with the conservator formally.

Mr Papps: No. It sits formally with me as Chief Executive of DECCEW. The conservator, of course, would be consulted because it clearly deals with matters of interest to the conservator.

MRS DUNNE: You have asked yourself what you think about it?

Mr Papps: I have.

MRS DUNNE: And what did you say to yourself?

Mr Papps: I find myself in furious agreement with myself. All frivolity aside, the statutory responsibilities are fairly distinct and separate. As conservator, I have some things that I can consider and in coming to my advice those are the things I am entitled to consider. As Chief Executive of DECCEW, I have a range of other matters to consider. Just in terms of administrative arrangements, most of the advice—not all—that I receive on conservator matters comes from within the relevant units in Territory and Municipal Services. There is some separation in terms of the sources of advice as well.

THE CHAIR: Moving on to public land tree replacement, can you describe what role the conservator plays in relation to the removal of trees on unleased territory land?

Mr McNulty: The conservator does not have a role in regard to street trees.

THE CHAIR: The conservator will have no role in the urban tree renewal program?

Mr McNulty: That is right. The conservator's role in relation to trees is on leased land.

MR HARGREAVES: Just let me get this right. If there is a tree on a nature strip you have not got the power to say you cannot chop it down.

Mr McNulty: That is correct.

MR HARGREAVES: But if it is over the other side of the footpath and on private land, you do.

Mr McNulty: Correct.

MR HARGREAVES: That is clever, isn't it?

MRS DUNNE: That is your legislation, John.

MR HARGREAVES: Yes, but you put it in in the first place.

Mr McNulty: Mr Papps made a good point—unless it has got fauna in it.

MR HARGREAVES: Right. So if there is a koala bear nailed to the thing, we are all right, yes.

MRS DUNNE: Hence the Corroboree Park—

Mr McNulty: Correct. I think that is the point he is making.

THE CHAIR: Could I just get some sense of the size of the office of the Conservator of Flora and Fauna?

MR HARGREAVES: Is it a big office with a nice chair and desk?

Mr Papps: It is a very modest office.

THE CHAIR: The office is basically for the conservator and there are no other staff?

Mr Papps: There is an individual officer within TAMS who is charged specifically with coordination work, who is, if you like, the person who spends some time and energy making sure that advice is sought from the right part of the departments and that it is brought together in a way that is fairly coherent. Other than that, the conservator has the capacity to draw on advice from whatever unit within either TAMS or DECCEW, or indeed other public service units, it is necessary for him to form a view, or for me to form a view.

MR HARGREAVES: It has always been a part-time role, hasn't it?

Mr Papps: Correct.

MR HARGREAVES: To your knowledge, because you have been around for quite a while, do you know whether or not it was anything but a component of a particular officer's job?

Mr McNulty: The Nature Conservation Act requires the relevant chief executive to nominate a public servant as the conservator and, as far as I am aware, that has always been a part-time role as an adjunct to a whole range of other roles. The other point I would make in regard to what Mr Papps said is that the conservator can also get advice from the Flora and Fauna Committee and the Natural Resource Management Advisory Committee. So there are some relatively expert bodies of advice that are available. I sought that this year on one of the matters that ended up in the ACAT, so it was really helpful.

MRS DUNNE: Kangaroos are Mr McNulty's favourite subject.

Mc McNulty: Correct.

THE CHAIR: Obviously the change this year has been that the role has sat in TAMS and it has now moved over to DECCEW. I was wondering why that decision was made.

Mr McNulty: I will give a bit of history and then Mr Papps might like to comment. When DECCEW was created, the staff that went to DECCEW all came from TAMS, essentially, at the time. There was a discussion then about where the conservator should sit. It was agreed at the time that it was not a first-order issue to be resolved

while the new department was being established. Once it was established, the role was more clearly defined. A discussion then took place and it was agreed that, given that there was a department for the environment, that would be the logical place for the conservator to sit.

Mr Papps: I do not know that I can add much to that. I inherited the decision. Certainly, I was quite pleased to implement it. I had no problem with it. It did strike me—and I do not know whether this had any role in the decision making for that—that, as chief executive of DECCEW, I certainly have principal responsibility, although not sole responsibility, for both the Nature Conservation Act and the nature conservation strategy. Both of those documents inform the decision making of the conservator.

So there is some logic in having me, in my role as chief executive of DECCEW, undertake the role of conservator. The principal thing, from my relatively short period of time as conservator, is the sort of thing that has already been referred to, in the sense that I can go where I need to to get the advice that I need to make the decisions. I think that is the most important consideration in terms of the role of a conservator.

MS HUNTER: So you see that there are obviously benefits. It seems to be a good fit and it does not raise conflicts of interest in your role?

Mr Papps: It has not so far and I cannot envisage where any conflicts arise. I am certainly keenly aware of those. We pay particular attention to the sorts of things I am entitled to consider as conservator in arriving at a decision.

MS HUNTER: Thank you. Are there any other questions?

MRS DUNNE: I have a few about licences to keep. The conservator makes the decisions in relation to keeping and exporting native animals and exotic animals but who polices that, if anyone?

Mr Papps: The vet in TAMS undertakes inspections of premises where there are licences to keep. But that is about the extent of it, given the resources.

MRS DUNNE: If somebody has three or four snakes and a licence to keep snakes, would they be subject to inspection by the vet?

Mr Papps: Probably not.

MRS DUNNE: Or would it be large commercial premises.

Mr Papps: It would be the large commercial premises, yes. Unfortunately, the resources do not allow—

MRS DUNNE: There are licences to keep exotic animals as well. What sort of exotic animals come into that category?

Mr Papps: I am not sure I can answer that off the top of my head. Sorry, the National Zoo and Aquarium.

MS HUNTER: Are there any further questions?

MR HARGREAVES: Not at all.

MS HUNTER: Thank you very much, Mr Papps and Mr McNulty, for appearing before us this afternoon. The hearing is now adjourned.

The committee adjourned at 3.28 pm.