



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

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

(Reference: [Annual and financial reports 2010-2011](#))

Members:

**MS M HUNTER (The Chair)
MS M PORTER (The Deputy Chair)
MR Z SESELJA**

TRANSCRIPT OF EVIDENCE

CANBERRA

THURSDAY, 3 NOVEMBER 2011

**Secretary to the committee:
Ms S Salvaneschi (Ph: 6205 0136)**

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

APPEARANCES

Office of the Commissioner for Sustainability and the Environment.....1

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Amended 9 August 2011

The committee met at 2.05 pm.

Appearances:

Office of the Commissioner for Sustainability and the Environment
Neil, Mr Robert, Acting Commissioner
Burrows, Ms Sarah, Senior Manager

THE CHAIR: I formally declare open this public hearing of the Standing Committee on Climate Change, Environment and Water inquiring into 2010-11 annual reports. Today we will be looking at the annual report of the Office of the Commissioner for Sustainability and the Environment. On behalf of the committee I would like to thank you, Mr Neil, and you, Ms Burrows, for attending the hearing this afternoon.

Just to remind witnesses of the protections and obligations afforded by parliamentary privilege, I draw your attention to the blue privilege statement before you on the table. Could you please confirm for the record that you understand the privilege implications of the statement?

Mr Neil: Yes.

Ms Burrows: Yes.

THE CHAIR: I remind witnesses that the proceedings are being recorded by Hansard and they are also being webstreamed and broadcast live. We have quite a bit of ground to cover. Mr Neil, would you like to start by making an opening statement?

Mr Neil: Yes, I would. As you will be aware, I have recently come to this position. I have had a look through the annual report and discussed it with the office. I would like to highlight some of the things that have occurred in the last 12 months which have probably occupied the office quite considerably.

In terms of our statutory role, the progressing of the 2011 state of the environment report has been quite significant over the last 12 months, including releasing *The 2008-09 ecological footprint of the population of the ACT*. In addition, approximately 20 complaints have been progressed in the last 12 months; they cover a range of issues, from trees, which were fairly dominant, to waste, air quality and planning process decisions.

In terms of investigations, the office has completed and submitted a report on an audit or assessment of ACT government agencies' environmental performance reporting. It has also completed and submitted a report on the investigation into the government's tree management practices and the renewal of Canberra's urban forest, both substantial pieces of work. And during the reporting period it progressed the Canberra nature park, Molonglo River corridor and Googong foreshores investigation. That has just recently been tabled, and that was a very substantial piece of work. And we have commenced the investigation into the state of the watercourses and catchments for Lake Burley Griffin.

In terms of advocacy, the office is progressing the Dickson motor vehicle registry sustainability working group; we are taking the lead role in the activities at the motor registry. It is progressing the young people ambassadors group; they are a group of 11 young people—10 now; one of them has gone back to China—who are helping us, in a sense, try to engage with the younger community. As part of that, it also continued the “What can I do?” campaign, which is about reducing our environmental footprint.

They are the main highlights for the last 12 months.

THE CHAIR: Thank you. I might start with a question about the expanded role of the office. The report about the expanded role of the Office of the Commissioner for Sustainability and the Environment was submitted to the minister in September 2009.

Mr Neil: Correct.

THE CHAIR: Have you had any indication at all from government about when they might respond to this report?

Mr Neil: Not directly. I understand, in listening to some of the commentary, that the government is looking at a review of the Nature Conservation Act and the expanded role of the commissioner in a holistic sense, but we have had no direct response, no.

THE CHAIR: Has the commissioner given any thought as to whether you would release this report? We are now in 2011; it is two years down the track. Have you given any thought at all to releasing it yourselves?

Mr Neil: No.

THE CHAIR: And why is that?

Mr Neil: The government needs a chance to respond to it. Admittedly 2009 is quite a long time ago, but it is quite a change to the current act, the proposed role. Partly it has been progressed through the way that, say, the environment report is reported now. There is a focus on sustainability, not just environmental indicators. The office is quietly doing things, but we have not intended to release the report.

THE CHAIR: Would the commissioner have a look at whether that report could be released to this committee?

Mr Neil: Certainly we could do that, yes.

THE CHAIR: Has the office had any discussions with the government in the last 12 months about the expanded role?

Mr Neil: Not that I am aware of, no.

THE CHAIR: And what that could look like.

Mr Neil: No. Certainly not that I am aware of.

THE CHAIR: I would appreciate it if you would look at whether the committee could get a copy of that report. We are two years down the track from when it first was lodged and it has been talked about for a long time. You mentioned a couple of things in your opening statement, Mr Neil. One was the “What can I do?” campaign. I am wondering how much time the office put into running the campaigns this year.

Ms Burrows: With the “What can I do?” campaign, we tend to target particular events during the year. We have targeted it at Christmas. I think we looked at the sales in early June, to coincide with the shopping sales. Also we looked at “What can I do in my home?” in July, which provided a fact sheet. What we try to do is be strategic in the key events during the year when we look at those things.

THE CHAIR: You mentioned the “What can I do when at the sales?” campaign. That was early June. What did this campaign look like? What did you put into that campaign? You are saying you did targeted campaigns; I am just wondering how you carried it out and how you know if it has been effective.

Ms Burrows: This is largely done through media and media awareness. The campaign was basically a reminder about shopping smart and only buying what you need. That is done basically through media and it is measured through media uptake of that message.

THE CHAIR: What sort of media were you using?

Ms Burrows: I would have to check, but I think it was print media primarily—and probably interviews on radio, but I would have to check.

THE CHAIR: How do you then work out the uptake?

Ms Burrows: This is measured. We have an organisation that helps us with this to access the media, and look at uptake as well, in terms of how many print articles there are or how many interviews are done.

MR SESELJA: Are the results of that published anywhere in terms of the uptake?

Ms Burrows: Not that I am aware of, but we can certainly look into that.

Mr Neil: If they are not, we have got them available. There is no reason why we would not make them available.

Ms Burrows: We can certainly look into that.

MR SESELJA: How much did that program cost?

Ms Burrows: I think we would have to take that on notice. From what I understand, it would not have been a significant cost, but we can take that on notice.

MR SESELJA: I think Ms Hunter asked a question about how much time, and I do not know that that has been answered.

THE CHAIR: Yes; I am just wondering. It is quite small. There is not a lot of money that goes into it. Because it is such a small amount of money, you say they are targeted campaigns, but I am just trying to get some sense of whether they have been evaluated and whether it is a worthwhile use of the commission's time and resources to run these campaigns or whether it would be more appropriate that government did that with more resources and so forth. It is really about whether they are having an impact and whether they are effective. Do you have any way that you can measure whether they are having an impact?

Ms Burrows: As I said, from what I understand, it is measured through media uptake, but I would have to look further into that.

Mr Neil: I do not think there would be a quantitative answer to that. When you look at "What can I do in my home?", there is a fact sheet about retrofitting buildings to reduce greenhouse gas emissions. Whether the fact sheet prompted people to do it or whether there is other advertising around reduced emissions and energy efficiency would probably be a little difficult to separate. Part of the campaign was actually to engage the young people to try and get them involved. So there is a small compartment—

THE CHAIR: Is this a link to the young ambassadors program?

Mr Neil: Yes.

THE CHAIR: Is that what it is about?

Mr Neil: Yes.

THE CHAIR: So is the purpose more about engaging with young people than getting a message out there publicly?

Mr Neil: Both. But primarily the young people or ambassadors were used to help deliver the message.

THE CHAIR: Is part of that because there is a gap? The directorate is not running these sorts of campaigns. Was that part of the thinking—that there is a gap in the messages going out?

Mr Neil: I am not really sure whether that was the reason for it. There is a role for the office to advocate for environment and sustainability; this just fills part of that role, part of the advocacy role.

MS PORTER: On the back of that you mentioned that part of that campaign was during the sales and getting people to buy less or to buy more wisely. I note on pages 3 and 4 it talks about the ecological footprint of the population. It mentions the study done in 2008-09 and, over the page, states that the average Canberran was found to be consuming considerably more than previously. It was 25 per cent higher than 10 years ago, which is a considerable jump. I notice on page 1 it talks about your role in innovations and seeking the best available knowledge to pursue solutions that may not be currently evident. Is that one of the reasons why you did this campaign at that

particular time, or were you aiming to try and get people to obviously buy less, so they would consume less, so we would look to ameliorate this particular issue? Do you have any other ideas that you might be contemplating that we could roll out to try and address this particular issue?

Mr Neil: There has been, as you say, quite a large increase in our ecological footprint over the last 10 years. The sales campaign was really aimed at trying to tell people to buy what they need, not what they want. Part of the innovation—and Ms Burrows can help me out here—is to look beyond what we currently have. So there has been a little bit of horizon scanning to try and foster a few ideas that are not normally mainstream. There is a report on that, but it is not due until probably the end of November. It may provide a little more on the innovations of it.

Ms Burrows: As Bob said, we have got that report. We have also done a couple of other reports. We had a few other reports commissioned. One, by a Dr Sarah Ryan, was looking at buying choices for a more sustainable Canberra. It was looking at the ecological footprint and individual items that most Canberrans would buy, so anything from bread and tomatoes to a television set. It was looking at how they are produced and the footprint of each of those and what role Canberrans can play individually in the choices they make and how that can impact on the footprint.

We have also got two other additional papers around consumption that we have commissioned that will feed into the state of the environment report. Both of these are just being finalised. One is looking at attitudes and values regarding consumption and why we choose what we choose, or if there is information out there on there. Quite often there is not specific information for the ACT regarding that. We are also getting an additional paper done by Dr Chris Dey, who did the footprint, to look at bit further into the footprint and what it means and how there might be some role for the community to play in addressing the footprint.

MS PORTER: You mentioned before that the young ambassadors were involved in that program. How are these young ambassadors chosen?

Ms Burrows: Basically, there was a voluntary application process when it initially started a year or two ago and there have been some that have moved on and others that have been taken up.

MS PORTER: So how do you decide? Once you get all these applications in, how do you decide from those applications which young people would—

Ms Burrows: That was not a process I was involved in, so I would have to go back and find out what the process was for that.

Mr Neil: I am not sure, so we can—

THE CHAIR: I will just note for the *Hansard* that you will take that on notice.

Mr Neil: Yes.

MS PORTER: Thank you very much for taking that on notice; that is great.

THE CHAIR: I should have noted before for the *Hansard* that you are taking on notice the issue about the expanded role of the commissioner.

Mr Neil: Yes.

Ms Burrows: Yes.

THE CHAIR: I was just going to follow up on that one as well. I was just wondering how often the young ambassadors meet and how they are getting their message out. I note on the website that the blog function does not actually work. I was wondering how they, I guess, engage with other young people. What is the expectation of the office, as far as their engagement with others, in getting the word out?

Mr Neil: We have one currently working in the office. The last meeting for the young ambassadors was last month. For people like me, blogging and twittering and things like that are a little foreign. When we sit down and talk about how some things should look or how something should be presented, particularly on the web, the young ambassadors have a very strong voice in helping us determine how the message will get to them. In my short time, I think that has probably been the best demonstration of what they can do.

MR SESELJA: On page 5 it talks about the Canberra nature park, the Molonglo River corridor and the Googong foreshores investigation. It highlights a bunch of papers—11 technical papers. Firstly, before we get into the detail of them, there is a line on page 5 that says:

Of these, 11 were technical papers—
of the 14—

which reflect the views of their authors and not the Commissioner.

Is that standard language or is there a particular reason why the commission wanted to make it clear that they did not reflect the views of the commissioner?

Mr Neil: I cannot answer that for the previous commissioner, but certainly, from my point of view, sometimes you get reports that do not necessarily reflect your own views but just provide input into a consolidated report. You might get scientific information, and it does not take too long to find an alternative scientist who may have a differing view. I think it is fairly much just a comment that all these papers have been done independently and do not necessarily represent the views of the commissioner. That would certainly be my reading of it.

MR SESELJA: Okay. On each of the reports, how much did those reports cost the commission to have completed?

Mr Neil: In total, the Canberra nature park investigation was \$144,000.

MR SESELJA: Is that the total of the external reports or the total cost of the

investigation?

Mr Neil: The total costs for the investigation is the advice I have.

MR SESELJA: So how much is made up of those various reports which were commissioned?

Mr Neil: I will have to take that one on notice, Mr Seselja. I do not have that level of detail here.

MR SESELJA: Okay. When you get back to the committee could you also provide, for each of those reports, the cost to the commission?

Mr Neil: Yes.

MR SESELJA: On another issue, on page 7—

THE CHAIR: Could we just note that that is a question taken on notice?

Mr Neil: Yes.

MR SESELJA: On page 7 we hear about—and you mentioned it in the opening statement—the Dickson Motor Registry sustainability working group. It talks about, I think, some upgrades that have occurred in the building, including the installation of sensor lights, rainwater tanks and the planned installation of solar-powered water heating. How much have those upgrades cost?

Ms Burrows: We reside in the Dickson Motor Registry, but those costs would have come from the department. At the time it would have been TAMS. We are only a small office within that building and the primary use for the building is for TAMS road services.

MR SESELJA: So you are not—

Mr Neil: That would be Property Group.

Ms Burrows: Property Group would have those figures.

Mr Neil: The building owner would have the capital costs.

MR SESELJA: So you are not aware what those costs are?

Mr Neil: No.

MR SESELJA: Okay. You said you had taken a lead role on that. I am interested in the sort of thinking behind the upgrades to the registry when I understand it is going to be sold very soon. Was that part of the working group's consideration? Did the working group consider whether or not it was worthwhile spending that money if the government was going to sell it soon and it was likely to be redeveloped?

Mr Neil: I do not have the answer to that, but I should imagine that that was the case. A lot of this sustainability work is around educating the occupants of the building. The capital works are just part of the whole program, and I think the bigger achievements are based on resource reduction.

MR SESELJA: The working group does not get access to how much the various capital upgrades cost; is that right?

Mr Neil: Not that I am aware of because, as the building owner, the Property Group would run those capital works.

THE CHAIR: I just wanted to ask about that too. Over on page 50, with the triple-bottom-line report, you have a drop. There has actually been a drop in emissions from last year. I was wondering how that had come about. I am just trying to understand if that is due to how you are now counting the building. I think that a couple of years ago when it was looking at ESD reporting everybody was in together. Has it now been split up into offices? How is it operating? Can you explain that?

Mr Neil: Yes. It is still operated on per square metre and number of occupants. We take a proportion of the whole of the motor registry. It changed in terms of the bits that we could manage ourselves, which were things like our paper recycling and our waste generation. You will see that it has gone up considerably in one portion. That is because we have actually taken more action and got a far better estimate. Someone went round and checked the bins. They checked the volumes, they checked what was in them and then they asked how many times a week they were being emptied. We have a separate recycling bin within the office. Those figures are separate, but the energy is just our portion of the building footprint.

THE CHAIR: So you are not sure exactly why that has dropped?

Mr Neil: Because it is a proportion of the overall building one would hope that they have become far more energy efficient.

THE CHAIR: Okay. Mrs Dunne?

MRS DUNNE: I was interested to see that, amongst your consultants, there is a consultancy for determining a peer review for themes and indicators of the 2011 state of the environment report. What is the commission's thinking about indicators? How much of a change will there be in the indicators and, therefore, how effective are they as a measure of improvement over time if we are regularly changing the indicators?

THE CHAIR: I would like to add to Mrs Dunne's question by adding that we have had the ecological footprint report. Are you using any of that to identify indicators?

Mr Neil: The ecological footprint as a strategic measurement with the indicator is actually quite valuable. If you use the same methodology, you can compare one year to the next. So I think that that is probably a strategic indicator. The other indicators are not getting lost. They are looked at within the theme. So the traditional water quality, air quality—they are looked at in the theme papers and what is called the indicator cluster groups below that. They should be comparable to previous reports

and I assume would continue to be comparable to future reports.

MRS DUNNE: So when you say, Mr Neil, that they should be comparable, is it that they will be comparable or that you hope that they will be comparable?

Mr Neil: The bulk of them will be comparable. Sometimes research is done on something that has not previously been reported or has been done differently, but you get that now whether it is comparing water quality, say, during a rain event or during a dry event. There are differences.

MRS DUNNE: I suppose what I am getting at is this: will there be a constant theme through the state of the environment report that allows you to refer back to previous state of the environment reports and to measure progress?

Mr Neil: Yes.

MRS DUNNE: And there will be a sort of core of indicators which are sufficiently constant so that you can actually measure progress in these?

Mr Neil: Yes.

MRS DUNNE: Thank you.

THE CHAIR: I want to go to page 4. Under the investigations there is reference to the *Audit/assessment of ACT government agencies environmental performance reporting*. It was against five terms of reference. You gave the report to government and you note there that government is yet to respond. Was that report of yours made public?

Mr Neil: No.

Ms Burrows: No.

THE CHAIR: Is there any intention for the commission to make that public?

Mr Neil: I had not actually given it much thought. I just know that it was not made public. I would have to reread it. I do not think there is anything in there that should concern us.

THE CHAIR: So you will take that on notice to have a look at that?

Mr Neil: Certainly.

THE CHAIR: Thank you. The commissioner did put the report in in October 2010; so it is about a year ago. As noted in your annual report, there is yet to be a government response. Do you have any indication as to why the government has not responded to that report?

Mr Neil: It could be that the government is working very hard to get a triple-bottom-line reporting framework in place for this year. It could be that the report was not all

that favourable.

MR SESELJA: Have you asked?

Mr Neil: No.

MR SESELJA: Why not? Are you not concerned that they have not responded after a year?

Mr Neil: I would only be concerned if the 2010-11 annual reports did not contain the triple-bottom-line reporting requirements.

THE CHAIR: Is that something you will—

Mr Neil: Look into?

THE CHAIR: pursue—go back to have a look at why there has not been a response after 12 months?

Mr Neil: Yes, because for reporting purposes you actually need the baseline data and you need to know what is happening; so yes.

MRS DUNNE: I wish to follow up on government responses rather than the substantive issue. Mr Neil, there is a whole swag of instances that I can see in the report. On page 2 you refer to the fact that you are still waiting for a government response to the commissioner's report dated September 2009 in relation to the expanded role of the commissioner. There is the audit/assessment of government performances, which is a year overdue. Well, it is a year since it has been reported. There is an investigation of tree management and urban forest renewal, which reported in March this year. None of those have been responded to. Do you have any capacity in your office to hurry these things along?

Mr Neil: We certainly have the capacity to ask the minister what the progress is.

MRS DUNNE: Has that happened?

Mr Neil: No, not that I am aware of, and I suggest that people such as yourselves are probably in a similar position.

MR SESELJA: But given it is your report, is there a reason why the commission is not asking the government what is happening with it?

Mr Neil: No.

MRS DUNNE: I know that for the Assembly the government has a general commitment for a three-month turnaround on government responses. Is there any sort of similar benchmark for reports from agencies such as your own?

THE CHAIR: Or is it in any sort of legislation? Is there any legislative requirement for them to respond? As Mrs Dunne said, it is three months for committee reports.

Mr Neil: I could be corrected here, but I think there is a requirement for the government to report on things like the state of the environment report—some of the statutory reports that are delivered. I do not think there is any legal requirement to respond to the non-statutory reports.

THE CHAIR: These ones fall into—

Mr Neil: Yes.

THE CHAIR: that category.

Mr Neil: Yes.

MRS DUNNE: Also, for instance, there is the one that we talked about before—the report on the Canberra nature park, which was tabled more recently. What was the genesis of that report? Is that a statutory report or is that—

Mr Neil: Yes.

MRS DUNNE: That is a statutory report.

Mr Neil: Yes. It is an investigation where the terms of reference are set out and the minister directs the commissioner to undertake an investigation.

MRS DUNNE: So that was a direction from the minister?

Mr Neil: Yes.

THE CHAIR: I just wanted to follow up on that because under the audit assessment of the ACT government agencies, do you know how that investigation came about? Was that a request from government to do that report?

Ms Burrows: That report actually came out of *Weathering the change—ACT climate change strategy*. One of the actions under *Weathering the change* Action Plan—

THE CHAIR: So, in a sense, it was a request from government because it is in the government strategy.

Ms Burrows: Yes, it was not a direct request for an investigation similar to the nature parks. It came out of a government strategy that identified the office to assess progress on the resource management plans and environmental—

THE CHAIR: But even though it is not a direct request, I guess that as it is part of a government strategy it is interesting that it has not been responded to. I would have expected a far more timely response. Mrs Dunne, any more questions on that?

MRS DUNNE: No. Look, I suspect that I will take that particular one up with the minister. I was sort of vaguely expecting that he would be here today but then I had forgotten that he tends not to come to these hearings.

MR SESELJA: So just to clarify, was it taken on notice, chair, in relation to whether the commission would provide those reports to the committee? Was that specifically asked? I just want to clarify that.

MRS DUNNE: Which report, sorry?

MR SESELJA: There were a few, but I think the most recent one was the *Audit/assessment of ACT government agencies' environmental performance reporting*. Have you actually requested that in this hearing or is it—

THE CHAIR: I had requested the report.

MR SESELJA: Yes.

Mr Neil: The role of the commissioner was the first one.

THE CHAIR: The role of the commissioner was the first one. I think I did ask Mr Neil if he would consider that one. If I have not, the committee certainly requests that you have a look at that to see whether the committee can have a copy of that report. That is the *Audit/assessment of ACT government agencies' environmental performance reporting*.

I want to go on to page 55. Mention is made on page 55 of initiating investigations into agencies. It is on the right hand side of the page; the third dot point down. I am just wondering whether the commissioner initiated any investigation into an agency at all?

Mr Neil: No, they have not. No, the office has not.

THE CHAIR: Right. So what would be the trigger to sort of start an investigation of that sort?

Mr Neil: That is me, as the commissioner. If I had serious concerns about the way a government agency, or an agent on behalf of a government agency, was not managing the environment, then I could initiate an investigation of my own. But I do not think that has ever been done since 1993 when the act came in, as far as I am aware.

THE CHAIR: Right. On page 16 there is a section—I like the way it is laid out, by the way—dealing with complaints and the follow through. On page 16 it talks about a hazard reduction action at the Mullangarri Nature Reserve, where there was a burn done by TAMS. There were real concerns that that had led to impacts on threatened species. That was not of the sort of calibre that would spark an investigation?

Mr Neil: Rather than an investigation, I think the activity triggered, through a complaint—rather than calling it an investigation, it was a complaint but the same level of scrutiny and the same sort of process would be followed. So in a sense, there was no need for the commissioner to investigate it or commence an investigation off their own powers.

THE CHAIR: So are you confident that the issues that were highlighted by this incident have been resolved?

Mr Neil: There has been a lot of work done on the hazard reduction and bushfire management. There has been a significant amount of work involved in trying to balance the needs for fire suppression and ecological outcomes. I am satisfied at the moment that that process is addressing this type of issue.

THE CHAIR: As far as recommendations, these have been advanced with TAMS and the minister? Is that the case? What has been the response from TAMS and the minister?

Mr Neil: Certainly, the bushfire operational plans now take account of ecological guidelines, which they did not previously. So those issues are now addressed in the bushfire operations plans—the minimisation.

THE CHAIR: So you are confident that all those issues are covered off?

Mr Neil: I am confident that the issues are covered off. It is always prudent to wait to see whether they are fully implemented.

THE CHAIR: And how would you do that follow-up?

Mr Neil: After each burn TAMS have actually increased their assessment both before and after the burns. So they will provide reports on that. The reserves report that has just been tabled also seeks an increase in the amount of research and monitoring before and after burns.

THE CHAIR: Thank you. I want to go to one more complaint and then I will hand over to Ms Porter. It is on page 17. Obviously complaints handling is quite fundamental to any statutory organisation. The one on page 17 is a complaint regarding possible asbestos in a redevelopment in Kingston and the appropriate management of the removal. The comment next to this complaint is that it is pending because it is awaiting further information from the Environment and Sustainability Development Directorate. It is now November of the year after the complaint was lodged. What information are you still waiting for?

Ms Burrows: That particular complaint is actually closed now. That was closed in, I think, July.

THE CHAIR: How long did it take to get that information from the directorate?

MRS DUNNE: At least 6 months by the sound of it.

Ms Burrows: Often with complaints it is a case of getting a series of pieces of information. So you initially request information. That comes back. We have an assessment of that and go back again, often several times, to get information specifically once we have assessed it and have additional questions. So this was a case of going to, at the time, a number of agencies—both ACTPLA and DECCEW at the time, now both in ESDD—as well as talking to WorkCover and a number of

organisations. So there is always a waiting period to get the information back, and then we return with additional questions. It is really a case of how long it takes to get that or what additional questions we may or may not have that can take the time to source that.

THE CHAIR: You find with that sort of process that all of those agencies are cooperative and provide information in a timely manner, or do you have particular difficulties?

Mr Neil: They are always cooperative but providing information in a timely manner is a little more difficult. As far as I am aware, there is no statutory requirement for a time to respond, other than a reasonable time.

THE CHAIR: I suppose that creates some issues for a statutory agency because obviously you have someone who has complained on the other end and who is hoping to receive some sort of timely response or feedback.

Mr Neil: Yes. So we would generally keep prompting the relevant department. I could make a decision as to what I thought was reasonable. It could be challenged of course. We are far better off getting the information.

THE CHAIR: But, as you say, there is no statutory requirement.

Mr Neil: There is no statutory time frame, no.

MR SESELJA: Are you satisfied that directorates are being sufficiently responsive to requests for information from the commission?

Mr Neil: No, not entirely.

MR SESELJA: Are there any particular areas where that is a concern, or is it across the board?

Mr Neil: I think it is probably across the board because the sorts of questions we ask generally are not about the run-of-the-mill activity that the directorates would normally have instant information on. So we have got to do a bit of questioning to get the information. Sarah could correct me but I would say it is probably across the board.

Ms Burrows: Yes, generally.

MR SESELJA: That particular complaint in relation to asbestos, what was the resolution in that case?

Ms Burrows: This particular complaint was around appropriate management and process. The conclusion was that the appropriate management had been undertaken in the removal of the asbestos at these particular sites that the complaint was regarding. The complainant was informed of the process that needed to be undertaken, because quite often with complaints it is about providing additional information that they may not have. So we provided the information on what process was required and how it

was undertaken to fulfil that.

MR SESELJA: Chair, I have some other questions on complaints if we can stick with that.

THE CHAIR: I do have one more. Mr Seselja.

MR SESELJA: Going back, there is one in table 5, page 13. It was lodged in November 2009 in relation to air quality. It says that it was resolved and:

... Health advised it is installing and validating a new digital system that will be an improvement on the current system.

What relationship, if any, is there between this complaint and the recent events at Mitchell and the inability of the government to have data in relation to monitoring of air quality?

Mr Neil: There is no relationship. The air quality monitoring is to the national environment protection measures. It is an ambient air quality. It is not specifically for events.

MR SESELJA: In terms of those events that occurred in Mitchell and the concerns over air quality there, the commissioner has no jurisdiction. Is that the case?

Mr Neil: Currently I think the coroner is conducting an investigation and the commissioner for environment legislation would preclude investigating it while the coroner was investigating it anyway.

MR SESELJA: There is one in relation to trees in February 2010, on the same page. It says:

The complainant was advised that the appropriate process was followed. A gap in communicating to the public ... was identified and the complainant was advised the Office would address this problem in the Tree investigation.

How was that addressed in the tree investigation, that particular complaint?

Ms Burrows: This was addressed in the recommendations regarding communication under the tree investigation. The tree investigation recommended a number of recommendations to improve communication to the community, particularly the community directly around any affected tree.

MR SESELJA: The complaint of February 2010 in relation to trees says that as at printing time:

... our Office is waiting for the agency response to the second arborist report.

This is in relation to trees in McKellar blocking solar access. Is that still the case or have you now received that response?

Ms Burrows: That complaint is now closed. We have received that response and the

department has undertaken the recommendations under the arborist report, and that was confirmed by the arborist who went to view the tree.

MR SESELJA: What was the delay in the agency response to the second arborist report? What was the reason for the delay?

Ms Burrows: There was not any particular delay with that. The pruning was undertaken in April. Following that, we had a response from the complainant indicating that they did not believe that it was undertaken appropriately. So the arborist went out again and did another assessment. That went back to the agency. So there was no particular delay with that particular one.

THE CHAIR: I want to pick up on the tree complaints because it is fair to say that tree complaints dominated your complaints in this last financial year.

Ms Burrows: Absolutely.

THE CHAIR: Given that most of the complaints related to approaches in the management of the urban forest, do you think these complaints could have been avoided if the government had released its revised approach to urban forest management by now, given that we have been waiting since March?

Mr Neil: There are certainly some recommendations in that report around public engagement and public consultation. When we go through most of these reports, it is generally about a lack of knowledge, a lack of notification and a lack of understanding of why a tree is to be managed in the way it is. Certainly those recommendations in that report would be very beneficial.

THE CHAIR: Have you any idea when the government will be releasing its response?

Mr Neil: No. Clearly we will be writing, asking when they are likely to do it but I think that that capacity sits with the members as well.

THE CHAIR: Ms Porter.

MRS DUNNE: Can I follow up on one on the complaint issues as well.

THE CHAIR: I think Ms Porter had a complaint question.

MS PORTER: No, I have just a comment really. It was one that caught my interest. It is the requirement on page 17 to remove a native garden upon vacating an ACT Housing property. I understand this person was vacating the property and the department was requiring them to remove the garden. Is that the strength of what was happening?

Ms Burrows: Yes, the tenant was departing the property and was advised by the contractors that had come out that they had to remove the garden. This was actually one that ACT Housing was extremely cooperative and very prompt on.

MS PORTER: I noticed it was resolved in the same month, yes.

Ms Burrows: Absolutely. They were very good with this. So the complainant then came to us and said, “I have been told by these contractors to remove my garden.” We contacted ACT Housing to advise whether this was necessary, and they decided it was not necessary and very quickly told the contractors that this was not necessary. And not only that, they then brought up with their contractors the issue of native gardens in public housing, and that has been progressed. So that was one of those very quick and very successful engagements.

THE CHAIR: Mrs Dunne.

MRS DUNNE: I have a couple of issues in relation to complaints. I notice on the bottom of page 14 there is one relating to “build up of waste at the Skippy Bin site in Parkwood”. That is at a site—correct me if I am wrong—that is adjacent to the building waste recycling site where there was a fire. Is that right? Is that the same site or is it an adjacent site?

Ms Burrows: The Skippy Bin site is in the Parkwood estate.

Mr Neil: Is that the same as the BRW site? I think it is BRW.

MRS DUNNE: Yes, it is.

Mr Neil: I know what we are talking about.

MRS DUNNE: Yes, it is a building waste recycling site.

THE CHAIR: I think that is outside the financial year.

MRS DUNNE: I am just asking—

Mr Neil: Whether it is the same site?

MRS DUNNE: Is it the same site or is it in the same vicinity?

Mr Neil: It is certainly in the same vicinity. I do not know whether it is the same site.

MRS DUNNE: There were visits by Property Group, the Fire Brigade and others to the site, but do you know what was resolved as a result of those visits?

Ms Burrows: I believe that Property Group were seeking legal advice to address the issue. They were aware that there were some issues out there and Property Group were seeking legal advice as to how they can approach issues, and similar issues, on the estate.

Mr Neil: It sounds like it could be that same site but I am not sure.

MRS DUNNE: According to this, it was resolved within two months. It was closed by you but what was the outcome of that?

Ms Burrows: It was closed by us as we believed that appropriate action was being taken by the government or the departments at the time, and so the role for us was not necessary anymore.

MR SESELJA: But this is the same site where the fire later occurred. Is that so?

MS PORTER: They are saying they are not sure.

Mr Neil: That was the question Mrs Dunne asked.

Ms Burrows: I am not sure.

Mr Neil: I am not 100 per cent sure.

THE CHAIR: Are you able to take that on notice?

Mr Neil: Yes. I suspect it probably is.

THE CHAIR: That is taken on notice.

MRS DUNNE: But I am really looking for some indication of what causes you to close a file or?

Mr Neil: If Property Group and the Fire Brigade have been out and inspected the site and have instructed that the level of material be diminished over a period of time—and this is just an assumption on my part—then I would say that that would cause us to close that complaint.

MRS DUNNE: Even if they had not actually complied or you had not had evidence that the work was carried out?

Mr Neil: If the Fire Brigade and Property Group went out there and said that they were going to manage this, and the Fire Brigade have fairly strong coercive powers—and I am not sure of the nature of the complaint; it might just be the build-up of waste and someone has got to remove it and there is a process in train—we then could close it. If it is not removed, then that is another issue.

MRS DUNNE: Could you get back to the committee about this complaint, what prompted the site to be closed and does it relate to the same site where there was a fire?

Mr Neil: Yes.

MR SESELJA: And what was communicated from the commission to various government agencies in relation to that particular site. What questions were asked, what information was requested?

Mr Neil: Yes.

THE CHAIR: I note that that has been taken on notice. I have a final one around the hazard reduction fire that was undertaken at the Mullangarri nature reserve. It is mentioned in the comments that TAMS took the action through the Environment Protection and Biodiversity Conservation Act. But there is a comment there that it would be appropriate that it be the Conservator of Flora and Fauna who would make that sort of decision. What was the result there? Is it your understanding that it will be the conservator or the commissioner who makes the decision to take that action rather than the directorate?

Mr Neil: My understanding is it would be the Conservator of Flora and Fauna where there is a potential to impact on threatened or—

THE CHAIR: I am sorry; I note that TAMS did not refer it under the commonwealth act, but I am wondering why the commissioner or the conservator do not play a role.

Mr Neil: My reading of it is that the conservator now does play a role.

THE CHAIR: So that is a formal understanding?

Mr Neil: As far as I am aware, yes.

Ms Burrows: Yes, they agreed to those recommendations. We will check to see if that has been undertaken.

MR SESELJA: Page 18 under the title “Energy” references the ACT government’s target for the territory of sourcing 15 per cent from renewables by 2012 and 25 per cent by 2020. Has the commissioner asked for where the government is up to on meeting those targets? Are you aware of where they are up to?

Ms Burrows: I think what you are looking at is part of the state of the environment report. Off the top of my head, I could not tell you where the targets are up to, but it is being considered in the state of the environment report.

MR SESELJA: Are you able to get back to us on where that is up to?

Ms Burrows: Yes.

MR SESELJA: It goes on to talk about the feed-in scheme. Are you able to let us know, either now or on notice, how much of that 15 per cent target has come about as a result of the feed-in tariff?

Ms Burrows: My understanding is that the feed-in tariff was not part of that target, but I will check on that.

MR SESELJA: I have another question on waste. On page 19 you mention that to date there is no strategy to replace NOWaste by 2010. What is the commission’s view on that, and are you working with the government in any way to encourage them to have a strategy to replace NOWaste by 2010?

Mr Neil: The government is actually progressing a waste strategy. A draft was

released late last year and, as I understand it, the government is hoping to have the waste strategy out by the end of this year.

MR SESELJA: Has the commission had any role in the development of that strategy?

Mr Neil: Personally or the office?

MR SESELJA: The office.

Mr Neil: No.

Ms Burrows: No. The commission's role does not—

MR SESELJA: Okay.

THE CHAIR: Why is that, considering that in your annual report you talk about a number of issues on page 18 and 19? We have climate change, energy consumption and waste. You do in the state of the environment report. Why would the government not have engaged with the office?

Mr Neil: Well, we—

MRS DUNNE: In fairness. I think that is really a question for the government.

Mr Neil: Yes, we will—

THE CHAIR: I think you are right, Mrs Dunne.

Mr Neil: We look at all this as part of the state of the environment report, and that is really where our energies and our views would be placed.

THE CHAIR: Where we are up to with waste at the moment—it has just been mentioned—is an increase. Do you have a view on whether those statistics may not have been quite as alarming if the government had got its waste strategy out sooner, because it is quite overdue?

Mr Neil: I think you would need to categorise where the main generation of waste is, and I think it is mainly construction and demolition that has increased. That is probably a consequence of our growing population. Alternatively, our consumptive patterns are probably not as good as they could be.

MS PORTER: I notice on page 21 you talk about horizon scanning, and you talk about a number of small workshops that were held in June 2011. You also identify key future issues. You list quite a large number of those and you say that these ideas, along with others, will be further discussed at a larger workshop in July 2011. Was that workshop held, and is that information available?

Mr Neil: That workshop was held and that report is due at the end of November.

MS PORTER: Will that information be available to this committee or does it go directly to the minister and then—

Mr Neil: No, it will be part of the state of the environment report, so it will go on the web.

MS PORTER: It will in the state of the environment report?

Mr Neil: Yes. It will be publicly available.

THE CHAIR: So you will take the ideas from the workshop and they will be part of informing your state of the environment report; is that correct?

Mr Neil: Yes.

Ms Burrows: Yes. There is a paper in the state of the environment report on progressing sustainability. The horizon scanning brought up issues for discussion rather than solutions, but it brought up some issues for discussion that would then slot into progressing sustainability, which is the one paper that looks forward in the state of the environment report rather than looking at the reporting period, which is backwards.

THE CHAIR: I have one more on that workshop and then I would like to move to the state of the environment report. Who attended the workshop?

Ms Burrows: At the small workshop we had some experts from the ANU and the UC in the environmental field predominantly, so land and water and climate sustainability. We also had local government representatives and a couple of business and community representatives. The June workshop was quite small. I think there were only about 10 or 15 people there. It was really a way to try and focus areas for the larger workshop.

THE CHAIR: And how many attended the larger one?

Ms Burrows: Thirty to 40 people.

MS PORTER: From similar target groups?

Ms Burrows: Yes. What we were looking for were experts in their particular field, because they are often the ones that are thinking in terms of horizon issues and future issues. We tried to get a broad cross-section of experts from community, business and academia, particularly in focusing on environmental and sustainability issues.

MS PORTER: We mention the consumption issue quite a lot, but it does not seem to be listed amongst those. I would have thought that would be an issue for further exploration.

Ms Burrows: Yes, it is something that has come up in the horizon scanning. These are only some of the issues that came up.

MS PORTER: So it is listed there somewhere and I am just not seeing it?

Ms Burrows: No. Sorry. The dot points there are only a few of the range of issues that came up during the workshop.

MS PORTER: So it was one of the ones that were dealt with at the workshop.

Ms Burrows: It was, yes.

THE CHAIR: Moving to the state of the environment report, at page 22 the annual report spends some time reviewing the government's response to the state of the environment report for 2007-08. Just to lay it out, there is a recommendation and then next to it is "Progress". I am just wondering how much time the commission spends critiquing the information it receives back from the government in regard to the progress made against the report. This column headed "Progress": is that just verbatim what the government has said it is doing or do you critique what it says it is doing?

Ms Burrows: It is largely what the government has provided, but we also look a little bit beyond the information that is provided by the departments.

THE CHAIR: Do you see it as an important part of the commissioner's role to provide a comment on government comment or to critique government comment? If you do, where do you put that information at?

Mr Neil: The comments provided by the directorates are taken at face value to start with. Where we would have any information to suggest that what is provided is incorrect, in the first instance we would go back to the director-general of that directorate. If we still thought it was incorrect, it would just be put in the state of the environment report or in our report to the minister.

THE CHAIR: Has that happened?

Mr Neil: In my short time, no. Sarah may or may not be able to answer that.

Ms Burrows: It is certainly put in the state of the environment report—that is, the commissioner's comments on a range of issues, both the state of and the responses to those issues in the environment. To my knowledge there has not been a letter to the minister.

THE CHAIR: I just pull out an example on page 25, and it is 2.b:

The ACT Government and Australian Government agencies, and private landholders responsible for managing native grasslands cooperating with the scientific community and community groups in developing management actions that will ensure survival of threatened grassland communities and the species they support.

In the "Progress" section, the government's response is:

It is planned that information on threatened species and communities will eventually be available over the internet, in a similar format as the planning

information is currently available through ACTMAPi.

Do you think that is a good enough response to what I would have thought was quite a serious recommendation, that eventually they might get around to putting some maps on line?

Mr Neil: No, I do not think it is fully satisfactory. When you look at the recommendation, the response does not actually address it.

THE CHAIR: Which brings me back to that question around the office having a role in critiquing what the government comes back with.

Mr Neil: As I said to you, if we are aware that it is not correct or does not provide a sufficient answer to the question, the recommendation that is posed, yes, I think we should go back to government. It is quite problematic.

MRS DUNNE: When did the government respond to the 2008 state of the environment report?

Ms Burrows: For each annual report we collect this information. This has been reported over three years now to varying degrees. What this report does is provide—in some cases where it has been fully implemented and there is no further progress to be reported, that is included; otherwise it is usually reported as progress for that financial year.

Mr Neil: My concern as the commissioner is that if you do another state of the environment report and then someone looks at that next year, what happens to the 2003 information. It is quite important that we make sure that these are not missed.

THE CHAIR: I am just going to 1.c. It talks about the Goorooyarroo and Mulligans Flat nature reserves. It talks about designation as a national park. It may be that that should be part of a network of areas considered for the designation of national park or given additional protection or recognition by some other overarching designation. It just says “Implemented”. How was that implemented?

MRS DUNNE: They considered it and decided not to do it.

THE CHAIR: We should actually have that, I guess. It would be more accurate to say that, rather than saying that that was implemented.

MRS DUNNE: Sorry; that is my recollection of the history.

Ms Burrows: Yes.

MRS DUNNE: I could be wrong.

Mr Neil: No, I do not think you are, Mrs Dunne.

Ms Burrows: I do not have the previous annual report with us but I would imagine that the previous annual report had details of the process that was undertaken to do

that.

THE CHAIR: Mr Seselja.

MR SESELJA: On page 8 it talks about the \$429,000 rolled-over funding which it says will be used for the preparation of the state of the environment report. What was the \$429,000 originally allocated for? Was it for the state of the environment report?

Ms Burrows: Yes. The office is allocated money annually and for the state of the environment report, which only occurs every four years. So we just roll it over. It tends to be spent within a 12-month period.

MR SESELJA: How much was originally allocated for that?

Ms Burrows: I would have to take that on notice.

MR SESELJA: And what is the total cost of the state of the environment report? How much is that expected to be—this one?

Mr Neil: I would have to get the figures from the work done so far. We will not know the total cost until the end of this year. It is unfortunate that Mr Fitzgerald—

MR SESELJA: You do not have the budget for the state of the environment report?

Ms Burrows: The budget for the state of the environment report is, at the moment, around \$450,000 or \$500,000—\$500,000, I think.

Mr Neil: Yes; \$429,000 was appropriated.

Ms Burrows: And then there has been additional put in this financial year as well.

MR SESELJA: How much is that?

Mr Neil: We will take that on notice, Mr Seselja.

MR SESELJA: Okay. On page 50 you have got the employee expenses; there is a bit of an explanation, but I might get you to explain it to me in a little more detail as to the total employee expenditure. It goes from \$857,000 to \$483,000. It talks about the commissioner's leave balances being transferred. Is that the explanation for it or is that just part of it? Could someone just elaborate on that for me?

Mr Neil: The commissioner's leave balances were transferred to the Auditor-General's Office; there is quite a reduction in funding as a consequence of that, which is reflected in these figures.

Ms Burrows: I would imagine the rest came from during the year. We were not always at the full FTE during times when we were undertaking recruitment into different positions, so there were probably periods during the year when we did not have the full complement of staff.

MR SESELJA: How much of that reduction is accounted for by the transfer of the commissioner's leave balance?

Ms Burrows: We would have to talk to Bruce about that.

MR SESELJA: It talks about an additional contractor in 2009-10. How much was the contractor paid and how long were they engaged for?

Ms Burrows: That additional contractor was for the tree investigation. I could not tell you off the top of my head. Again we would have to go back to Mr Fitzgerald to find out the cost of that.

MR SESELJA: The commission has reported approximately \$274,000 worth of contracts over \$20,000. What is the total number and value of contracts under \$20,000?

Mr Neil: We will take that one on notice.

MR SESELJA: Okay.

THE CHAIR: I will just note that that is being taken on notice.

MR SESELJA: And I have another one along the same lines. How much did the office spend in the financial year on advertising, consultancy and travel? I could not find it in the annual report; I apologise if it is there somewhere.

Mr Neil: That is something we will take on notice; we will have that breakdown. Most of our costings are rolled into the ESDD budget. We will get the information from Bruce.

THE CHAIR: Mr Seselja, did you have any more financial questions?

MR SESELJA: No, not financial questions.

THE CHAIR: I would like to go back to the ecological footprint on pages 19 and 20. On page 20 it discusses the ecological footprint and also the growing population and that that is a factor having an impact on the environment. Is the office comfortable that the government has put in place the types of policies that are really going to have a positive impact on reducing the ACT's ecological footprint?

Mr Neil: As part of the state of the environment report, that is the sort of information we are looking at. It would probably be a bit presumptuous, because I have not got that level of detail, but it will come out in the state of the environment report.

THE CHAIR: Along the way, when government releases certain policies or strategies, do you form a view on those—or is it that yes, you do, but it all gets put into the state of the environment report?

Mr Neil: Currently, yes, we do. If it was pre 30 June 2011, that goes into the state of the environment report, but I note that there have been a few things that have come

out since then.

THE CHAIR: The energy policy, for instance.

Mr Neil: Yes. As a general rule we do not critique it that thoroughly because we do not have the time and the resourcing or the expertise to do that. We would have to get that independently.

THE CHAIR: It has been pointed out before that because there are particular projects and things that you are undertaking that require expertise that you would not have on staff all the time you need to go and contract that expertise in.

Mr Neil: Yes.

THE CHAIR: Do you have enough in the way of resources to be doing the job that needs to be done? In the past I have heard the former commissioner saying that there was enough money around putting together the state of the environment reports, but it seems that the office does not play a role in critiquing other government responses, policies, reports and so forth. Does that simply come down to a lack of resourcing or is it because the office does not see that it has a role there?

Mr Neil: It could be a little bit of both. Having not been there all that long, I suspect the resourcing is always an issue. I thank my predecessor for her astute use of free advice. There are a lot of people out there who are willing to provide their time and expertise for very little reward. There is a huge amount of in-kind contributions from all sectors of the community in preparing anything that comes out of the office. It is very hard to judge, having been there for such a short time, whether or not there is sufficient resourcing. I think, based on what I have seen, that there is sufficient resourcing to do the current role. The expanded role may have additional resourcing implications.

THE CHAIR: In the office's report about the expanded role did it see that it needed to have an enhanced role around critiquing and being more involved in those sorts of activities? Was that part of the report?

Ms Burrows: I do not think it specifically was.

Mr Neil: No; I think it is probably a little more strategic about sustainability and the environment rather than just the environment.

THE CHAIR: I am thinking of both.

Mr Neil: I do not think you can separate them.

THE CHAIR: There were a number of policies coming out from government in both of those areas, environment and sustainability. Mrs Dunne.

MRS DUNNE: Thank you. I want to go back to the complaints, which was one I overlooked before. It refers to complaints lodged in 2008-09 which are still outstanding and "Constraints on water re-use innovation". Mr Neil, can you tell me a

bit more about what the issues were in the complaint and why it is still outstanding.

Mr Neil: I know why it is still outstanding. It is still outstanding because we are waiting for the think water, act water report and now the ICRC report. The office has been in consultation with the ICRC, I think from the time the report was done. Ms Burrows would certainly have more information. I certainly know that the person is waiting until we get this further information, which we expect—ICRC, I think, is due early next year, so it should all come out then.

MRS DUNNE: What are the issues in this complaint, Ms Burrows?

Ms Burrows: The issue in this particular complaint was more of a general complaint regarding water re-use and approaches and innovations in the ACT. During the course of this complaint we obviously identified that there are a number of departments, the ICRC and a few others that are already looking into this issue. So we were in contact with the complainant identifying that this work is ongoing and that it would probably be worth finding out what that work comes out with before we can identify any gaps or issues that we need to address. The complainant was quite comfortable with that approach. They were largely seeking information on what was going on in the area of water re-use and what likely future innovations might be in place.

MRS DUNNE: But this complaint was lodged in June 2009. The reference to the ICRC was in—

Mr Neil: Earlier this year.

MRS DUNNE: May this year, from recollection. What happened between June 2009 and May 2011?

Ms Burrows: I was not around for a lot of that period but my understanding was that the commissioner did talk to the ICRC regarding water re-use, who would perhaps be most appropriate to address the issue and what the issues may have been. I would have to go back and check but I believe that there was specific information that was actually gathered by the commission from ACTPLA and the government about what was being done already. That was provided to the complainant.

So information was provided prior to that, in terms of what was happening at that time, and then flagged as to what was likely to happen in the future, acknowledging that it might be worth waiting in terms of their interest in future innovations in the water re-use area—what was likely to happen in the future.

THE CHAIR: Is that paper publicly available—water re-use innovation in the ACT?

Ms Burrows: The water re-use innovation—no, it is not. This was a research paper that was done internally particularly for the complainant.

THE CHAIR: So you are not going to release that publicly?

Mr Neil: I will take that one on notice because I have not read the paper.

THE CHAIR: I will note that that is taken on notice. I had one on Tidbinbilla and tourism, which is referred to on page 15. There was a complaint about commercial tours inside Tidbinbilla. The government's recent draft management document for Tidbinbilla also made reference to this. Do you know if the government has agreed to your recommendations listed there? Will it be making changes in the final management plan?

Ms Burrows: I believe the department agreed to all of them. I would have to check if they agreed to all or if they agreed in principle to some. I am not aware of whether they are including it in the final.

Mr Neil: No.

MRS DUNNE: What are the policies for commercial activities in the Namadgi national park plan of management? What do they say?

Ms Burrows: I would have to go back and get them specifically again. They are not in the top of my head.

MRS DUNNE: Okay. Do not worry about that. I was just hoping you could refresh my memory but you—

Ms Burrows: But they do actually set out a policy for commercial activities which we thought in the absence of one in the nature park at Tidbinbilla should be applied until the Tidbinbilla plan of management was in place.

MRS DUNNE: But you have also recommended that there should be a more broadscale policy approach to policy for tourist activity in nature reserves.

Ms Burrows: In zoned areas, yes.

MRS DUNNE: In reserved areas, yes.

Mr Neil: And recreation more generally in all the reserves in the latest report on the nature reserves—the Canberra nature park report.

MRS DUNNE: Right, yes.

Ms Burrows: Yes.

MRS DUNNE: So there is reference in here as well—in the Canberra nature park report too?

Mr Neil: Yes. It has a whole lot on a strategic approach to recreation in nature parks.

THE CHAIR: Are you able to take that on notice to find out which of those recommendations you have reported being adopted have been agreed to?

Ms Burrows: Yes.

THE CHAIR: On page 17 there is a complaint in regard to the Molonglo River corridor. Can you just give a little rundown on what that complaint is about? Is it about the process or are there particular issues?

Mr Neil: Yes, and Sarah can correct me if I get it wrong. The complaint was really about the process and I suspect the lack of protection for endangered or threatened species, and perhaps the planning process more generally.

THE CHAIR: So you are awaiting information from other agencies and in respect of assessment. So who are those other agencies and what sort of assessment?

Mr Neil: The current agency that we are due to talk to, which is on Friday, is the planning area of ESDD.

Ms Burrows: Yes.

Mr Neil: And information from everyone else.

Ms Burrows: We have got information from primarily a range of different areas within ESDD, as well as some information from TAMS. This is one where information obviously keeps changing as they keep progressing the document. It is not a static document. Information continues to be updated.

THE CHAIR: You talked about the complaint being about process. Is it about the development proposed in the corridor? Is it something particular about the development?

Ms Burrows: It is primarily about the corridor itself and the connectivity in and around the corridor and the potential impact of the development on the corridor.

THE CHAIR: Is there a particular part—of what development?

Ms Burrows: The Molonglo Valley development.

THE CHAIR: So the whole development in that area that connects with that particular part.

Ms Burrows: Where that connects with the corridor, yes.

THE CHAIR: What role does the commissioner have in a complaint like this, which is really very complex obviously, as you said. You are awaiting information from agencies; so it is obviously not just the planning area of ESD that is involved.

Mr Neil: No.

THE CHAIR: How many agencies are involved in this particular complaint? The government has put a lot of resources into this.

Mr Neil: So it will be the planning authority, probably ESDD, the Economic—

Ms Burrows: Development. And the LDA.

THE CHAIR: The LDA?

Mr Neil: The former LDA.

Ms Burrows: Yes.

Mr Neil: It would be parts of Territory and Municipal Services. Some of those are now with ESDD. It is a range of interested parties. To try and get all that information together is quite difficult.

THE CHAIR: So getting the parties together is very difficult, yes. It is obviously a complex issue; so how can a small agency like yours work through that?

Mr Neil: You just get the—

THE CHAIR: Because you do not have many—

Mr Neil: No, you get the—

THE CHAIR: legislative leverages to make people respond. We have already talked about that earlier.

Mr Neil: Correct. We have no leverage to make them respond in—

THE CHAIR: Timely way.

Mr Neil: anything other than a reasonable time.

THE CHAIR: Yes.

Mr Neil: But generally they do respond. It just takes a little while. This one in particular has been a moving feast because the plans keep changing and the response to the disruption to the ecological values of the corridor and the surrounding area keeps improving. As a consequence, we have to keep revisiting it.

MR SESELJA: On page 18 you talk about climate change. You refer to the government's 40 per cent target. We saw recently the greenhouse gas inventory report showing that the emissions are going up. In your opinion, is the government well placed now to meet its 40 per cent reduction target by 2020?

Mr Neil: I think there is a little bit of time between now and 2020 but I would be concerned with rising emissions at the moment.

MR SESELJA: So what are they going to have to do over the next few years in order to meet that 40 per cent?

Mr Neil: That is—

THE CHAIR: And has the government approached you asking you for any advice on how they are going to do that?

Mr Neil: No, no.

MR SESELJA: You have got the opportunity here to give them some advice. They have got nine years. What are they going to have to do? Obviously it is pretty clear where the emissions are coming from. It is pretty clear roughly where we are at now and where they need to get to. It is an onerous task. So what measures are they going to have to put in place over the next three or four years in order to have a chance of achieving those 2020 targets?

Mr Neil: Clearly stationary energy sources are the biggest source. So we as a community need to address that. Energy efficiency clearly is one way of doing it. Renewable energy is perhaps another. But at the end of the day I would go and seek expert advice on the best way to do it, the same as the government has done. You are asking me a question about how to fix this problem. I think there are plenty of communities that are struggling with it. My answer would be that I would have to go and get some advice.

THE CHAIR: I think probably to bring it back a bit, it is around the office of the commissioner being set up to play a particular role. It would seem that under the act there is a role to play in providing advice to government or government coming to the office to seek advice. How you then go around getting that advice is something else. But it seems as though government is not coming to the office to seek advice about particular plans it is releasing that would be achieving the greenhouse gas reduction or achieving some other environmental sustainability goal that has been set out. Would that be fair to say that—

Mr Neil: Yes.

THE CHAIR: the government does not come to seek advice of the office?

Mr Neil: Yes. And—

THE CHAIR: And the office, apart from the state of the environment report, which is very, very important—there are times when something comes out that you would take the opportunity to send advice to government?

Mr Neil: To the government—I do not think we would be resourced appropriately to do that.

THE CHAIR: It appears then it is about resourcing, yes.

Ms Burrows: That is—

THE CHAIR: So if the resourcing was there, that could be a role that could be taken on because you would have the resourcing in order to carry out that particular function.

Mr Neil: If you think about it in terms of the development of a policy—whatever it is—there is a whole directorate behind that and people within it. So it is quite difficult for an office of six people.

MR SESELJA: So what is the role when it comes to climate? The state of the environment report identifies four driving forces—climate, consumption, population and land use—that exert pressure on the environment. What is the role of the Commissioner for Sustainability and the Environment in relation to advising on climate change? You have mentioned it in your report, but is there anything that you are actually providing that would give assistance to government or do you not see that as your role?

Mr Neil: I see my role as bringing to the attention of government these particular issues. I do not have the solution for them. I think that is a role for government.

THE CHAIR: I guess there is a little bit of concern that things that you have put to government through reports and so forth—the responses are yet to be seen.

Mr Neil: Yes.

THE CHAIR: They have not been responded to. Mrs Dunne.

MRS DUNNE: I suppose I probably know the answer to my question but I will go through the process of asking it. In relation to the Murray-Darling Basin guide for a draft plan and the government's submissions back to the Murray-Darling Basin Authority and its submissions to the parliamentary inquiry, did the commission have any involvement with those?

Ms Burrows: Not that I am aware of, no.

THE CHAIR: There is something I was just wondering about. I understand that under section 17 of the commissioner for the environment act you can obtain information and documents within a certain period of time. Is that something that you could explore to get some of the responses and information that you are needing in order to carry out your role?

Mr Neil: Certainly. Certainly, I will have a look.

MR SESELJA: How often is that used? Has that been used much over the last couple of years?

Ms Burrows: No.

MR SESELJA: No, not at all?

Ms Burrows: Not that I am aware of, no.

THE CHAIR: Ms Porter.

MS PORTER: No.

MRS DUNNE: I am done.

THE CHAIR: Mr Seselja?

MR SESELJA: No, I think that that is probably all from me.

Mr Neil: I will check that act but from my memory it is probably in relation to a specific thing.

THE CHAIR: Yes, certainly, I look forward to you checking that after. I understand that if you believe the agency can provide it and it has not been provided you can obtain that information.

MR SESELJA: Sorry. I do have one other question, chair.

THE CHAIR: Yes, Mr Seselja.

MR SESELJA: Did the office play any role at all in the development of the ACT government's draft planning strategy?

Ms Burrows: No, we do not play a role in developing policy on the whole, largely because if our role, particularly through investigations and the *state of the environment* report, is to assess it, it makes it difficult if we helped develop it—to assess it independently. So we do have to be quite clear about our role in not developing so much as investigating when requested and assessing through the SOE, yes.

THE CHAIR: Thank you very much for appearing before the committee this afternoon. There may be supplementary questions. I let committee members and Mrs Dunne know that if there are supplementary questions could you please have them in to the secretariat within five days. Then we will give three weeks once you receive those questions at the other end. With questions taken on notice during the hearing today, it will be three weeks for responses to those questions that were put on the record.

Once again, thank you very much, Ms Burrows and Mr Neil, for appearing this afternoon.

The committee adjourned at 3.46 pm.